

**GLOUCESTER COUNTY IMPROVEMENT AUTHORITY RESOLUTION
APPROVING USE OF SPECIFICATIONS FOR PROPRIETARY GOODS AND
SERVICES IN CONSTRUCTION OF ROWAN UNIVERSITY NEW ACADEMIC
BUILDING**

WHEREAS, the Gloucester County Improvement Authority is undertaking, on behalf of Rowan University, the construction of a New Academic Building("NAB"); and

WHEREAS, there are necessary and required goods and services of a proprietary nature, which the Project team (including the architect, construction manager, and staff) working with Rowan's staff, has determined are of a specialized nature and necessary for the conduct of GCIA's affairs, consistent with N.J.S.A. 40A:11-14(d) and N.J.A.C. 5:32-9.1; and

WHEREAS, the GCIA's Project Manager, Joe Baker, in conjunction with the GCIA procurement and purchasing staff, has received and reviewed detailed specific requests from Rowan personnel supporting requests for the use of proprietary goods and services on the Rowan New Academic Building Project; and

WHEREAS, Rowan's Senior Vice President for Information Resources and Technology, Mira Lalovic-Hand, by letter dated May 28, 2019, has provided a detailed justification for proprietary goods and services related to: (1) the NAB's Information Technology needs, specifically for Siemens UTP and coaxial cable and Corning optical fiber; and (2) with regard to the electronic system which must be consistent and integrated within the campus-wide system, thereby requiring a card access management platform from RS2 Technologies, integrated locks provided by Salto Systems S.L., cameras by Axis Communications, and a backend surveillance platform developed by ExacQ Technologies; and

WHEREAS, Brian Ewan, Assistant Vice President of Operations, has likewise requested by letter dated June 10, 2019, that the laboratory facilities at the NAB be approved for proprietary goods and services, specifically, Phoenix Air Valve Components, which specialized goods are necessary for the conduct of Rowan's affairs as set forth specifically in Mr. Ewan's letter; and

WHEREAS, the respective letters of Dr. Lalovic-Hand and Mr. Ewan are specifically and fully incorporated herein as if set forth at length; and

WHEREAS, Joe Baker, NAB Project Manager for the GCIA, has reviewed, along with GCIA procurement staff, the respective requests and detailed information contained in the aforementioned letters; and

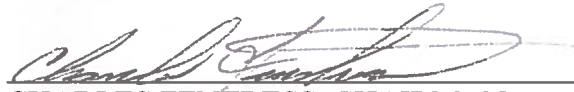
WHEREAS, Mr. Baker, consistent with the requirements of N.J.A.C. at 5:34-9.1 has certified in writing to the Executive Director, in letters dated June 6th and June 10th respectfully, the imperative need for these specialized proprietary goods and services, which letters are set forth at length herein; and

WHEREAS, the Board of the Gloucester County Improvement Authority hereby reviewed and considered these requests for the approval for the procurement of proprietary goods and services, as set forth herein, for components of the Rowan New Academic Building Project,

NOW THEREFORE BE IT RESOLVED, that the Board of the Gloucester County Improvement Authority hereby approves of the use of proprietary specifications for the New Academic Building with regards to the goods and services specifically requested by Rowan University officials as set forth above,

AND, BE IT FURTHER RESOLVED that the letters of Dr. Lalovic-Hand, Mr. Ewan and Mr. Baker setting forth the specialized nature of certain proprietary goods and services and establishing that same are essential to the conduct of the GCIA's affairs are hereby incorporated as if set forth in full herein.

