



Legislation Details (With Text)

**File #:** 21-1143      **Version:** 1      **Name:** Resolution: Wallace, Roberts & Todd, LLC  
**Type:** Resolution      **Status:** Adopted  
**File created:** 7/28/2021      **In control:** Economic and Housing Development  
**On agenda:** 10/6/2021      **Final action:** 10/6/2021

**Title:** Dept./ Agency: Economic and Housing Development  
Action: ( ) Ratifying (X) Authorizing ( ) Amending  
Type of Service: Professional Services Contract  
Purpose: To provide Planning Consulting Services, specifically the preparation of a ten (10) Year Land Use Master Plan.  
Entity Name: Wallace Roberts and Todd, LLC  
Entity Address: 1700 Market Street, Suite 2800, Philadelphia, Pennsylvania 19103  
Contract Amount: Not to exceed \$350,000.00  
Funding Source: Community and Economic Development Fund  
Contract Period: One (1) year from the date of the issuance of a Notice to Proceed  
Contract Basis: ( ) Bid ( ) State Vendor (X) Prof. Ser. ( ) EUS  
( ) Fair & Open (X) 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 |
|-----------|------|-------------------|--------|--------|
| 10/6/2021 | 1    | Municipal Council | Adopt  | Pass   |

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**Additional Information:**

**WHEREAS**, the City of Newark, Department of Economic and Housing Development (the “City”) is in need of Planning Consulting Services for the preparation of the City of Newark’s 10-Year Land Use Master Plan (the “Project”); and

**WHEREAS**, the City advertised a Request for Proposals (RFP) for the Project on March 30,

2021, pursuant to the requirements of the Municipal Land Use Law, N.J.S.A. 40:55D-28 et seq., (the “MLUL”) and in accordance with the requirements of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. (the “LPCL”); and

**WHEREAS**, the City incorrectly processed the RFP; and

**WHEREAS**, Planning Consulting Services include services provided by planners, urban designers, and architects, and those professions are licensed by the State of New Jersey, and as such those services are “Professional Services” exempt from the public bidding requirements pursuant to the LPCL, more specifically, N.J.S.A. 40A:11-5(1)(a)(i); and

**WHEREAS**, the City wishes to enter into a Professional Services Contract with Wallace Roberts and Todd, LLC, 1700 Market Street, Suite 2800, Philadelphia, Pennsylvania 19103 (“WRT”), to provide Planning Consulting Services for the preparation of the City of Newark’s 10-Year Land Use Master Plan, in an amount not to exceed Three Hundred Fifty Thousand Dollars and Zero Cents (\$350,000.00), for the period of one (1) year from the date of the issuance of a Notice to Proceed; and

**WHEREAS**, the LPCL 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 pursuant to a “Non-Fair and Open Process” pursuant to N.J.S.A. 19:44A-20.5; and

**WHEREAS**, WRT has completed and submitted a Business Entity Disclosure Certification, which certifies that it has not made any reportable contributions to a political or a candidate committee in the City of Newark in the previous one (1) year, and that the contract will prohibit WRT, from making any reportable contributions through the term of the contract; and

**WHEREAS**, the 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 Newark Municipal candidates and County of Essex 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 Deputy Mayor/Director of the Department of Economic and Housing Development, are hereby authorized to enter into and execute a contract with Wallace Roberts and Todd LLC, 1700 Market Street, Suite 2800, Philadelphia, Pennsylvania 19103 (“WRT”), to provide Planning Consulting Services for the preparation of the City of Newark’s 10-Year Land Use Master Plan, for a period of one (1) year from the date of the issuance of a Notice to Proceed by the Deputy Mayor/Director of the Department of Economic and Housing Development.

2. The contract shall be for an amount not to exceed Three Hundred Fifty Thousand Dollars and Zero Cents (\$350,000.00).

3. The contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a)(i) of the Local Public Contracts Law because the performance of the service required must be performed by licensed professionals.

4. The contract is being awarded pursuant to the Non-Fair and Open Procedures of the State Pay-to-Play Law (N.J.S.A. 19:44A-20.5) and pursuant to the provisions of 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, Newark, New Jersey, Municipal Code § 2:4-22C.

5. WRT has completed and submitted a Business Entity Disclosure Certificate, which shall be placed on file with this Resolution and the contract, in the Office of the City Clerk, certifying that it has not made any reportable contributions to a political or a candidate committee in the City of Newark in the previous one (1) year, and the Contract will prohibit WRT from making reportable contributions through the term of the contract.

6. Attached hereto is a Certification of Funds from the Director of the Department of Finance, which states that: (1) there are sufficient funds in the amount of Three Hundred Fifty Thousand Dollars and Zero Cents (\$350,000.00) in the Community and Economic Development Fund, for the purpose set forth herein above; and (2) the line appropriation which shall be charged is as follows:

| <u>Business Unit</u> | <u>Dept.</u> | <u>Div./Proj.</u> | <u>Activity</u> | <u>Account#</u> | <u>Budget Ref.</u> |       |
|----------------------|--------------|-------------------|-----------------|-----------------|--------------------|-------|
| NW011                |              | 200 2001          |                 |                 | A 71260            | B2021 |

7. The Deputy Mayor/Director of the Department of Economic and Housing Development shall file the fully executed copy of the contract authorized herein, Certification of Funds, Determination of Value, and Notice to Proceed in the Office of the City Clerk and shall be made available for public inspection.

8. There shall be no advance payments against the contract pursuant to N.J.S.A. 40A:5-16.

9. There shall be no amendments or changes to the contract without the approval of the Municipal Council.

10. A notice of the award 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 authorizes the Mayor of the City of Newark and/or his designee, the Deputy Mayor/Director of the Department of Economic and Housing Development, to enter into and execute a contract with Wallace Roberts and Todd LLC, 1700 Market Street, Suite 2800, Philadelphia, Pennsylvania 19103, to provide Planning Consulting Services for the preparation of the City of

Newark's 10-Year Master Plan, in an amount not to exceed \$350,000.00, for the period of one (1) year from the date of the issuance of a Notice to Proceed by the Deputy Mayor/Director of the Department of Economic and Housing Development.