



## Legislation Details (With Text)

**File #:** 18-1584      **Version:** 1      **Name:** Nishuane 2018 Contract Increase  
**Type:** Resolution      **Status:** Adopted  
**File created:** 10/2/2018      **In control:** Economic and Housing Development  
**On agenda:** 12/5/2018      **Final action:** 12/5/2018

**Title:** Dept/ Agency: Economic and Housing Development  
Action:  Ratifying  Authorizing  Amending  
Type of Service: Professional Services Contract  
Purpose: First Amendment to the Agreement to provide Professional Services, as Planning Consultants, to increase contract amount by \$113,000.00  
Entity Name: Nishuane Group, LLC.  
Entity Address: 105 Grove Street, Suite #1, Montclair, New Jersey 07042  
Contract Amount: \$263,000.00  
Funding Source: Community and Economic Development Trust Fund  
Contract Period: January 1, 2018 through December 31, 2018  
Contract Basis:  Bid  State Vendor  Prof. Ser.  EUS  
 Fair & Open  No Reportable Contributions  RFP  RFQ  
 Private Sale  Grant  Sub-recipient  n/a  
Additional Information:  
Contract Awarded - Resolution 7R2-k(AS) adopted on May 10, 2018, awarded contract for \$150,000.00; First Amendment increases contract amount by \$113,000.00 for a new contract total amount not to exceed \$263,000.00

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
12/5/2018	1	Municipal Council	Adopt	Pass

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**WHEREAS**, Planning Consultant services are Professional Services and are exempt from the requirements for public bidding pursuant to the Local Public Contracts Law, more specifically, N.J.S.A. 40A:11-5(1)(a)(i); and

**WHEREAS**, the Municipal Council of the City of Newark (the "Council") by Resolution 7R2-k (AS), adopted on May 10, 2018, awarded a Professional Services contract to Nishuane Group, LLC, 105 Grove Street, Suite #1, Montclair, New Jersey 07042, to serve as Planning Consultants, for an amount not to exceed One Hundred Fifty Thousand Dollars and Zero Cents (\$150,000.00), for the period of January 1, 2018 through December 31, 2018; and

**WHEREAS**, this contract is for an amount over \$17,500.00 and was awarded as a Fair and Open Contract pursuant to N.J.S.A. 19:44A-20.5; and

**WHEREAS**, the contract was awarded in compliance with Local Public Contracts Law (N.J.S.A. 40A:11-5(1)(a)(i)), and 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 Contractor Pay-to-Play Reform Ordinance 2:4-22C; and

**WHEREAS**, Nishuane Group, LLC, currently has outstanding bills for 2018 pending matters, which will exhaust the total contract amount; and

**WHEREAS**, the outstanding bills for 2018 require an increase in the total contract amount; and

**WHEREAS**, Nishuane Group, LLC, represents that an additional One Hundred Thirteen Thousand Dollars and Zero Cents (\$113,000.00) is necessary for the firm to continue to provide Planning Consulting Services through December 31, 2018; and

**WHEREAS**, the requested increase in the total contract amount is deemed reasonable and necessary to pay for Planning Consultant Services provided through December 31, 2018; and

**WHEREAS**, the award of an additional One Hundred Thirteen Thousand Dollars and Zero Cents (\$113,000.00) brings the total contract to an amount not to exceed Two Hundred Sixty-Three Thousand Dollars and Zero Cents (\$263,000.00) for the period of January 1, 2018 through December 31, 2018.

**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 Director of the Department of Economic and Housing Development, are hereby authorized and directed on behalf of the City of Newark (the "City") to enter into and execute a First Amendment to the Agreement to provide Planning Services with Nishuane Group, LLC, 105 Grove Street, Suite #1, Montclair, New Jersey 07042, provided through December 31, 2018, for an additional One Hundred Thirteen Thousand Dollars and Zero Cents (\$113,000.00), for the period of January 1, 2018 through December 31, 2018, to cover outstanding bills and new matters that may arise during the term of the contract.

2. The Municipal Council hereby ratifies this first contract Amendment from the date of the adoption of this resolution to January 1, 2018.

3. All other terms and conditions of the contract shall remain the same.

4. This First Amendment to the Agreement to provide Planning Consultant Services is made in accordance with the professional services exception to public bidding in the Local Public Contracts Law (N.J.S.A. 40A:11-5(1)(a)(i), and 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 Contractor Pay-to-Play Reform Ordinance 2:4-22C.

5. Attached is a Certification of Funds from the Director of Finance stating that there are available, sufficient and appropriated funds in the amount of One Hundred Thirteen Thousand Dollars and Zero Cents (\$113,000.00) for the purposes set herein and the line appropriations which shall be charged are as follows:

<u>Bus. Unit</u>	<u>Dept. ID</u>	<u>Div/Proj.</u>	<u>Acct.#</u>	<u>Budget Ref.</u>
NW026	BS		32100	B2018

6. A copy of the executed First Amendment to the Agreement to provide Planning Consultant Services herein authorized shall be filed in the Office of the City Clerk by the Director of the Department of Economic and Housing Development and shall be made available for public inspection.

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**

This resolution ratifies, amends, authorizes and directs the Mayor and/or his designee, the Director of the Department of Economic and Housing Development, to enter into and execute a First Amendment to the Agreement with Nishuane Group, LLC, 105 Grove Street, Suite #1, Montclair, New Jersey 07042, to cover outstanding bills, ongoing and new matters that may arise during the term of the contract for Planning Consulting Services for an additional One Hundred Thirteen Thousand Dollars and Zero Cents (\$113,000.00), for a total contract amount not to exceed Two Hundred Sixty-Three Thousand Dollars and Zero Cents (\$263,000.00) for the period of January 1, 2018 through December 31, 2018.