

RESOLUTION NO. 2014 - 512

A RESOLUTION AUTHORIZING AWARD OF A CONTRACT TO SCHNEIDER ELECTRIC, FORT COLLINS, CO, IN CONNECTION WITH ANNUAL RENEWAL FOR THE TELVENT SMALL UTILITY ENTERPRISE LICENSE.

WHEREAS, there exists a need for annual renewal for the Telvent Small Utility Enterprise License; and

WHEREAS, the City of Vineland has a need to acquire such service as a Non-Fair and Open Contract pursuant to N.J.S.A. 19:44A-20.5; and

WHEREAS, the purchasing agent has determined and certified in writing that the value of said services will exceed \$17,500.00; and

WHEREAS, the Director of Information Services has recommended that a contract be awarded to Schneider Electric, Fort Collins, CO, in an amount not to exceed \$25,000.00 for annual renewal for the Telvent Small Utility Enterprise License for the period December 1, 2014 through November 30, 2015; and

WHEREAS, Schneider Electric has completed and submitted a Business Entity Disclosure Certification and the Political Contribution Disclosure Form for Non-Fair and Open Contract which certifies that Schneider Electric has not made any reportable contributions to a political or candidate committee in the City of Vineland in the previous one year and that the contract will prohibit Schneider Electric from making any reportable contributions through the term of the contract to a political or candidate committee in the City of Vineland; and

WHEREAS, the availability of funds for said contract to be awarded herein have been certified by the City Comptroller; and

WHEREAS, the City of Vineland has certified that this meets the statute and regulations governing the award of said contracts.

NOW THEREFORE BE IT RESOLVED, by the Council of the City of Vineland that:

1. This contract is awarded without competitive bidding in accordance with 40A:5(dd) of the Local Public Contracts Law for the provision or performance of goods or services for the support or maintenance of proprietary computer hardware and software, except that this provision shall not be utilized to acquire or upgrade non-proprietary hardware or to acquire or update non-proprietary software.
2. The Purchasing Agent be and the same is hereby authorized to issue contract to Schneider Electric, Fort Collins, CO, in an amount not to exceed \$25,000.00 for annual renewal for the Telvent Small Utility Enterprise License for the period December 1, 2014 through November 30, 2015.
3. The Business Disclosure Entity Certification, the Political Contribution Disclosure Form and the Determination of Value be placed on file with this Resolution.
4. Notice of this action shall be printed once in the Daily Journal.

Adopted:

President of Council

ATTEST:

City Clerk

**REQUEST FOR RESOLUTION FOR CONTRACT AWARDS
UNDER 40A:11-5 EXCEPTIONS
(PROFESSIONAL SERVICES, EUS, SOFTWARE MAINTENANCE, ETC)**



11/14/14

(DATE)

1. Service (detailed description): Telvent Small Utility Enterprise License Renewal

2. Amount to be Awarded: \$ 25,000.00

- Encumber Total Award
- Encumber by Supplemental Release

3. Amount Budgeted: \$ 25,000.00

4. Budgeted: By Ordinance No. _____
Or Grant: Title & Year _____

5. **Account Number to be Charged: 022-0-00-00-0000-2-7511400 E397D

6. Contract Period: 12/1/14 - 11/30/15


7. Date To Be Awarded: 12/9/14

8. Recommended Vendor and Address: Schneider Electric
4701 Royal Vista Circle Fort Collins, CO

9. Justification for Vendor Recommendation:(attach additional information for Council review)
Annual renewal for the Small Utility Enterprise Licensing Agreement between
the City of Vineland and Telvent USA, LLC

- Non-Fair & Open (Pay-to-Play documents required)
- Fair & Open: How was RFP advertised? _____

10. Evaluation Performed by: _____

11. Approved by:  _____

12. Attachments:
- Awarding Proposal
 - Other: _____

- Send copies to:
Purchasing Division
Business Administration

** If more than one account #, provide break down



**Amendment 1
Small Utility Enterprise License Agreement**

In accordance with the terms and conditions of the Small Utility Enterprise License Agreement (“Agreement” or “ELA”) between City of Vineland (“Licensee”) and Telvent USA Corporation, now Telvent USA LLC (“Telvent”), Contract No. 2011-569, the parties hereby wish to amend the Agreement for the purpose of renewing the ELA for an additional three year period. The terms of the Agreement shall be amended as follows:

Article 6, Term, Termination, and Renewal

The paragraph a. of Article 6 shall be deleted and replace it with the following provision.

The license granted by this ELA is for a period of three (3) years from the Effective Date, unless terminated earlier as provided herein. The term of all licenses and the authorized period of use for all Enterprise Software deployed by Licensee shall be concurrent with the term of this ELA Amendment. License granted for the Enterprise Software is term license, not an indefinite or perpetual license.

For the avoidance of doubt, the Effective Date for Year 1 under this Amendment 1 is December 15, 2014.

Article 13, General Provisions

The paragraph 1. of Article 13 references Exhibit 3 – ELA Fees Schedule. The Fees Schedule will remain the same under this Amendment, as such,

	Year 1	Year 2	Year 3	Total
Total Annual Fee	\$25,000	\$25,000	\$25,000	\$75,000

All terms and conditions of the Agreement not specifically amended as provided herein shall remain unchanged and in full force and effect.

Signatures to follow on next page



Accepted and Agreed:

City of Vineland

Telvent USA, LLC

Signature: _____

Signature: _____

Printed Name: _____

Printed Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

