

RESOLUTION 2023-37

RESOLUTION AUTHORIZING THE USE OF COMPETITIVE CONTRACTING FOR THE PROCUREMENT OF COMPUTER NETWORKING/INFORMATION TECHNOLOGY SERVICES THROUGH THE REQUEST FOR PROPOSALS PROCESS

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) authorizes contracting units at N.J.S.A. 40A:11-4.1 to utilize competitive contracting to procure contracts for any goods or services that are exempt from the bidding process under N.J.S.A. 40A:11-5; and

WHEREAS, pursuant to N.J.S.A. 40A:11-5, technical support for proprietary computer hardware or software is an authorized exemption to the Local Public Contracts Law's bidding requirements; and

WHEREAS, N.J.S.A. 40A:11-4.1 allows the Authority, as a contracting unit, to utilize competitive contracting for consulting services and other purchases as approved by the Director of Local Government Services; and

WHEREAS, the Authority's computer network hosts several proprietary software applications pertaining to financial administration, utility account maintenance and public records retention; and

WHEREAS, through the use of the competitive contracting process, the Authority may award a contract for computer networking/information technology services for a period of up to five years pursuant to N.J.S.A. 40A:11-4.2; and

WHEREAS, in order to utilize the competitive contracting process to issue a "Request for Proposals" ("RFP"), the Board must authorize the use of competitive contracting for a specific purpose by way of a resolution pursuant to N.J.S.A. 40A:11-4.3; and

WHEREAS, once the Board has approved the use of competitive contracting for a specific purpose, the Authority may use the Board's permission for subsequent contracting; and

WHEREAS, Bordentown Sewerage Authority has found that it is in the Authority's best interests to foster competition for services and to consider experiential factors by issuing an RFP through the competitive contracting process to award a contract for computer networking/information technology services for a period of up to 60 months as permitted by law; and

WHEREAS, Bordentown Sewerage Authority will prepare an advertisement pursuant to N.J.S.A. 40A:11-4.5 to announce the availability of a RFP under the

competitive contracting process for the purposes of procuring a contract for computer networking/information technology services;

NOW THEREFORE IT IS RESOLVED by the Bordentown Sewerage Authority this 20th day of March 2023, that:

1. The Authority's Executive Director and Administrative Manager are authorized to use competitive contracting pursuant to the Local Public Contracts Law, at N.J.S.A. 40A:11-4.1 et seq., for the purposes of procuring a contract for computer networking/information technology services for a term of up to 60 months.

2. The Authority's Executive Director and Administrative Manager are authorized to issue a public advertisement pursuant to N.J.S.A. 40A:11-4.5 to announce the availability of a RFP under the competitive contracting process for the purposes of procuring a contract for computer networking/information technology services, subject to approval as to its form and content by the Authority's Solicitor.

3. The Authority's Executive Director and Administrative Manager are authorized to issue a Request for Proposals through the process outlined at N.J.S.A. 40A:11-4.3 through 40A:11-4.5, including the establishment of evaluation criteria in relation thereto, consistent with the Local Public Contracts Law and any regulations issued by the Department of Community Affairs at N.J.A.C. 5:34-1.1 et seq.

4. The Executive Director shall designate a review committee to evaluate proposals in accordance with the established evaluation criteria and to issue a report to the Board recommending an award of contract, which shall be made available to the public at least 48 hours prior to the award of a contract at a public meeting in accordance with N.J.S.A. 40A:11-4.5.

Dated: March 20, 2023

THE BORDENTOWN SEWERAGE AUTHORITY

By: 
M. Ellen Gulbinsky, Chairwoman

Attest:


Aneka Miller, Secretary



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
101 SOUTH BROAD STREET
PO BOX 803
TRENTON, NJ 08625-0803

PHILIP D. MURPHY
Governor

LT. GOVERNOR SHEILA Y. OLIVER
Commissioner

March 1, 2023

VIA ELECTRONIC MAIL

Anthony Drollas, Esq.
Malamut Law
457 Haddonfield Road
Suite 500
Cherry Hill, NJ 08002

Dear Mr. Drollas:

The Division of Local Government Services has reviewed the September 20, 2022 correspondence and supplemental information submitted February 21, 2023 requesting authorization for the Bordentown Sewer Authority to procure IT operation, management and administration services through competitive contracting.

Considering the level and characteristics of the service and competition in the marketplace, the Division has concluded that the subject matter is consistent with the intent of the statutory provisions encouraging competitive contracting. On behalf of the Director, I am approving your request pursuant to N.J.S.A. 40A:11-4.1k to use competitive contracting to procure the above-referenced service.

In developing and implementing a competitive contracting process, the Authority must comply with the statutory (N.J.S.A. 40A:11-4.1 through 4.5) and regulatory (N.J.A.C. 5:34-4.1 et seq.) provisions of the process. While the Division will not review the actual application of the evaluation criteria or the selection of a contractor based on such criteria, the Authority is expected to apply the criteria in a non-discriminatory manner. Pursuant to N.J.S.A. 40A:11-4.2, the term of the contract shall not exceed five years.

If you have any questions regarding competitive contracting procedures or the within correspondence, please do not hesitate to contact our office.

Sincerely, .

Michele E. Meade
Municipal Technical Advisor & Procurement Specialist
Division of Local Government Services