



Legislation Details (With Text)

File #: 15-0122 **Version:** 1 **Name:** Mikesell Professional Services
Type: Resolution **Status:** Filed
File created: 1/16/2015 **In control:** Economic and Housing Development
On agenda: 5/20/2015 **Final action:** 6/17/2015

Title: Dept/ Agency: Economic & Housing Development
Action: () Ratifying (X) Authorizing () Amending
Type of Service: Professional Services Contract
Purpose: Architectural Services for the City-wide Façade Improvement Program
Entity Name: Mikesell & Associates
Entity Address: 17 Academy Street, Suite 800, Newark, NJ 07102
Contract Amount: Not to Exceed \$85,000.00
Funding Source: Urban Enterprise Zone Authority Assistance Trust Fund
Contract Period: One (1) year commencing upon issuance of a written Notice to Proceed from the Deputy Mayor/Director of the Department of Economic and Housing Development
Contract Basis: () Bid () State Vendor (X) Prof. Ser. () EUS
() Fair & Open () No Reportable Contributions () RFP () RFQ
() Private Sale () Grant () Sub-recipient () n/a
Additional Information:
Ordinance 6PSF-J 112210; Established City-wide Façade Program
Resolution 7R3-B 041509; Applied for and accepted grant funds
Resolution 7R3-G 102109; Appropriated and awarded grant funds
Invitation: Economic & Housing Development Director, May 19, 2015
Deferred 7R3-a 052015
Invitation: Economic & Housing Development Director, June 16, 2015

Sponsors: Council of the Whole

Indexes:

Code sections:

| Date | Ver. | Action By | Action | Result |
|-----------|------|-------------------|--------|--------|
| 6/17/2015 | 1 | Municipal Council | Adopt | Pass |
| 5/20/2015 | 1 | Municipal Council | Defer | Pass |

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WHEREAS, pursuant to 7R3-B, adopted April 15 2009, the Deputy Mayor/Director of the Department of Economic and Housing Development and the Acting Director of the Newark Office of the Urban Enterprise Zone were authorized to submit an application to the New Jersey Urban Enterprise Zone Authority on behalf of the City of Newark for \$3,923,500.00 to fund a Zone Assistance Fund Project titled: City-wide Commercial Corridor Revitalization Façade Improvement Program, Phase I (the “Program”); and

WHEREAS, pursuant to Resolution 7R3-G, adopted October 21, 2009, the Deputy Mayor/Director of Economic & Housing Development and the Acting Director of the Newark Office of the Urban Enterprise Zone were authorized to enter into and execute an agreement with and accept grant funds in the amount of \$3,923,500.00 to fund the Program; and

WHEREAS, licensed architectural services are professional services exempt from the public bidding requirements of the Local Public Contracts Law, pursuant to N.J.S.A 40A:11-5(1)(a)(i), because these services are to be rendered by a person (or persons) authorized by law to practice a recognized profession, whose practice is regulated by law, and the performance of which services requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study as distinguished from general academic instruction; and

WHEREAS, the Deputy Mayor/Director of the Department of Economic and Housing Development wishes to enter into a non-fair and open professional services contract with Mikesell & Associates, 17 Academy Street, Suite 800, Newark, NJ 07102, in an amount not to exceed Eighty-Five Thousand Dollars and Zero Cents (\$85,000.00) to perform architectural services for the Program, for a period of one (1) year commencing upon the issuance of a written Notice to Proceed from the Director of the Department of Economic and Housing Development; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-I, et seq.) requires that a 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 non-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, 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; and

WHEREAS Mikesell & Associates has completed and submitted a Business Entity Disclosure Certificate certifying that Mikesell & Associates has not made any reportable contributions to a political or candidate committee in the City of Newark in the previous one year, and this contract for architectural services with the City will prohibit Mikesell Associates from making any reportable contributions through the term of the contract.

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 Professional Services contract in the amount not to exceed Eighty-Five Thousand Dollars and Zero Cents (\$85,000.00) with Mikesell & Associates, 17 Academy Street, Suite 800, Newark, NJ 07102 to provide architectural services for the Citywide Commercial Corridor Revitalization Façade Improvement Program, Phase I (the "Program"), for a period of one (1) year commencing upon the issuance of a written notice to proceed from the Deputy Mayor/Director of the Department of Economic and Housing Development.
2. Attached hereto is a certification of funds from the Acting Finance Director of the City of Newark, which states (1) that there are sufficient funds in the amount not to exceed Eighty-Five Thousand Dollars and Zero Cents (\$85,000.00) for the purpose set forth hereinabove and (2) that the line appropriation which shall be charged is Business Unit: NW051; Dept. ID: G09; Div./Proj.: A19R0; Account # 71280; Budget Ref. B2009.
3. Mikesell & Associates has completed and submitted a Business Entity Disclosure Certificate certifying that Mikesell Associates has not made any reportable contributions to a political or candidate committee in the City of Newark in the previous one year, and this contract for architectural services with the City will prohibit Mikesell & Associates from making any reportable contributions through the term of the contract.
4. This contract is being awarded pursuant to the non-fair and open procedures of the 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, R.O. 2:4-22C.
5. The Determination of Value letter is attached.
6. The executed contract, the Certifications of Funds, the Determination of Value Letter, the Certification of Compliance with Contractor Pay-to-Play Reform Ordinance, R.O. 2:4-22C, and the Business Entity Disclosure Certificate, as well as the Notice to Proceed shall be filed in the Office of the City Clerk by the Deputy Mayor/Director of the Department of Economic and Housing Development.
7. There shall be no amendments or changes of this contract without approval of the Municipal Council.
8. There shall be no advance payments on this contract in accordance with N.J.S.A. 40A:5-16.
9. 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 10 days of the adoption of this Resolution.

STATEMENT

This resolution 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 Professional Services contract in the amount not to exceed Eighty-Five Thousand Dollars and Zero Cents (\$85,000.00) with Mikesell & Associates, 17 Academy Street, Suite 800, Newark, NJ 07102, to provide architectural services for the City-wide Commercial Corridor Revitalization Façade Improvement Program, Phase I, for a period of one (1) year commencing upon the issuance of a written notice to proceed from the Deputy Mayor/Director of the Department of Economic and Housing Development.