



Legislation Details (With Text)

**File #:** 24-0104      **Version:** 1      **Name:** Resolution: Professional Service Contract - JMT Inc.  
**Type:** Resolution      **Status:** Adopted  
**File created:** 1/22/2024      **In control:** Engineering  
**On agenda:** 3/6/2024      **Final action:** 3/6/2024

**Title:** Dept/ Agency: Engineering  
Action:  Ratifying    Authorizing    Amending  
Type of Service: Professional Services Contract  
Purpose: To provide maintenance service to existing Small Cell Wireless facilities and review new permit applications.  
Entity Name: Johnson, Mirmiran and Thompson, Inc. (JMT)  
Entity Address: 1200 Lenox Drive, Suite 101, Trenton, New Jersey 08648  
Contract Amount: Not to exceed \$150,000.00  
Funding Source: 2024 Budget/Trust Fund/NW026, 38780, B2024  
Contract Period: January 2, 2024 through December 31, 2024  
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 |
|----------|------|-------------------|--------|--------|
| 3/6/2024 | 1    | Municipal Council |        |        |

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 Private Sale    Grant    Sub-recipient    n/a  
**Additional Information:**

**WHEREAS,** the City of Newark, Department of Engineering (the “City”) is in need of Engineering Services to provide continuing assistance as requested for the maintenance of existing Small Cell Wireless Facilities currently in the City’s public rights-of-way (ROW), as well as the review of applications received by the City from telecommunication companies requesting the installation of Small Cell Wired and Wireless facilities; and

**WHEREAS**, Johnson, Mirmiran and Thompson, Inc. (JMT), 1200 Lenox Drive, Suite 101, Trenton, New Jersey 08648, an Engineering firm with a diverse practice and specific expertise in reviewing applications from telecommunications companies requesting the installation of Small Cell Wired and Wireless facility deployments in municipal right-of-ways, submitted a Proposal to provide the above services and it was found to be in the best interest of the City to accept the Proposal for the purpose of providing the Professional Engineering Services; and

**WHEREAS**, the City wishes to enter into a Professional Services Contract with JMT for an amount not to exceed One Hundred Fifty Thousand Dollars and Zero Cents (\$150,000.00), to provide Professional Engineering Services for the period of January 2, 2024 through December 31, 2024; and

**WHEREAS**, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. requires a Resolution, from the Governing Body, authorizing the award of contracts for professional services and further requires that the contract itself must be available for public inspection; and

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

**WHEREAS**, the Municipal Council adopted City of Newark Municipal Code § 2:4-22C.1, which adopted the State of New Jersey’s Pay-to-Play statutory requirements pursuant to N.J.S.A. 19:44A-20.5, as may be amended and supplemented, governing eligibility for municipal contracts.

**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 Acting Director of the Department of Engineering, are hereby authorized and directed on behalf of the City of Newark to enter into and execute a contract with Johnson, Mirmiran and Thompson, Inc., 1200 Lenox Drive, Suite 101, Trenton, New Jersey 08648, (JMT), to provide Professional Engineering Services for the maintenance of existing Small Cell Wireless Facilities currently in the City’s public right-of-way (ROW), as well as the review of applications received by the City from telecommunication companies requesting the installation of Small Cell Wired and Wireless facilities. This is for the period of January 2, 2024 through December 31, 2024, for an amount not to exceed One Hundred Fifty Thousand Dollars and Zero Cents (\$150,000.00).
2. Pursuant to the Federal Communications Commissions (FCC) regulations and under the Law, the City is entitled to recover reasonable costs incurred by the City to review applications received from telecommunication carriers for the installation and deployment of wireless and any associated wireline facilities, including in particular small wireless facilities associated with 5G deployments within the City’s public right-of-way.
3. Pursuant to City of Newark Municipal Code § 29:28-1, et seq., the funding for this Professional Service Contract shall come from the proceeds that the City receives from the applications

received by the City from telecommunication companies and license agreements entered into with telecommunication companies for the installation and deployment of wireless and any associated wireline facilities, including in particular Small Wireless facilities associated with 5G deployments within the City’s public right-of-way.

4. This contract is awarded without competitive bidding as a “Professional Service” in accordance with N.J.S.A. 40A:11-5(a)(i) of the Local Public Contracts Law because the performance of the service required will be performed by someone who is a licensed engineer in the State of New Jersey.
5. This contract is 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 is in compliance with the Pay-to-Play Reform Ordinance, Newark, New Jersey, Municipal Code §2:4-22C.1.
6. This contract is ratified from January 2, 2024, until the date of adoption of this authorizing Resolution.
7. Attached hereto is a Certification of Funds from the Acting Director of the Department of Finance, which states that: (1) there are available sufficient legally appropriated funds in the amount of One Hundred Fifty Thousand Dollars and Zero Cents (\$150,000.00) for the purpose set forth herein; and (2) that the line appropriation of the Official Budget, which shall be charged is as follows:

| Business Unit | Dept. | Div./Proj. | Account# | Budget Yr. | Amount       |
|---------------|-------|------------|----------|------------|--------------|
| NW026         | -     | 38780      |          | B2024      | \$150,000.00 |
8. A copy of the Certification of Funds issued, shall be filed in the Office of the City Clerk by the Acting Director of the Department of Engineering, together with this Resolution.
9. A copy of the Certification of Funds, Political Contribution Disclosure Form, and the Determination of Value letter are attached and shall be placed on file with the resolution in the Office of the City Clerk by the Acting Director of the Department of Engineering.
10. JMT has completed and submitted a Business Entity Disclosure Certificate, which shall be placed on file with the Resolution in the Office of the City Clerk, certifying that JMT 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 JMT from making reportable contributions through the term of the contract.
11. The Acting Director of the Department of Engineering shall file a copy of the fully executed contract herein authorized in the Office of the City Clerk and the same shall be made available for public inspection.
12. There shall be no advance payments made against this contract in accordance with N.J.S.A. 40A:5-16.
13. 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 of the City of Newark and/or his designee, the Acting Director of the Department of Engineering, to enter into and execute a Professional Service Contract with Johnson, Mirmiran and Thompson, Inc. (JMT), 1200 Lenox Drive, Suite 101, Trenton, New Jersey 08648, to provide continuing assistance as requested for maintenance of existing Small Cell Wireless Facilities currently in the City's public right-of-way (ROW), as well as the review of applications received by the City from telecommunication companies requesting the installation of Small Cell Wired and Wireless facilities for the period of January 2, 2024 through December 31, 2024, for an amount not to exceed \$150,000.00.