

ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND
RESOLUTION #2023 49

A RESOLUTION AUTHORIZING THE FUND CHAIR AND FUND SECRETARY TO EXECUTE REVISED ONE YEAR CONTRACTS WITH D2 TO PROVIDE EXTERNAL NETWORK VULNERABILITY SCANNING AND EXTERNAL NETWORK PENETRATION TESTING FOR THE MEMBERS OF THE ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND EFFECTIVE JANUARY 1, 2023

WHEREAS, the Atlantic County Municipal Joint Insurance Fund (FUND) has been organized pursuant to *N.J.S.A. 40A:10-36 et. seq.*; and

WHEREAS, the FUND is duly constituted as a Municipal Self Insurance Fund to provide insurance coverage to its member municipalities; and

WHEREAS, the FUND members actively manage the risk associated with the use of technology in their day to day operations through a number of techniques including the scanning of external networks for vulnerabilities, external network penetration testing, completion of employee online cyber hygiene training, the circulation of security awareness notifications, and the use of phishing assessments; and

WHEREAS, on July 21, 2021, the FUND authorized the Executive Director to prepare, advertise, and receive Requests for Proposals (RFP) for the delivery of the aforementioned technology related risk management services on behalf of its members for a period of up to three (3) years; and

WHEREAS, after careful consideration, on December 15, 2021, the FUND awarded a contract to D2 via Resolution 2021-47 to provide External Network Vulnerability Scanning and External Network Penetration Testing to the members of the FUND for a period of one year beginning January 1, 2022, at a cost not to exceed \$139,195.00; and

WHEREAS, the FUND members continued to need External Network Vulnerability Scanning and External Network Penetration Testing to help protect themselves from the risk associated with the use of technology; and

WHEREAS, on December 21, 2022, the Executive Committee approved Resolution 2022-57 awarding Year 2 of the three (3) year proposal to D2 to provide External Network Vulnerability Scanning and External Network Penetration Testing to the members of the FUND for a period of one (1) year beginning January 1, 2023, at a cost not to exceed \$127,861; and

WHEREAS, following the December 21, 2022 meeting it was determined that Resolution 2022-57 contained an error in the not to exceed contract amount; and

WHEREAS, on February 15, 2023, the Executive Committee approved Resolution 2023-23, which amended Resolution 2022-57, authorizing the FUND Chair and FUND Secretary to execute a contract with D2 for Year 2 of the three (3) year proposal to provide External Network Vulnerability Scanning and External Network Penetration Testing to the members of the FUND for a period of one (1) year beginning January 1, 2023, at a cost not to exceed \$135,019; and

WHEREAS, effective January 1, 2023, the FUND became a member of the Cyber Risk Management Joint Insurance Fund (Cyber JIF); and

WHEREAS, the Cyber JIF adopted a reimbursement program at their October 19, 2023 meeting that allows member JIFs that had previously awarded contracts for cyber risk management programs, which are available through the Cyber JIF, to seek reimbursement of their costs from the Cyber JIF for these same services effective September 1, 2023; and

WHEREAS, the Contract originally entered into with D2 for 2023 provided that the fee to be paid to D2 was in the amount of \$7,158.60 for External Network Vulnerability Scanning and in the amount of \$127,860.55 for External Network Penetration Testing, and it has been determined to be in the best interests of the FUND to enter into two (2) separate Amended Contracts with D2, with the first Amended Contract being for External Network Vulnerability Scanning at a cost of \$7,158.60, and the second Amended Contract being for External Network Penetration Testing at a cost of \$127,860.55; and

WHEREAS, this Amended Contract to be awarded to D2 for External Network Vulnerability Scanning in the amount of \$7,158.60 is under the bid threshold of the Local Public Contracts Law (LPCL), and therefore, the Competitive Contract/Bidding requirements of the LPCL are inapplicable; and

WHEREAS, the FUND is entitled to reimbursement for the pro-rated costs for External Network Vulnerability Scanning from September 1, 2023 to December 31, 2023, and that reimbursement under this Amended Contract shall be in the amount of \$2,386.20; and


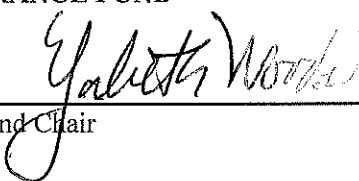
WHEREAS, the funds to pay for these services are included in the FUND's 2023 Budget.

NOW THEREFORE BE RESOLVED that the FUND Chair and FUND Secretary are hereby authorized to execute the two (2) separate Amended 2023 Contracts with D2, as herein described, and copies of which are attached hereto, to provide External Network Vulnerability Scanning at a cost not to exceed \$7,158.60 and External Network Penetration Testing at a cost not to exceed \$127,860.55 for a period of one year beginning January 1, 2023; and

BE IT FURTHER RESOLVED that a copy of this Resolution shall be provided to the Executive Director's office, the Fund Treasurer, and D2 for their information and knowledge.

This Resolution was duly adopted by the Atlantic County
Municipal Joint Insurance Fund at a public meeting held on December 20, 2023.

**ATLANTIC COUNTY
MUNICIPAL JOINT INSURANCE FUND**

Attest:  Fund Secretary By:  Fund Chair

Date: December 20, 2023