GLOUCESTER COUNTY IMPROVEMENT AUTHORITY



CHARLES FENTRESS, CHAIRMAN

ATTEST:

 6/10/19

PAUL W. LENKOWSKI, SECRETARY

[SEAL]



GCIA Board Members

Charles Fentress
Chairman

Paul W. Lenkowski
Ashley C. Harris
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**Gloucester County
Improvement Authority**

109 Budd Boulevard
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George D. Strachan
Executive Director

Robert Dammingner
Freeholder Liaison

6/6/19

RE: "Written Certification of Specialized Nature and Necessity to GCIA Affairs of Specification Sections 271000 - Structure Cabling and 281000 - Electronic Security Systems for Rowan New Academic Building"

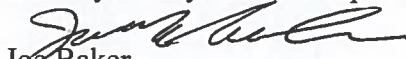
Mr. Strachan:

The purpose of this letter is to provide you with an explanation of and certification as to the necessity for certain proprietary goods and services for the New Academic Building Project at Rowan University (the "NAB"). The specifications for these goods and services relate to both the Information Technology (i.e. network cabling, etc.) and security system infrastructure for the NAB.

The attached letter from the Senior Vice President of Information Resources and Technology for Rowan University, Mira Lalovic-Hand, explains in detail the specialized nature of the proprietary goods and services, and why these are necessary, based on the reasons stated therein, including the fact that the University now has a standardized system based on Siemons UTP and Coaxial cable and Corning optical fiber. In particular, the University has a 30-year warranty on its Information Technology infrastructure that will be voided if non-proprietary goods and services are used in the construction of the NAB. The terms of the warranty disallow deviation from very specific requirements regarding the materials used, the installation process, and the integration with the existing system. This warranty is a large and valuable investment of the University.

Furthermore, the security systems in the NAB must be seamlessly integrated with existing buildings on campus so that Rowan's security personnel can adequately protect all students, faculty, staff, and visitors to campus. As a research university, Rowan's primary investment is in its people; the health and safety of those people is paramount. A fully integrated security system is invaluable in this regard, and the proprietary goods and services related to this system are essential to a fully integrated system.

I hereby certify that this explanation is true.


Joe Baker
Project Manager



Infrastructure Services
Information Resources & Technology
is@rowan.edu | 856.256.4400

DATE: May 28, 2019

FROM: Mira Lalovic-Hand
Senior Vice President for Information Resources and Technology

SUBJECT: IT Requirements for Rowan NAB (New Academic Building)

TO: Joe Baker
Project Manager Gloucester County Improvement Authority
109 Budd Blvd.
West Deptford, NJ 08096

Please accept this as a formal justification for Rowan University's IT Requirements and Standards to be utilized in the specifications for the New Academic Building Project (hereinafter "Project") and the necessity for the use of proprietary good and services. It is critical for Rowan University's existing requirements/standards to be utilized for the Project because any system installed will need to be seamlessly integrated with Rowan's existing systems and must be able to maintain Rowan's specific warranties and vendor contract requirements for support and maintenance.

In order to maintain an effective and efficient operation, Rowan University has previously established and implemented institutional standards in a variety of specialized areas. As the institution fulfills its diverse missions relating to education, research and healthcare it is critical to the operation of the University that we have specific, established standards that allow our centralized IT team to support the expanding needs of the University across all of our locations and lines of business. We have maintained the current IT related standards for the last five (5) years. It is essential that new construction and renovation projects meet Information Resources and Technology's criteria in terms of the warranty, support procedures, and troubleshooting across all University managed facilities. Rowan already has made substantial investment, both in terms of dollars and in the training of personnel, with regard to proprietary equipment and warranties related thereto.

Specifically, in relation to Section 27100, the University has standardized on Siemon's UTP and Coaxial cable and Corning optical fiber. Products from these specific manufacturers have been established University wide. Without adherence to these manufacturers' equipment, each new project may introduce new infrastructure components, resulting in an unsupportable environment, complications integrating new facilities into the existing University-wide cable plant, and introduces risks that the University cannot support. Further, the University has obtained a 30-year warranty on telecommunication cable installations from

Siemon. This warranty, which we cannot compromise, has allowed us to realize long term capital cost savings relating to maintenance of the cable plant. In order for this 30-year warranty to be valid on Siemon cable the company completing the installation must meet several requirements:

- The components integrated into the installation, including cable, faceplates and patch panels, must be manufactured by Siemon.
- Two individuals or 30% of the installers (whichever is greater) must be certified by Siemon.
- A Registered Communication Distribution Designer (RCDD) must be on staff with the installer.

