



Legislation Details (With Text)

**File #:** 21-0713      **Version:** 1      **Name:** Mercury Public Affairs - Federal and State Lobbying  
**Type:** Resolution      **Status:** Adopted  
**File created:** 5/18/2021      **In control:** Administration  
**On agenda:** 7/8/2021      **Final action:** 7/8/2021

**Title:** Dept/ Agency: Law  
Action:  Ratifying    Authorizing    Amending  
Type of Service: Extraordinary Unspecifiable Service (EUS) Contract  
Purpose: Municipal Business- Federal and State Lobbying  
Entity Name: Mercury Public Affairs, LLC  
Entity Address: 220 Lennox Avenue, Suite 101, Westfield, New Jersey 07090  
Contract Amount: Not to exceed \$168,000.00  
Funding Source: 2021 Budget/Department of Business Administration/Business Unit NW: 011-Dept. ID 030, Div. Proj. 0301, Account 71280, Budget Ref: B2021  
Contract Period: April 16, 2021 through April 15, 2022  
Contract Basis:  Bid    State Vendor    Prof. Ser.    EUS  
 Fair & Open    No Reportable Contributions    RFP    RFQ  
 Private Sale    Grant    Sub-recipient    N/A  
Additional Information:  
Partial Certification of Funds in the amount of \$56,000.00.

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

| Date     | Ver. | Action By         | Action | Result |
|----------|------|-------------------|--------|--------|
| 7/8/2021 | 1    | Municipal Council | Adopt  | Pass   |

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**WHEREAS**, on March 9, 2020, Governor Phillip D. Murphy of the State of New Jersey issued through Executive Order 103 a Declaration of State of Emergency; and

**WHEREAS**, on March 24, 2020, the President of the United States upgraded the Governor's

State of Emergency to a Major Disaster Declaration (DR-4488); and

**WHEREAS**, the City of Newark (the “City”) is in need of services, to promote, identify and address ongoing issues currently facing municipalities; and

**WHEREAS**, Municipal Business (Federal Lobbying) requires specialized expertise in order to receive funding at the Federal and State levels to address the needs of the City including, but not limited to, critical infrastructure investments to overcome the Coronavirus pandemic and support economic recovery; and

**WHEREAS**, under the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. (the “LPCL”), a municipality may enter into a contract for the performance of services without competitive public bidding if the services being procured qualify as Extraordinary Unspecifiable Services; and

**WHEREAS**, the services necessary to implement and perform marketing and brand consulting qualify as Extraordinary Unspecifiable Services pursuant to N.J.S.A. 40A:11-5(1)(a)(ii) because the services to be provided are of a specialized and qualitative nature requiring expertise, extensive training and proven reputation in the field of endeavor, and the services cannot be reasonably described by written specifications; and

**WHEREAS**, this Contract is awarded without competitive bidding as an exception to public bidding, pursuant to N.J.S.A. 40A:11-5(1)(a)(ii), Extraordinary Unspecifiable Services; and

**WHEREAS**, the actions contemplated by this resolution shall result in the award of a Non-Fair and Open Contract in accordance with N.J.S.A. 19:44a-20.5; and

**WHEREAS**, the Mayor of the City of Newark and Business Administrator have determined Mercury Public Affairs, LLC, 220 Lenox Avenue, Suite 101 Westfield, New Jersey 07090, is best qualified to provide the service as an Extraordinary Unspecifiable Service; and

**WHEREAS**, due to the unique nature of the work performed by Mercury Public Affairs, LLC and its government relations expertise in providing strategic communications and federal lobbying, the City of Newark wishes to enter into and execute a contract with Mercury Public Affairs, LLC, for such services for a period of twelve (12) months, commencing on April 16, 2021 terminating on April 15, 2022 at a rate of One Hundred Seventy-Five Dollars and Zero Cents (\$175.00) per hour for twenty (20) hours per week, Fourteen Thousand Dollars and Zero Cents (\$14,000.00) per month, for a total amount not to exceed One Hundred Sixty-Eight Thousand Dollars and Zero Cents (\$168,000.00); and

**WHEREAS**, Mercury Public Affairs, LLC, has demonstrated that it is qualified by its training and experience to provide the required services in the manner and on the terms and conditions set forth in the contract; and

**WHEREAS**, Mercury Public Affairs, LLC, has completed and submitted a Business Entity Disclosure Certification (copies of which are attached hereto), which certifies that it has not made any reportable contributions to a political or candidate committee in the City of Newark in the prior year, and the contract will prohibit them from making any reportable contributions through the term of the

contract; and

**WHEREAS**, the Municipal Council adopted the Contractor Pay-to-Play Reform Ordinance, 6PSF-a on August 1, 2012, 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.

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

1. The Mayor of the City of Newark and/or his designee, the Business Administrator, are hereby authorized to enter into and execute a contract with Mercury Public Affairs, LLC, 220 Lenox Avenue, Suite 101 Westfield, New Jersey 07090, for providing lobbying services to receive funding at the Federal and State levels to address the needs of the City including, but not limited to, critical infrastructure investments to overcome Coronavirus and support economic recovery for One Hundred Seventy-Five Dollars and Zero Cents (\$175.00) per hour for twenty hours (20) per week, Fourteen Thousand Dollars and Zero Cents (\$14,000.00), for a total amount not to exceed One Hundred Sixty-Eight Thousand Dollars and Zero Cents (\$168,000.00) commencing April 16, 2021 terminating on April 15, 2022.
2. This Municipal Council hereby ratifies this contract from April 16, 2021 to the date of adoption of this authorizing resolution.
3. Pursuant to N.J.S.A. 5:30-5.5(a), Temporary Budget, attached hereto is a partial Certification of Funds from the Director of the Department of Finance, which states that there are available legally appropriated funds for the purposes set forth hereinabove, in the amount of Fifty-Six Thousand Dollars and Zero Cents (\$56,000.00), in the 2021 Budget under Business Unit: 011, Department ID: 030, Division: 0301, Account: 71280. The Certification of Funds 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 2021 and 2022 Budgets 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 Office of the City Clerk.
4. The Certification of Extraordinary Unspecifiable Service, as required by N.J.A.C. 5:34-2.3(b), Determination of Value and Business Entity Disclosure Certification are attached hereto and shall be filed in the Office of the City Clerk with the original resolution.
5. There shall be no advance payments made against this contract accordance with N.J.A.C. 40A:5-16.
6. Mercury Public Affairs, LLC, has completed and submitted a City of Newark Political Contribution Disclosure Form and a Business Entity Disclosure Certificate, which certifies

that Mercury Public Affairs, LLC, has not made any reportable contributions to a political or candidate committee in the City of Newark in the previous one (1) year, and their contract will prohibit Mercury Public Affairs, LLC, from making any reportable contributions through the term of contract.

7. A copy of the executed agreement shall be filed in the Office of the City Clerk by the Business Administrator and shall be made available for public inspection.
8. 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 its passage in accordance with N.J.S.A. 40A:11-5(1)(a).

### **STATEMENT**

This resolution ratifies and authorizes the Mayor of the City of Newark and/or his designee, the Business Administrator, to enter into and execute a contract with Mercury Public Affairs, LLC, 220 Lenox Avenue, Suite 101, Westfield, New Jersey 07090, to provide lobbying services at the Federal and State levels to address the needs of the City, including, but not limited to critical infrastructure investments to overcome Coronavirus and support economic recovery at a rate of \$175.00 per hour for twenty (20) hours per week, \$14,000.00 per month, for a total amount not to exceed \$168,000.00 commencing on April 16, 2021 terminating on April 15, 2022.