



Legislation Details (With Text)

File #: 17-2119 **Version:** 1 **Name:** Nishuane Group, LLC 2018 Planning Consultant Agreement
Type: Resolution **Status:** Adopted
File created: 12/6/2017 **In control:** Economic and Housing Development
On agenda: 5/10/2018 **Final action:** 5/10/2018

Title: Dept/ Agency: Economic and Housing Development
Action: Ratifying Authorizing Amending
Type of Service: Professional Services Contract
Purpose: Planning Consultant Services
Entity Name: Nishuane Group, LLC.
Entity Address: 105 Grove Street, Suite #1, Montclair, New Jersey 07042
Contract Amount: Amount not to exceed \$150,000.00
Funding Source: 2018 Budget/ Economic and Housing Development
Contract Period: January 1, 2018 through December 31, 2018
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: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
5/10/2018	1	Municipal Council	Adopt	Pass

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Additional Information:

WHEREAS, the City of Newark’s Department of Economic and Housing Development (the “City”) is involved in ongoing redevelopment and urban planning matters and therefore has a need to acquire Planning Consultant Services; and

WHEREAS, Planning Consultant Services are professional services, exempt from the requirement for public bidding, pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)

(i); and

WHEREAS, the City caused to be published, on the City of Newark's website, a Notice of Request for Qualifications ("RFQ") for Planning Consultant Services on or about October 2, 2017; and

WHEREAS, the City received a total of two (2) proposals in response to its request by the RFQ due date on October 20, 2017; and

WHEREAS, Nishuane Group, LLC, 105 Grove Street, Suite #1, Montclair, New Jersey 07042 ("the Firm"), submitted a proposal in response to the RFQ and it was found, based upon price and other factors, to be in the best interest of the City of Newark to accept the proposal for the purpose of providing Planning Consultant Services; and

WHEREAS, the City wishes to enter into a contract with Nishuane Group, LLC, to provide Planning Consultant Services in an amount not to exceed One Hundred Fifty Thousand Dollars and Zero Cents (\$150,000.00), for the period of January 1, 2018 through December 31, 2018; and

WHEREAS, 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 contract is for an amount over \$17,500.00 and is being awarded as a Fair and Open Contract pursuant to N.J.S.A. 19:44A-20.5; and

WHEREAS, the Municipal Council adopted the Contractor Pay-to-Play Reform Ordinance, R.O. 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 Newark Municipal Candidates, office holders having ultimate responsibility for the award of a contract; candidate committees of the aforementioned candidates; and political or political party committees of the City of Newark or County of Essex; and continuing political committees or political action committees regularly engaged in the support of the City of Newark municipal or County of Essex elections; and certain other political party or candidate committees, in excess of certain thresholds; and

WHEREAS, the City wishes to engage Nishuane Group, LLC, to serve as Planning Consultants.

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 Acting Director of the Department of Economic and Housing Development, are hereby authorized to enter into a contract with Nishuane Group, LLC, 105 Grove Street, Suite #1, Montclair, New Jersey 07042, to provide Planning Consultant Services, in an amount not to exceed One Hundred Fifty Thousand Dollars and Zero Cents (\$150,000.00), for the period of January 1, 2018 through December 31, 2018.
2. The term of this contract shall be January 1, 2018 through December 31, 2018.
3. This contract is ratified from January 1, 2018 to the date of adoption of this resolution by

the Municipal Council.

4. This contract is being awarded pursuant to the Fair and Open Procedures of the State Pay-to-Play Law (N.J.S.A. 19:44A-20.5), and the Local Public Contracts Law (N.J.S.A. 40A:11-5(1)(a)(i)) and is in compliance with the Contractor Pay-to-Play Reform Ordinance 2:4-22C.
5. Pursuant to N.J.A.C. 5:30-5.5, Temporary Budget, attached hereto is a partial Certification of Funds from the Director of Finance which states that funds in the amount of \$26,250.00 are available in the 2018 Budget under Business Unit: NW011, Dept.: 150, Div./Proj.1505, Activity: A, Account#: 71280, Budget Ref. B2018. The certification shall be filed along with the original resolution in the Office of the City Clerk. The remainder of the funding for this contract will be subject to appropriation in the 2018 Budget and included in a line item for the award of this contract and said funds will be certified prior to services being provided by the contractor. There will be no expenditure of funds authorized until a Certification of Funds is obtained and a copy filed with the City Clerk.
6. There shall be no advance payment pursuant to N.J.S.A. 40A:5-16.
7. There shall be no amendments or changes to this contract without approval of the Municipal Council of the City of Newark.
8. A copy of the executed agreement authorized shall be filed by the Acting Director of the Department of Economic and Housing Development in the Office of the City Clerk and shall be made available for public inspection.
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 Acting Director of the Department of Economic and Housing Development, to enter into a contract for Planning Consultant Services with Nishuane Group, LLC, 105 Grove Street, Suite #1, Montclair, New Jersey 07042, in an amount not to exceed One Hundred Fifty Thousand Dollars and Zero Cents (\$150,000.00), for the period of January 1, 2018 through December 31, 2018.