Other requirements have been included in the Rowan University standard in order to ensure safety and quality in a consistent manner throughout Rowan campuses. These include the requirement for fire-stopping certification (a life-safety issue), and the requirement relating to a qualified service vendors with specific product-based qualifications and certifications.

Issues with Section 28100 are equally critical in order to provide effective security to the University's students, information and research; and a consistent experience to members of the University Community across all facilities. Rowan University has developed strict campus-wide standards relating to Card Access and Surveillance, which must be consistent in any new construction so that it will be integrated with the University system as this project will. This established standard includes a backend card access management platform from RS2 Technologies, integrated locks provided by Salto Systems S.L., cameras by Axis Communications, and a backend surveillance platform developed by ExacQ Technologies. All of these components are part of Rowan's Public Safety program and security roadmap, including the University's Active Shooter response program, and are tightly integrated across the entirety of the institution. Rowan cannot jeopardize the function of our integrated security systems by allowing deviation from these proprietary security standards.

Each surveillance and door access control point installed in the New Academic building needs to be integrated into the University-wide system as part of the installation. In order for the subcontractor installers to work with the manufacturers during installation and integration, they need to have been certified by each of these manufacturer's on their respective components. Without this certification, they cannot contact the manufacturer for support during installation and integration. This is in addition to the rest of the already stated requirements. Accordingly, both the products and the service need to be proprietary.

In light of the above, I am requesting that these proprietary requirements and standards be incorporated into the specifications for the New Academic Building on Rowan's campus.

If you need additional information please contact me at lalovic-hand@rowan.edu or call 856-256-5120.

Sincerely,


Mira Lalovic-Hand, Ph.D.

New Jersey Administrative Code

Title 5. Community Affairs

Chapter 34. Local Public and Public School Contracts Laws (Refs & Annos)

Subchapter 9. Special Circumstances (Refs & Annos)

N.J.A.C. 5:34-9.1

5:34-9.1 Purchase of proprietary goods or services

Currentness

(a) In determining whether a good or service meets the definition of “proprietary” set forth in [N.J.S.A. 40A:11-2\(39\)](#) or [18A:18A-2cc](#), the terms used in the definition of “proprietary” shall be defined as follows:

1. “Specialized nature” means that the purpose to which the goods or services will be used has such unique characteristics that only the goods or services of a single vendor are capable of meeting the contracting unit's needs. The following shall be considered as non-limiting examples of goods or services that may, under appropriate conditions, meet the test of being of a specialized nature:

- i. The use of a good or service other than the proprietary one will undermine the functionality or operational performance of existing facilities; or
- ii. The good or service is patented and the patented feature is essential for operational performance.

2. “Necessary for the conduct of its affairs” means that the public need for the proprietary designation is of such a compelling nature that the value to the public that is gained by the proprietary designation overshadows the public benefit of permitting “brand name or equivalent” and the benefits of such competition. The following shall be considered as non-limiting examples of goods or services that may, under appropriate conditions, meet the test of being necessary for the conduct of its affairs:

- i. The contracting unit has a substantial investment in facilities, training, replacement parts, or complimentary items that warrants reliance on a specific manufacturer or vendor to maintain the value of the investment.
- ii. Unique circumstances as to a facility or environment preclude the use of other goods or services.

(b) Prior to advertising for the receipt of bids that includes proprietary goods or services, the contracting agent or purchasing agent shall certify in writing to the chief executive officer of the contracting unit an explanation of why the goods or services are of a specialized nature and necessary for the conduct of the affairs of the local contracting unit. The description shall not consist of rewriting or paraphrasing the statute or regulations but shall be specific to the circumstances. Such certification shall be included as part of the bid documents.

(c) The resolution of the governing body required by [N.J.S.A. 40A:11-13\(d\)](#) or [18A:18A-15d](#) shall include a description of why the goods or services are specialized in nature and necessary for the conduct of the affairs of the contracting unit. The description shall not consist of rewriting or paraphrasing the statute or regulations but shall be specific to the circumstances.

