

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MOUNT
OLIVE AUTHORIZING PURCHASES WITH AVAYA AS A PROPRIETARY VENDOR
IN ACCORDANCE WITH NJSA 40A:11-2**

WHEREAS, the Township of Mount Olive uses phone software and hardware installed and maintained by Avaya; and

WHEREAS, in accord with the precepts of the definitions of proprietary and necessary for the conduct of the Township's affairs it is in the interest of the continuity of business; and

WHEREAS, the hardware components installed and maintained cannot be readily serviced by another vendor selected through the tenets of the local public contracts law; and

WHEREAS, the proprietary software is limited to the unique characteristics as supplied by Avaya for their hardware; and

WHEREAS, the Local Public Contracts Law (NJSA 40A:11-2), and the New Jersey Administrative Code (NJAC 5:34) outline the process of defining a good or service as proprietary; and

WHEREAS, Avaya has met the burden of finding their software to operate the hardware installed within the municipal complex as that of proprietary.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Mount Olive that it does hereby authorize purchases with Avaya as a proprietary vendor in accordance with NJSA 40A:11-2.

TOWNSHIP OF MOUNT OLIVE

Joe Nicastro, Council President

I hereby certify that the above to be a true copy of a resolution passed by the Mount Olive Township Council at a duly convened meeting held on December 6, 2016.

Michelle Masser, Township Clerk