

RESOLUTION NO. \_\_\_\_\_-2019

**AWARDING A PROFESSIONAL SERVICES CONTRACT TO  
PENNCARE emsCharts**

WHEREAS, the City of Millville (hereinafter referred to "Municipality") finds that it requires a billing services provider to assist in the operation of the City's new Emergency Management Service; and

WHEREAS, DM Medical Billings, LLC was the successful bidder to the RFP issued by the City last year and has recommended that the City also engage **PENNCARE emsCharts** (hereinafter referred to as "Contractor") which operates a proprietary web-based computer patient charting system. This system will enable the City EMS to access and manage patient medical data in a timely and efficient manner; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*, provides that contracts for professional services may be awarded without public advertisement therefore; and

WHEREAS, Millville City Code § 2-64.3 provides that Professional Services Contracts in excess of \$17,500.00 be awarded pursuant to a **Non-Fair and Open Process** unless this requirement is waived by the Board of Commissioners on a case by case basis; and

WHEREAS, under the Local Public Contracts Law, the subject contract is a contract for professional services because:

(A) Professional services of the type herein sought are of such a nature as to require a high degree of trust or confidence in the individual entity providing the service and, in fact, may require the creation of a confidential or fiduciary relationship between that individual or entity and the municipality; and

(B) The services required are highly specialized or technical in nature; and

(C) The services require peculiar ability or skill and demand a high degree of specialized knowledge or expertise; and

(D) The services are such that their relative worth must be judged by subjective considerations that are not susceptible of valuation by competitive bidding; and

(E) The individual or entity who will provide these services has demonstrated competence and particular expertise in the services required; and

(F) The individual or entity who will perform these services is held to and fully adheres to the strict ethical standards that govern the involved profession; and

(G) The services include advice to and consultation with the municipality that require both knowledge and judgment on the part of the individual or entity providing services, as well as the confidence of the municipal officials such that competitive bidding is not feasible or practical; and

(H) The services to be provided are such that their nature, scope and duration are not capable of precise measurement, but rather require a flexibility and discretion that render competitive bidding impractical and inefficient.

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Millville, County of Cumberland and State of New Jersey that:

1. All of the statements of the preamble are incorporated herein by

this reference thereto as though the same were set forth at length.

2. The Mayor and City Clerk be and they are hereby authorized to execute a Professional Services Contract retaining **PENNCARE emsCharts** the form annexed hereto as Exhibit "A" with the term of that agreement commencing on JUNE 1, 2020 and terminating on May 31, 2021.

3. The statutory language required by N.J.S.A. 10:2-1 and 10:5-33 hereby incorporated into the contract by reference and the contractor is bound by said language together with the other provisions of the anti-discrimination laws of the State of New Jersey, Chapter 127 of the Laws of 1975.

4. The Business Disclosure Entity Certification and the determination of value shall be placed on file with this Resolution.

5. A notice of the letting of this contract shall be published in the City's official newspaper within ten (10) days of the date of this resolution, which notice shall state that this Resolution and the Contract are on file and available for public inspection in the office of the City Clerk.

6. This Resolution only shall become effective when a copy of the New Jersey Business Registration Certificate of the Contractor herein is submitted to the City of Millville pursuant to the provisions of N.J.S.A. 52:32-44b(1) and a copy of that New Jersey Business Registration Certificate shall be placed on file with this Resolution.

Moved By: \_\_\_\_\_

Seconded By: \_\_\_\_\_

<u>VOTING</u>	<u>In Favor</u>	<u>Against</u>	<u>Abstain</u>	<u>Absent</u>
Michael Santiago				
W. James Parent				
Ashleigh Udalovas				
Joseph Pepitone				
Bruce Cooper				

**CERTIFICATION**

I certify that the foregoing is a true copy of a Resolution adopted by the Board of Commissioners, of the City of Millville in the County of Cumberland, at a meeting thereof held on \_\_\_\_\_, 2020.

\_\_\_\_\_  
Jeanne M. Hitchner, City Clerk