

RESOLUTION NO. 2020 - 310

A RESOLUTION AUTHORIZING AWARD OF A CONTRACT TO TELVENT USA LLC, FORT COLLINS, CO, IN CONNECTION WITH THE SMALL UTILITY ENTERPRISE LICENSE RENEWAL.

WHEREAS, there exists a need to renew the agreement for the 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 Systems has recommended that a contract be awarded to Telvent USA LLC, Fort Collins, CO, for renewal for the Small Utility Enterprise License for a three (3) year period beginning December 15, 2020 through December 14, 2023 in a total amount not to exceed \$90,000.00 (\$30,000 invoiced annually); and

WHEREAS, the availability of funds for said contract to be awarded herein have been certified by the Chief Financial Officer; 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 Telvent USA LLC, Fort Collins, CO, in an amount not to exceed \$30,000.00 per year for the Small Utility Enterprise License renewal, for a three (3) year period beginning December 15, 2020 through December 14, 2023 in a total amount not to exceed \$90,000.00.
3. Notice of this action shall be printed once in the Daily Journal.

Adopted:

President of Council

ATTEST:

City Clerk

REQUEST FOR RESOLUTION
FOR COOPERATIVE CONTRACT AWARDS
UNDER 40A:11-12, N.J.A.C. 5:34-7.29 & LFN 2012-10
(REQUIRED FOR PURCHASES OVER \$17,500.00)



7/10/2020

(DATE)

1. Goods or Services (detailed description): Small Utility Enterprise License Agreement

2. Amount to be Awarded: \$ 30,000.00

- Encumber Total Award
 Encumber by Supplemental Release

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

4. **Account Number to be Charged: 0-05-55-502-9006-53016 E922

5. Contract Period (if applicable): 12/15/2020 – 12/14/2023 – 3 Years

6. Date to be Awarded: 7/28/2020

7. Recommended Vendor and Address: Telvent USA LLC

2620 E. Prospect #130, Fort Collins, CO 80525

8. Justification for Vendor Recommendation:(attach add'l information for Council review)
Quote Attached Sole source renewal for Contract No. 2011-569

Type of Contract: State National Regional County

Vendor's Cooperative Contract # Sole source renewal for Contract No. 2011-569

9. Evaluation Performed by: IS Staff/Electric Engineering

10. Approved by: 

11. Attachments:
 Awarding Proposal
 Other: Quote

- Send copies to: **Purchasing Department**
Business Administration

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

ORIGINAL

Amendment 4
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 LLC, formerly Telvent USA Corporation (“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 3 is December 15, 2020.

Exhibit 2

The list of Telvent proprietary software to which Licensee has access during the term of this Amendment 3, found in Exhibit 2, is removed and replaced with the following:

- ArcFM
- Fiber Manager
- ArcFM Editor XI
- ArcFM Viewer with Redliner
- ArcFM Viewer
- ArcFM Viewer with Inspector
- ArcFM Mobile
- ArcFM Web
- Designer
- Designer XI
- ArcFM Geodatabase Manager
- Designer Express
- Wavepoint
- Network Adapter
- Conduit Manager

Exhibit 3

The table showing the Total Annual Fee due to Telvent is removed and replaced with the following:

	Year 1 12/15/20 – 12/14/21	Year 2 12/15/21 – 12/14/22	Year 3 12/15/22 – 12/14/23
Total Annual Fee	\$30,000	\$30,000	\$30,000

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

Accepted and Agreed:

City of Vineland

Telvent USA, LLC

Signature: _____

Signature: _____

Printed Name: _____

Printed Name: _____

Title: _____

Title: _____

Date: _____

Date: _____