



Legislation Details (With Text)

**File #:** 23-1974      **Version:** 1      **Name:** Extension of Emergency Contract #E2022-13  
**Type:** Resolution      **Status:** Adopted  
**File created:** 12/15/2023      **In control:** Administration  
**On agenda:** 1/24/2024      **Final action:** 1/24/2024

**Title:** Dept/ Agency: Administration/Division of Central Purchasing  
Action: (X) Ratifying (X) Authorizing (X) Amending  
Type of Service: Extension of Emergency Contract #E2022-13  
Purpose: To extend the Emergency Contract to provide the services of negotiating and setting up payment plans and providing the software platform for payment processing for water and sewer account holders with outstanding debts above \$500.00.  
Entity Name: Promise Network, Inc.  
Entity Address: 436 14th Street, Suite 920, Oakland, California 94612  
Contract Amount: Not to exceed \$363,500.00  
Funding Source: 2023 Budget/Department of Water and Sewer Utilities/NW037-750-7501-71280-B2023  
Contract Period: Extended from September 25, 2023 until June 30, 2024  
Contract Basis: ( ) Bid ( ) State Vendor ( ) Prof. Ser. ( ) EUS  
( ) Fair & Open ( ) No Reportable Contributions ( ) RFP ( ) RFQ  
( ) Private Sale ( ) Grant ( ) Sub-recipient (X) n/a  
Additional Information:  
An Emergency Declaration, Contract #E2022-13, for the period of September 27, 2022 through December 26, 2022 was awarded to Promise Network, Inc., in an amount not to exceed \$43,500.00.

Resolution 7R1-j adopted on August 2, 2023 authorized Extension #1, which amended Emergency Contract #E2022-13 and extended the contract from the period of December 27, 2022 through September 25, 2023 to Promise Network, Inc. with an increased contract amount not to exceed \$203,500.00.

Extension #2 will amend Emergency Contract #E2022-13 for the period beginning September 26, 2023 through June 30, 2024 and increase the contract amount by \$160,000.00 for continuation of setting up payment plans and providing the software platform for payment processing for water and sewer account holders with outstanding debts above \$500.00 for a total contract amount not to exceed \$363,500.00.

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
1/24/2024	1	Municipal Council		

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**WHEREAS**, on November 7, 2022, the Department Water and Sewer Utilities (“the Department”) requested a declaration of emergency for a service provider to set-up and service payment plans for City of Newark residents with outstanding Water and Sewer Utility accounts; and

**WHEREAS**, on November 9, 2022, pursuant to N.J.S.A. 40A:11-6 and N.J.A.C. 5:34-6.1(a), the Purchasing Agent, QPA, approved the aforementioned request and the Department of Water and Sewer Utilities entered into Emergency Contract #E2022-13 with Promise Network Inc., 436 14<sup>th</sup> Street, Suite 920, Oakland, CA 94612 (“Promise Network”) for a period of September 27, 2022 through December 26, 2022 with a “not to exceed” amount of Forty-Three Thousand Five Hundred Dollars and Zero Cents (\$43,500.00); and

**WHEREAS**, Resolution 7R1-j adopted on August 2, 2023, authorized an Extension of Emergency Contract #E2022-13 from December 27, 2022 through September 25, 2023 with an increased contract amount not to exceed Two Hundred Three Thousand Five Hundred Dollars and Zero Cents (\$203,500.00); and

**WHEREAS**, the Department of Water and Sewer Utilities continues to be in immediate and emergent need of the service to assist residents who set up payment plans through Promise Network while the Department prepares to transfer the accounts on or before June 30, 2024; and

**WHEREAS**, N.J.S.A. 40A:11-6 provides that Emergency Contracts may be entered into when an emergency affecting the public health, safety or welfare requires the immediate delivery of goods or the performance of service; and

**WHEREAS**, the Department of Water and Sewer Utilities desires to ratify and extend Emergency Contract #E2022-13 for the period commencing September 26, 2023 through June 30, 2024 and increase the contract by One Hundred Sixty Thousand Dollars and Zero Cents

(\$160,000.00) for a new total amount not to exceed Three Hundred Sixty Three Thousand Five Hundred Dollars and Zero Cents (\$363,500.00); and

**WHEREAS**, N.J.A.C. 5:34-6.1(a)(3) provides that the emergency purchasing procedure may be used when the need for such goods or services has arisen notwithstanding a good faith effort on the part of a municipality to plan for the purchase of any goods or services required by the municipality; and

**WHEREAS**, it is a matter of public health, safety and welfare that the above-described emergency contract be extended because the City of Newark still needs to ensure that account holders can expect safe and uninterrupted water and sewer services and any interruption of the services would pose an imminent harm to the health, safety and welfare of the residents of the City of Newark; and

**WHEREAS**, City Ordinance 6PSF-e adopted on April 6, 2011, Article 2:5-13.2 (E)(1)(b)(c) limits the period of Emergency Contracts to ninety (90) days and no extensions of Emergency Contracts shall be permitted without authorization by the Municipal Council by Resolution; and

**WHEREAS**, the Municipal Council has the exclusive authority to extend an emergency; and

**WHEREAS**, the Department of Administration now seeks authorization by the Municipal Council to ratify and extend the emergency to prevent interruption of declaration of emergency until June 30, 2024.

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

1. The Mayor and/or his designees, the Business Administrator, and/or the Purchasing Agent, QPA, are authorized to execute an extension of Emergency Contract #E2022-13 with: Promise Network Inc., 436 14<sup>th</sup> Street, Suite 920, Oakland, California 94612 to provide the services which includes negotiating and setting up payment plans and providing the software platform for payment processing for water and sewer account holders with outstanding debts above five hundred dollars and increase the contract amount by One Hundred Sixty Thousand Dollars and Zero Cents (\$160,000.00) for a new total amount not to exceed Three Hundred Sixty Three Thousand Five Hundred Dollars and Zero Cents (\$363,500.00) from September 26, 2023 through June 30, 2024.
2. The extension of Emergency Contract #E2022-13 is ratified from September 26, 2023 to the date of adoption of this authorizing Resolution.
3. Funds are available in the Department of Water and Sewer Utilities budget and will be charged to NW037-750-7502-71280-B2023.
4. The Qualified Purchasing Agent, for the City of Newark, has filed a copy of Emergency Contract #E2022-13, attached, with the Office of the City Clerk.
5. If required by State Law, the City Clerk shall provide the appropriate notice of the award of this contract to the State Comptroller no later than twenty (20) business days following such award, in accordance with N.J.S.A. 52:15C-10 and the Notice of the Office of the State

Comptroller dated May 7, 2008.

**STATEMENT**

This Resolution amends, ratifies, and authorizes the Mayor, and/or his designees, the Business Administrator and/or the Purchasing Agent, QPA, to extend Emergency Contract #E2022-13 with Promise Network Inc., 436 14<sup>th</sup> Street, Suite 920, Oakland, California 94612 to provide the services which include negotiating and setting up payment plans and providing the software platform for payment processing for water and sewer account holders with outstanding debts above five hundred dollars and increases the contract amount by One Hundred Sixty Thousand Dollars and Zero Cents (\$160,000.00) for a new total amount not to exceed Three Hundred Sixty Three Thousand Five Hundred Dollars and Zero Cents (\$363,500.00) from September 26, 2023 through June 30, 2024.