



Legislation Details (With Text)

**File #:** 17-0420      **Version:** 1      **Name:** 2017 Nishuane Contract for Planning Consultant Services  
**Type:** Resolution      **Status:** Adopted  
**File created:** 3/8/2017      **In control:** Economic and Housing Development  
**On agenda:** 5/17/2017      **Final action:** 5/23/2017

**Title:** Dept/ Agency: Economic and Housing Development  
Action:  Ratifying  Authorizing  Amending  
Type of Service: Professional Services Contract  
Purpose: Planning Consultant Services  
Entity Name: Nishuane Group, LLC  
Entity Address: 105 Grove Street, Suite #1, Montclair, New Jersey 07042  
Contract Amount: Amount not to exceed \$175,000.00  
Funding Source: 2017 City of Newark Budget, Economic and Housing Development  
Contract Period: January 1, 2017 through December 31, 2017  
Contract Basis:  Bid  State Vendor  Prof. Ser.  EUS  
 Fair & Open  No Reportable Contributions  RFP  RFQ  
 Private Sale  Grant  Sub-recipient  n/a  
Additional Information:  
Deferred 7R2-c (as) 051717

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
5/23/2017	1	Municipal Council	Adopt	Pass
5/17/2017	1	Municipal Council	Defer	Pass

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**WHEREAS,** the City of Newark is involved in on-going redevelopment and urban planning matters and therefore has a need to acquire Planning Consultant Services; and

**WHEREAS**, Nishuane Group, LLC, 105 Grove Street, Suite #1, Montclair, New Jersey 07042, is a Planning Firm that has worked with numerous municipalities, including the City of Newark; and

**WHEREAS**, The City of Newark published a Notice of Request for Qualifications (RFQ) for Planning Consultants on or about May 18, 2016; 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 of Newark to accept the proposal for the purpose of providing Planning Consultant services concerning Planning Matters; and

**WHEREAS**, Nishuane Group, LLC contracted with the City for the period of July 1, 2016 through June 30, 2017 for an amount not to exceed \$100,000.00; and

**WHEREAS**, the Firm’s services were increased as a result of the increased amount of work necessary for blight studies, redevelopment plans and other work specific to the Mulberry Commons and Riverfront Park Projects; and

**WHEREAS**, due to the fact that as of December 31, 2016 the Firm exhausted its funds under the contract; and

**WHEREAS**, the Mayor and/or his designee, the Deputy Mayor/Director of the Department of Economic and Housing Development, wish to enter into a new contract with Nishuane Group, LLC, to provide Special Planning Consultant Services in an amount not to exceed One Hundred Seventy-Five Thousand Dollars and Zero Cents (\$175,000.00), for the period of January 1, 2017 through December 31, 2017; and

**WHEREAS**, the Deputy Mayor/Director of the Department of Economic and Housing Development has determined and certified in writing that the value of this contract will exceed \$17,500.00; and

**WHEREAS**, this Contract is awarded without competitive bidding as an exception to public bidding, pursuant to N.J.S.A. 40A:11-5(1)(a)(i), professional services; and

**WHEREAS**, Local Public Contracts Law N.J.S.A. 40A:11-1, et seq. requires a Resolution of 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**, the contract is being awarded as a non-fair and open contract in accordance with N.J.S.A. 19:44A-20.5; and

**WHEREAS**, Nishuane Group, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Nishuane Group, LLC has not made any reportable contributions to a political or candidate committee in the City of Newark in the previous one year, and the contract will prohibit Nishuane Group, LLC from making any reportable contributions through the term of the contract; 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 public bidding must be published in a local

newspaper; and

**WHEREAS**, the Municipal Council adopted the Contractor Pay-to-Play Reform Ordinance, 6PSF-a, August 1, 2012, 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**, 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 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 One Hundred Seventy-Five Thousand Dollars and Zero Cents (\$175,000.00), for the period of January 1, 2017 through December 31, 2017, which shall cover those existing projects currently being handled by Nishuane Group, LLC, as well as new ones that may arise during the contract term.
2. This contract is awarded without competitive bidding as an exception to public bidding pursuant to the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-5(1)(a)(i)), professional services, pursuant to the non-fair and open procedures of the State Pay-to-Play Law (N.J.S.A. 19:44A-20.5), and the Business Entity has certified that it has not made or solicited a contribution in violation of the Contractor Pay-to-Play Reform Ordinance 2:4-22C.
3. This contract is hereby ratified from January 1, 2017 to the date of the adoption of this resolution.
4. The term of this contract shall be January 1, 2017 through December 31, 2017, for such projects that may arise during the contract term.
5. Pursuant to N.J.A.C. 5:30-5.5, Temporary Budget, attached hereto is a partial certification of funds from the Director of Finance which states that funds in the amount of \$11,500.00 are available in the 2017 Budget under Business Unit: NW011, Department: 150, Division/Proj.: 1505, Account# 71280, Budget Ref: B2017 and \$130,000.00 under Business Unit: NW026, Department: BS, Account#: 32100, Budget Ref.: B2017. The certification shall be filed along with the original resolution in the Office of the City Clerk. The remainder of the funding, in the amount of \$33,500.00 for this contract will be subject to appropriation in the 2017 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 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 of the City of Newark.
8. A copy of the executed agreement authorized shall be filed by the Deputy Mayor/Director of the Department of Economic and Housing Development in the Office of the City Clerk and shall be made available for public inspection.
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 ten (10) days of the adoption of this Resolution.

### **STATEMENT**

This resolution ratifies and authorizes the Mayor and/or his designee, Deputy Mayor/Director of the Department of Economic and Housing Development, to enter into a contract for Planning Consultant Services with Nishuane Group, LLC, 105 Grove Street, Suite #1, Montclair, New Jersey 07042, in an amount not to exceed One Hundred Seventy-Five Thousand Dollars and Zero Cents (\$175,000.00) for the period of January 1, 2017 through December 31, 2017.