



Legislation Details (With Text)

**File #:** 18-0665      **Version:** 1      **Name:** Brilliant Environmental Services,LLC  
**Type:** Resolution      **Status:** Adopted  
**File created:** 4/27/2018      **In control:** Economic and Housing Development  
**On agenda:** 6/26/2018      **Final action:** 6/26/2018  
**Title:** Dept/ Agency: Economic and Housing Development  
Action: ( ) Ratifying (X) Authorizing ( ) Amending  
Type of Service: Professional Services Contract  
Purpose: Environmental Review Services related to HUD entitlement programs  
Entity Name: Brilliant Environmental Services, LLC.  
Entity Address: 1A Executive Drive, Toms River, New Jersey 08755  
Contract Amount: Amount not to exceed \$51,254.00  
Funding Source: United States Department of Housing and Urban Development  
Contract Period: One (1) year from the date of issuance of a Notice to Proceed by the Acting Director of the Department of Economic and Housing Development  
Contract Basis: ( ) Bid ( ) State Vendor (X) Prof. Ser. ( ) EUS  
( ) Fair & Open ( ) No Reportable Contributions (X) 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
6/26/2018	1	Municipal Council	Adopt	Pass

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**Additional Information:**

**WHEREAS,** the City of Newark is in need of Environmental Review Services related to projects receiving funding through the City’s administration of the United States Department of Housing and Urban Development (HUD) grant programs, particularly those covered under the National Environmental Policy Act (NEPA) and related legislation listed in 24 CFR Part 58 governing Environmental Review Services for its Federal Entitlement Programs: Community Development

Block Grant (CDBG) and Home Investment Partnership Program (HOME); and

**WHEREAS**, Environmental Review 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 of Newark, Department of Economic and Housing Development, caused to be published on the City of Newark's website a Request for Proposals (RFP) on January 29, 2018 for said Environmental Review Services; and

**WHEREAS**, the RFP for said Environmental Review Services was also published in The Star Ledger, a newspaper circulating in Atlantic, Bergen, Burlington, Cape May, Essex, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset, Sussex, Union and Warren Counties, New Jersey on January 26, 2018; and

**WHEREAS**, the City of Newark received a total of two (2) proposals in response to its request; and

**WHEREAS**, Brilliant Environmental Services, LLC, 1A Executive Drive, Toms River, New Jersey 08755, submitted a proposal and it was found, based upon price and other factors, to be in the best interest of the City of Newark to accept the proposal for the purpose of providing Environmental Review Services, which will include the preparation of Environmental Review Records, pursuant to 24 CFR 58 and guidelines under the National Environmental Policy Act (NEPA), and including all items necessary for the City to receive authorization to use grant funds from the United States Department of Housing and Urban Development (HUD) for its Federal Entitlement Programs: Community Development Block Grant (CDBG) and Home Investment Partnership Program (HOME); and

**WHEREAS**, as permitted under the RFP, the Department of Economic and Housing Development obtained the following signed forms from Brilliant Environmental Services, LLC, in order to correct technical non-conformance:

- a. Affirmative Action Compliance;
- b. Business Entity Disclosure Certification;
- c. C.271 Disclosure Form;
- d. Certification of Compliance with Contractor Pay to Play;
- e. Non-Collusion Affidavit;
- f. Statement of Ownership Disclosure;
- g. Stockholder Disclosure Certification; and

**WHEREAS**, the City of Newark wishes to enter into a contract with Brilliant Environmental Services, LLC, to provide Environmental Review Services for the above-referenced HUD entitlement programs, for an amount not to exceed Fifty-One Thousand Two Hundred Fifty-Four Dollars and Zero Cents (\$51,254.00), for a period of one year commencing from the date of the issuance of a Notice to Proceed by the Acting Director of the Department of Economic and Housing Development; and

**WHEREAS**, the 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**, this contract is for an amount over \$17,500.00 and is being awarded as a fair and open contract pursuant to the State Pay-to-Play law (N.J.S.A 19:44A-20.5); and

**WHEREAS**, the Municipal Council adopted the Contractor Pay-to-Play Reform Ordinance, R.O. 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, 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 and/or his designee, the Acting Director of the Department of Economic and Housing Development of the City of Newark, are hereby authorized to enter into and execute a contract with Brilliant Environmental Services, LLC, 1A Executive Drive, Toms River, New Jersey 08755, in the form attached hereto, for Environmental Review Services related to projects receiving funding through the City's administration of the United States Department of Housing and Urban Development (HUD) grant programs, particularly those covered under the National Environmental Policy Act (NEPA) and related legislation listed in 24 CFR Part 58 governing Environmental Review Services for its Federal Entitlement Programs: Community Development Block Grant (CDBG) and Home Investment Partnership Program (HOME), for an amount not to exceed Fifty-One Thousand Two Hundred Fifty-Four Dollars and Zero Cents (\$51,254.00).

2. The term of this contract shall be for a period of one (1) year commencing from the date of the issuance of a Notice to Proceed by the Acting Director of the Department of Economic and Housing Development.

3. 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 pursuant to the provisions of the Local Public Contracts Law (N.J.S.A 40A:11-5(1)(a)(i)); is in compliance with the City's Contractor Pay-to-Play Reform Ordinance (R.O. 2:4-22C).

4. Attached is a Certification of Funds from the Director of Finance, which states: (1) that there are sufficient funds in the amount of Fifty-One Thousand Two Hundred Fifty-Four Dollars and Zero Cents (\$51,254.00) for the purpose set forth herein above and (2) that the line appropriation which shall be charged is as follows:

<u>Business Unit</u>	<u>Department</u>	<u>Division/Proj.</u>	<u>Account #</u>	<u>Bud. Ref.</u>
NW051	G11	D11DO	71280	B2011
NW051	G13	D13MO	71280	B2013

5. A fully executed copy of this contract, the Notice to Proceed, and the Certification of Funds shall be filed in the Office of the City Clerk by the Acting Director of the Department of

Economic and Housing Development.

6. There shall be no advance payments against this contact pursuant to N.J.S.A. 40A:5-16.

7. 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**

The resolution authorizes the Mayor and/or his designee, the Acting Director of the Department of Economic and Housing Development to enter into and execute a contract with Brilliant Environmental Services, LLC, 1A Executive Drive, Toms River, New Jersey 08755, for Environmental Review Services related to projects receiving funding through the City's administration of the United States Department of Housing and Urban Development (HUD) grant programs, particularly those covered under the National Environmental Policy Act (NEPA) and related legislation listed in 24 CFR Part 58 governing Environmental Review Services for its Federal Entitlement Programs: Community Development Block Grant (CDBG) and Home Investment Partnership Program (HOME), for an amount not to exceed Fifty-One Thousand Two Hundred Fifty-Four Dollars and Zero Cents (\$51,254.00), for the period of one (1) year commencing from the date of the issuance of a Notice to Proceed by the Acting Director of the Department of Economic and Housing Development.