



Legislation Details (With Text)

**File #:** 13-1469      **Version:** 1      **Name:** Contract 28-2011PS extension for Design and Preparation of Bid Documents and Construction Administration Management for 526-528 Frelinghuysen Avenue Firehouse, Newark, New Jersey

**Type:** Resolution      **Status:** Filed

**File created:** 7/20/2013      **In control:** Engineering

**On agenda:** 10/23/2013      **Final action:** 10/29/2013

**Title:** Dept/ Agency: Engineering  
Action: ( X ) Ratifying (X) Authorizing ( X ) Amending  
Type of Service: Contract Amendment  
Purpose: "Renovations and Improvements to Sixteen (16) Sale-Lease Back Public Buildings" Design and Preparation of Bid Documents and Construction Administration/Management for 526 -528 Frelinghuysen Avenue (Firehouse), Newark, New Jersey 07114  
Entity Name: Mikesell & Associates  
Entity Address: 17 Academy Street, Newark, New Jersey 07102  
Contract Amount: \$39,450.00  
Funding Source: Essex County Improvement Authority ("ECIA")  
Contract Period: Amend the term of the contract from March 5, 2012 through March 4, 2013 to March 5, 2012 to March 3, 2014  
Contract Basis: ( ) Bid ( ) State Vendor ( X ) Prof. Ser. ( ) EUS  
( X ) Fair & Open ( ) No Reportable Contributions ( ) RFP ( ) RFQ  
( ) Private Sale ( ) Grant ( ) Sub-recipient ( ) n/a  
Additional Information:  
Contract #28-2011PS  
No Action Taken 7R4-d 102313

**Sponsors:**

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
10/29/2013	1	Municipal Council	Adopt	Pass
10/23/2013	1	Municipal Council	no action taken	

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**Additional Information:**

Contract #28-2011PS

**No Action Taken 7R4-d 102313**

**WHEREAS**, Resolution 7R4-a, adopted December 21, 2011, authorized the Director of the Department of Engineering to execute Contract #28-2011PS, "Renovations and Improvements to Sixteen (16) Sale-Lease Back Public Buildings" Design and Preparation of Bid Documents and Construction Administration/Management for 526-528 Frelinghuysen Avenue (Firehouse), Newark, New Jersey 07114, (hereinafter, "Contract #28-2011PS") with Mikesell and Associates, 17 Academy Street, Suite 800, Newark, New Jersey 07102, in the amount of \$39,450.00; and

**WHEREAS**, a 'Notice to Proceed' was issued dated March 5, 2012, specifying March 5, 2012 as the commencement date of the contract and terminating on March 4, 2013; and

**WHEREAS**, the construction project has not proceeded as originally anticipated, due to unforeseen delays in obtaining the bid specifications (due to time consuming field survey work for the preparation of the bid documents), which resulted in a delay in the procurement process for the construction contract, which was not awarded until July 3, 2013; and

**WHEREAS**, as a result of the foregoing, the Director of the Department of Engineering desires to amend Contract #28-2011PS, to extend the contract term from March 5, 2012 to March 4, 2013 to March 5, 2012 to March 3, 2014, at no additional cost to the City; and

**WHEREAS**, the contracted services are professional services and are exempt from the public bidding requirements of the Local Public Contracts Law, pursuant to N.J.S.A. 40A:11-5(1)(a)(i); and

**WHEREAS**, this contract amendment is being awarded as a non-fair and open contract pursuant to the Pay-to-Play Executive Order and in accordance with the Local Pay-to-Play Law, N.J.S.A. 19:44A-20.5 and the Contractor Pay to Play Reform Ordinance, 6PSF-a, adopted August 1, 2012.

**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 Engineering, are hereby authorized to execute Amendment #1 to Contract #28-2011PS "Renovations and Improvements to Sixteen (16) Sale-Lease Back Public Buildings" Design and Preparation of Bid Documents and Construction Administration/Management for 526-528 Frelinghuysen Avenue (Firehouse), Newark, New Jersey 07114,(hereinafter, "Contract #28-2011PS") with Mikesell and Associates, 17 Academy Street, Suite 800, Newark, New Jersey 07102, to amend the term from March 5, 2012 to March 4, 2013 to March 5, 2012 to March 3, 2014.
2. The Municipal Council hereby ratifies the contract amendment from March 4, 2013 to the date of the adoption of this resolution.
3. All other terms and conditions of Contract #28-2011PS, shall apply and remain in force until the contract is completed.

4. A fully executed copy of Amendment #1 to Contract #28-2011PS shall be filed in the Office of the City Clerk by the Director of the Department of Engineering.
5. No further amendments or modifications shall be permitted without prior Municipal Council approval.
6. There shall be no advance payments made against this contract in accordance with N.J.A.C. 40A:5-16.
7. Notice of the award of this contract amendment shall be published in a newspaper within ten (10) days of adoption.
8. Mikesell and Associates has completed and submitted a Business Entity Disclosure Certification, and an updated City Political Disclosure Statement and a Certificate of Compliance with Contractor Pay-to-Play Reform, Ordinance 6PSF-a, adopted August 1, 2012, which certifies that the Business Entity, as defined therein, has not made or solicited any prohibited contributions to a political or candidate committees in the previous one year, and the contract prohibits Mikesell and Associates, from making or soliciting any prohibited contributions through the term of the contract.
9. A fully executed copy of this contract amendment shall be filed in the Office of the City Clerk by the Director Engineering or his designee.
10. This amendment to a professional service contract is awarded under the provisions of the Local Public Contracts Law N.J.S.A. 40A:11-5(1)(a)(i), and pursuant to the New Jersey Local Unit Pay-to-Play Law, N.J.S.A. 19:44-20.5 as a 'Non-Fair and Open Contract' , and in compliance with Executive Order (MEO-07-0001) effective March 31, 2007 and Contractor Pay-to-Play Reform, Ordinance 6PSF-a, adopted August 1, 2012..

### **STATEMENT**

This resolution authorizes and ratifies the Mayor and/or his designee, the Director of Engineering, to execute Amendment #1 to Contract #28-2011PS "Renovations and Improvements to Sixteen (16) Sale-Lease Back Public Buildings" for Design and Preparation of Bid Documents and Construction Administration/Management for 526-528 Frelinghuysen Avenue (Firehouse), Newark, New Jersey 07114, to amend the term from March 5, 2012 to March 4, 2013 to March 5, 2012 to March 3, 2014, with Mikesell and Associates, 17 Academy Street, Suite 800, Newark, New Jersey 07102, at no additional cost to the City.