(d) When taken in context of computer systems or dedicated software, the use of the proprietary designation shall be interpreted to allow for competition within the purposes for which the software is to be used. The competitive contracting process at [N.J.S.A. 40A:11-4.1 et seq.](#) and [18A:18A-4.1 et seq.](#) is intended to allow for competition where there may be a limited number of vendors selling certain types of application software, that is, financial, human resources, web site hosting, computerized telephone systems, geographic information, police records, or computerized dispatch systems. The competitive contracting process is not intended for those circumstances that involve networking or telecommunications switching services.

CHAPTER EXPIRATION DATE

<Chapter 34, Local Public and Public School Contracts Laws, expires on September 13, 2020.>

Current through amendments included in the New Jersey Register, Volume 51, Issue 10, dated May 20, 2019.

N.J.A.C. 5:34-9.1, NJ ADC 5:34-9.1



GCIA Board Members

Charles Fentress
Chairman

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George D. Strachan
Executive Director

Robert Damminger
Freeholder Liaison

MEMORANDUM

TO: George Strachan, Executive Director

FROM: Joe Baker, Project Manager 

DATE: June 10, 2019

RE: Use of Phoenix Air Valve Components for Rowan NAB (New Academic Building)

The purpose of this letter is to provide you with an explanation of and certification as to the necessity for further certain propriety goods and services for the New Academic Building Project at Rowan University (the "NAB"). The specifications for these goods and services are related to the laboratory HVAC infrastructure for the New Academic Building Project.

The attached letter from Brian Ewan, Assistant Vice President of Operations for Rowan University, explains in detail the specialized nature of the proprietary goods and services, and why these are necessary based on the reasons stated therein, including the fact that the University now has a standardized system based on Phoenix Air Valve Components. All training, service and warranties are standardized campus-wide based on the use of these particular goods and services. Warranties will be compromised if these propriety goods, and services related thereto are not used in the construction of the NAB. Deviation from the Phoenix Air Valve components would seriously negatively impact campus-wide standardization, maintenance, service, and warranties. The integration with the existing campus system would be compromised, as would the University's prior investment in this area.

I hereby certify that this explanation is true and accurate to the best of my knowledge.

DATE: June 10, 2019

TO: Gloucester County Improvement Authority

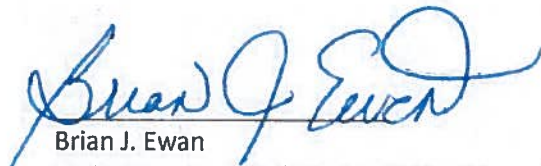
FROM: Brian J. Ewan, Assistant Vice President of Operations

SUBJECT: Phoenix Air Valve Components for Rowan NAB (New Academic Building)

Please accept this as a formal justification for Rowan University's specification regarding the need to use Phoenix brand air valve components to be installed in all campus laboratories and the supporting specifications for the New Academic Building Project (hereinafter "Project"). It is critical for campus wide standardization. Rowan utilizes and installs Phoenix air valve components in all campus laboratories. All of these components are capable of control interfacing with the various BMS/BAS vendors on Rowan's campus. All training, service and warranties are able to be standardized based on the use of these materials. If forced to use alternate materials/equipment, Rowan would not be able to effectuate the standardization it needs to keep maintenance and service costs low; and would not avoid the need to have separate service vendors at additional costs, time and efficiency.

In order to maintain an effective and efficient operation, Rowan University has established institutional standards in a variety of specialized areas. As the institution fulfills its diverse missions relating to education, research and healthcare it is critical to the operation of the University that we have established standards that allow for efficient maintenance and service vendors to support the expanding needs of the University across all of our locations and lines of business. We have utilized this standardization strategy with Phoenix for all of our laboratories. All new construction and renovation projects need to meet the same consistent expectation in terms of the warranty, support procedures, and troubleshooting across all University managed facilities.

Sincerely,



Brian J. Ewan

Assistant Vice President of Operations