

RESOLUTION

21-527

Approved as to Form and Legality

Wesley Bridges, Acting Director of Law

Councilman /woman

Date of Adoption

November 16, 2021

Factual content certified by

Steve Wilson, Acting Director of Police

presents the following Resolution:

RESOLUTION AWARDING A CONTRACT IN ACCORDANCE WITH NEW JERSEY LOCAL CONTRACTS LAW, N.J.S.A. 40A:11-12 TO MOTOROLA SOLUTIONS FOR THE PURCHASE OF EMERGENCY AND NON-EMERGENCY RADIO AND DISPATCH COMMUNICATION AND INFORMATION TECHNOLOGY EQUIPMENT

WHEREAS, the Code of the City of Trenton, §57-3, allows that “In the alternative to proceeding with a fair-and-open process described herein, the City may award a contract to a business entity for an amount in excess of \$17,500, pursuant to procedures prescribed by the New Jersey Local Contracts Law and without competitive bidding or competitive contracting;” and

WHEREAS, the New Jersey Local Public Contracts Law provides at N.J.S.A. 40A:11-12 (a): “Any contracting unit under this act may without advertising for bids or having rejected all bids obtained pursuant to advertising thereof, purchase any goods or services under any contract or contracts for such goods or services entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury”; and

WHEREAS, the proposed contract with CDW Government LLC (CDW), 230 North Milwaukee Avenue, Vernon Hills, Illinois 60061, relates to allocation of American Rescue Plan Act (ARPA) funds received by the City from the Coronavirus Local Fiscal Recovery Fund (CLFRF), specifically, the purchase of emergency radio and dispatch communication equipment and technology; and

WHEREAS, the purchase of such equipment and technology is critical for the City of Trenton Public Safety Answering Point (“PSAP”) to receive 911 emergency calls and provide dispatch services to the Trenton Police Department to direct responding officers as quickly as possible to the sites of public emergencies, including gun violence situations; and

WHEREAS, the United States Department of Treasury in its *Interim Final Rule on Coronavirus State and Local Fiscal Recovery Funds* (Interim Final Rule) and its *Compliance and Reporting Guidance* provide that CLFRF awards “are generally subject to the requirements set forth in the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 CFR Part 200 (Uniform Guidance); and

WHEREAS, the Uniform Guidance at 2 CFR Sec. 318(e) states, “To foster greater economy and efficiency, and in accordance with efforts to promote cost-effective use of shared services across the Federal Government, the non-Federal entity is encouraged to enter into state and local intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods and services. *Competition requirements will be met with documented procurement actions using strategic sourcing, shared services, and other similar procurement arrangements. (Emphasis added)*; and

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WHEREAS, the *Coronavirus and Local Fiscal Recovery Funds Guidance*, at page 3 under Key Principles, states that “Transparency and public accountability for SLFRF award funds and use of such funds are critical to upholding program integrity and trust in all levels of government, and SLFRF award funds should be managed consistent with Administration Guidance per Memorandum M-21-20 and Memorandum M-20-21”; and

WHEREAS, Memorandum M-21-20, Appendix 2 (VII) (Procurement of Common or Shared Goods and Services (including Information Technology)) states, "As reflected in 2 CFR Sec. 318, Federal awarding agencies should encourage recipients to enter into State and local intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared good and services;" and

WHEREAS, federal, state and city law not only permit, but *encourage* award recipients to procure goods and services, including Information Technology, through State and local intergovernmental agreements; and

WHEREAS, the City of Trenton seeks to utilize the contract that the State of New Jersey has with a number of vendors for the procurement of emergency and non-emergency communication and dispatch equipment and information technology; and

WHEREAS, the proposed vendor, Motorola Solutions, Inc. is an approved State dealer/distributor for NJ State Contract Number T-0109 and has submitted the attached Exhibit A proposal for the purchase and delivery of equipment and services complying with the pricing guidelines allowed under NJ State Contract Number T-0109;

NOW, THEREFORE BE IT RESOLVED, by the City of Trenton, as follows:

1. The Mayor is hereby authorized to contract with Motorola Solutions, Inc., P.O. Box 305, Bordentown, New Jersey 08505-0305, pursuant to State Contract Number T-0109, for the purchase of emergency and non-emergency radio and dispatch communication and technology equipment using ARPA funds received by the City in an amount not to exceed \$9,990,000.
2. This contract is awarded without competitive bidding pursuant to the authority set forth in the Local Public Contracts Law, N.J.S.A. 40A:11-12(a) and the federal Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 CFR Part 200 at 2 CFR Sec. 318.

This Resolution was adopted at a Meeting of the City Council of the City of Trenton on

on November 15, 2021
My Name

President of Council

City Clerk

CITY OF TRENTON
DEPARTMENT OF FINANCE

CERTIFICATION OF FUNDS

I, Ronald Zilinski, Acting Chief Financial Officer of the City of Trenton, do hereby certify to the best of my knowledge and belief, that, subject to the City Council of the City of Trenton authorizing the appropriation of American Rescue Plan funds to the below-referenced account, there are sufficient funds to Contract with:

Vendor: Motorola Solutions, Inc.

Address: P.O. Box 305

City: Bordentown

State: New Jersey

Zip Code: 08505-0305

Purpose: PURCHASE OF EMERGENCY AND NON-EMERGENCY RADIO AND DISPATCH COMMUNICATION AND TECHNOLOGY EQUIPMENT

Fund: *ARP*

Account No: R-01- -50-5000-420

Vendor ID:

Requisition No.

Amount not to exceed: **\$9,900,000**



Chief Financial Officer



Date