



Legislation Details (With Text)

**File #:** 21-0264      **Version:** 1      **Name:** Nishuane Group, LLC Planning Consultant Agreement 2021

**Type:** Resolution      **Status:** Adopted

**File created:** 2/24/2021      **In control:** Economic and Housing Development

**On agenda:** 4/27/2021      **Final action:** 4/27/2021

**Title:** Dept/ Agency: Economic and Housing Development  
 Action:  Ratifying    Authorizing    Amending  
 Type of Service: Professional Services Contract  
 Purpose: To provide Planning Consultant Services.  
 Entity Name: Nishuane Group, LLC  
 Entity Address: 105 Grove Street, Suite #1, Montclair, New Jersey 07042  
 Contract Amount: Not to exceed \$50,000.00  
 Funding Source: 2021 Budget/Department of Economic and Housing Development/Business Unit NW011, Dept.150: Div/Proj 1505, Activity A; Account # 71280; Budget Ref. B2021  
 Contract Period: January 1, 2021 through December 31, 2021  
 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
4/27/2021	1	Municipal Council	Adopt	Pass

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**Additional Information:**

**WHEREAS,** the City’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 December 7, 2020; and

**WHEREAS**, the City received a total of two (2) proposals in response to its request with a due date of December 21, 2020; 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 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 Fifty Thousand Dollars and Zero Cents (\$50,000.00), for the period of January 1, 2021 through December 31, 2021; 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 \$40,000.00 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, 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; and

**WHEREAS**, pursuant to City of Newark Municipal Code 41:15-12.3, as amended by the Municipal Council through Ordinance 6PS-b, adopted on April 3, 2019, the land use board fees will be paid from an escrow account, wherein developers will fund and make deposits into the escrow account based on their specific projects; 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 Deputy Mayor/Director of the Department of Economic

and Housing Development, are hereby authorized to enter into and execute 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 Fifty Thousand Dollars and Zero Cents (\$50,000.00), for the period of January 1, 2021, through December 31, 2021.

2. The term of this contract shall be January 1, 2021, through December 31, 2021.
3. This contract is ratified from January 1, 2021, to the date of adoption of this authorizing 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, Newark, New Jersey, Municipal Code § 2:4-22C.
5. Pursuant to N.J.A.C. 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 funds in the amount of Twelve Thousand Dollars and Zero Cents (\$12,000.00), are available for all liability to be incurred during the City's temporary budget period, more specifically: [i] Certification of Funds in the amount of Twelve Thousand Dollars and Zero Cents (\$12,000.00), Business Unit: NW011, Dept.:150 Div./Proj.: 1505, Activity: A, Account #: 71280, Budget Ref. B2021. 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 2021 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 Office of 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.
8. The Deputy Mayor/Director of the Department of Economic and Housing Development shall file a copy of the executed agreement in the Office of the City Clerk and shall be made available for public inspection.
9. 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 ratifies and authorizes the Mayor and/or his designee, the Deputy Mayor/Director of the Department of Economic and Housing Development, to enter into and execute a contract for Planning Consultant Services with Nishuane Group, LLC, 105 Grove Street, Suite #1, Montclair, New Jersey 07042, for an amount not to exceed \$50,000.00, for the period of January 1,

2021, through December 31, 2021.