

RESOLUTION NO. 22-

**TOWNSHIP OF MIDDLETOWN
COUNTY OF MONMOUTH**

**RESOLUTION AUTHORIZING EMERGENCY AWARD OF CONTRACT
FOR SOFTWARE LICENSES FROM MITCHELL HUMPHREY & CO.**

WHEREAS, an emergency arose due to the criminal cyberattack that interrupted access to the Township of Middletown's (the "Township") servers; and

WHEREAS, to restore electronic mail service while systems were being fully recovered the Township had been required to utilize cloud-based services by acquiring software licenses for the same; and

WHEREAS, as a result of the cyberattack, the Township was required to restore its system and migrate its server to a cloud-based platform; and

WHEREAS, pursuant to N.J.S.A. 40A:11-5(1)(dd), contracts for the purchase of goods and services for the support or maintenance of proprietary computer software are nevertheless exempt from public bidding; and

WHEREAS, N.J.S.A. 40A:11-6 permits a contract to be negotiated or awarded without public advertisement for bids, notwithstanding the contract price will exceed the bid threshold, when an emergency affecting the public health, safety or welfare requires the immediate delivery of goods or the performance of services; and

WHEREAS, pursuant to N.J.S.A. 19:44A-20.12, contracts awarded under such circumstances are also exempted from pay to play regulations.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey that it hereby ratifies the award of an emergency contract to Mitchell Humphrey & Co., 1285 Fern Ridge Parkway, St. Louis, MO 63141 for cloud-based software licenses in an amount not to exceed \$23,971.25; and

BE IT FURTHER RESOLVED that the Township Committee hereby ratifies and confirms all actions taken by the Township with regard to this emergency contract prior to the date of this resolution.