



Legislation Details (With Text)

**File #:** 18-0155      **Version:** 1      **Name:** Resolution: Professional Resources LLC - E. Montgomery Jr. PhD (2018-2019)

**Type:** Resolution      **Status:** Adopted

**File created:** 2/2/2018      **In control:** Health and Community Wellness

**On agenda:** 4/18/2018      **Final action:** 4/24/2018

**Title:** Dept/ Agency: Health and Community Wellness  
Action:  Ratifying    Authorizing    Amending  
Type of Service: Professional Service Contract  
Purpose: To obtain a consultant to provide Staff Development and Training for 250 Staff Members of the Department of Health and Community Wellness.  
Entity Name: Professional Resource LLC. - providing the services of Elvin Montgomery Jr., PhD.  
Entity Address: 519 W. 121st Street, #3B, New York, New York 10027-5911  
Contract Amount: Not to exceed \$25,000.00  
Funding Source: 2018 Budget/Department of Health and Community Wellness  
Contract Period: February 2, 2018 through February 1, 2019  
Contract Basis:  Bid    State Vendor    Prof. Ser.    EUS  
 Fair & Open    No Reportable Contributions    RFP    RFQ  
 Private Sale    Grant    Sub-recipient    n/a  
Additional Information:

**Sponsors:** Mildred C. Crump, John Sharpe James

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
4/24/2018	1	Municipal Council	Adopt	Pass
4/18/2018	1	Municipal Council	No Action Taken	

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**Additional Information:**

**WHEREAS,** the City of Newark Department of Health and Community Wellness for the (“DHCW”) is in need of a consultant to provide training and staff development; and

**WHEREAS**, the Local Public Contracts Law, at N.J.S.A. 40A:11-5(1)(a)(i), allows for the awarding of contracts for Professional Services without public advertising for bids and bidding therefore; and

**WHEREAS**, the services of staff development and training qualify are “Professional Services” under N.J.S.A. 40A:11-2(6) and are therefore exempt from the requirement for public bidding pursuant to N.J.S.A. 40A:11-5(1)(a)(i); and

**WHEREAS**, the Director of DHCW has determined that it would be in the best interests of the City of Newark and its residents to employ the Professional Resource LLC, 519 W. 121<sup>st</sup> Street, #3B, New York, New York, 10027-5911 for the professional services of Elvin Montgomery, Jr. PhD to provide staff development and training for the period of February 2, 2018 to February 1, 2019, for a total contract amount not to exceed Twenty-Five Thousand Dollars and Zero Cents (\$25,000.00); and

**WHEREAS**, Professional Resource LLC, providing the services of Elvin Montgomery Jr, PhD, has completed and submitted a Business Entity Disclosure Certification which certifies that Elvin Montgomery Jr., PhD has not made any reportable contributions to a political or candidate committee in the previous one year, and that the contract will prohibit Mr. Montgomery from making any reportable contributions through the term of the contract; and

**WHEREAS**, this contract is for an amount in excess of \$17,500.00 and is being awarded pursuant to a non-fair and open process pursuant to the State Pay-to-Play Law, N.J.S.A. 19:44A-20.8 ; and

**WHEREAS**, a Determination of Value is attached hereto and made a part hereof; and

**WHEREAS**, the City of Newark is currently operating under a temporary budget, and therefore may enter into contracts with only partial certifications of funds in accordance with N.J.A.C. 5:30-5.5 (a); and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that notice of the award of contracts for “Professional Services” without competitive bidding must be published in a local newspaper; and

**WHEREAS**, the Newark Municipal Council adopted the Contractor Pay-to-Play Reform Ordinance, Newark, New Jersey, Municipal Code § 2:4-22C, which forbids the award of a contract to a Business Entity, as defined therein, which has made or solicited political contributions to: (i) a candidate, candidate committee or joint candidate committee of any candidate for elective municipal office in the City of Newark or a holder of public office having ultimate responsibility for the award of a contract; or (ii) to any City of Newark or County of Essex political committee or action committee that regularly engages in the support of City of Newark Municipal or County of Essex candidates, candidate committees, joint candidates committees, political committees, political party committee, (hereinafter “PAC), in excess of certain specified thresholds within one (1) calendar year immediately preceding the date of the contract or agreement; and

**WHEREAS**, Professional Resource LLC, has executed a Certification of Compliance with the City’s Pay-to-Play Reform Ordinance (a copy of which is attached hereto and made a part hereof).

**NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:**

1. The Mayor and/or his designee, the Director of the Department of Health and Community Wellness, are authorized to enter into and execute a contract on behalf of the City of Newark with Professional Resource LLC, 519 W. 121<sup>st</sup> Street, #3B, New York, New York, 10027, for the provision of the professional services of Elvin Montgomery, Jr, PhD to the City of Newark as a staff development trainer, as described in the attached Contract and Scope of Services.
2. The term of the contract shall be for one (1) year, beginning February 2, 2018 and terminating on February 1, 2019.
3. The cost of the contract shall not exceed \$25,000.00
4. The contract is hereby ratified from February 2, 2018 to the date of adoption of this authorizing resolution.
5. Pursuant to N.J.A.C. 5:30-5.5(a), Temporary Budget, attached hereto is the Chief Finance Officer's Certification, which states partial funds in the amount of \$8,334.00 is available in NW011-120-1202-71280 and NW026-46540-B2018. The Certifications shall be filed, along with the original resolution and the executed contract, in the Office of the City Clerk. Immediately after the City's final 2018 Budget adoption, the Director of DHCW shall request the Chief Finance Officer to prepare and issue a Certification of Funds for the remaining balance of the cost of the contract, and shall cause same to be filed with the original resolution in the Office of the City Clerk.
6. The contract shall be subject to the availability and appropriation of sufficient funds as may be required to meet the obligations therein, and shall be subject to immediate termination in the absence thereof with no further obligation of the City of Newark.
7. The terms of the contract may only be waived or amended in a writing signed by the parties duly authorized to execute the contract and subject to the approval of the Newark Municipal Council by resolution.
8. A fully executed copy of the contract shall be filed in the Office of the City Clerk by the Director of the Department of Health and Community Wellness.
9. A notice of this action shall be published in the newspaper authorized by law to publish a legal advertisement and as required by law within ten (10) days of the adoption of this resolution.

**STATEMENT**

This resolution ratifies and authorizes the Mayor and/or his designee, the Director of the Department of Health and Community Wellness, to enter into and execute a contract with Professional Resource LLC, 519 W. 121<sup>st</sup> Street, #3B, New York, New York, 10027-5911, for the provision of the professional services of Elvin Montgomery, Jr, PhD to provide staff development and training, for the period of February 2, 2018 through February 1, 2019, for a total contract amount not to exceed Twenty-Five Thousand Dollars and Zero Cents (\$25,000.00).