

**RESOLUTION NO. 21-**

**TOWNSHIP OF MIDDLETOWN  
COUNTY OF MONMOUTH**

**RESOLUTION AUTHORIZING EMERGENCY AWARD OF CONTRACT  
FOR MICROSOFT 365 LICENSES FROM CDW GOVERNMENT**

**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 are being fully recovered the Township has been required to utilize cloud-based services by acquiring software licenses for the same; 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 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 CDW Government, 75 Remittance Drive, Suite 1515, Chicago, IL 60675 for Microsoft 365 related cloud-based software licenses in an amount not to exceed \$76,309.75.