



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 13-1468, Version: 1

Dept/ Agency: Engineering

Action: (x) Ratifying (X) Authorizing () Amending

Type of Service: Contract Amendment

Purpose: Renovations and Improvements to Sixteen (16) Sale-Lease Back Public Buildings” for Design and Preparation of Bid Documents and Construction Administration/Management for 395-399 Avon Avenue, Newark, New Jersey 07102

Entity Name: Mikesell & Associates

Entity Address: 17 Academy Street, Suite 800, 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 April 18, 2012 to April 17, 2013 to April 18, 2012 to April 16, 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 #27-2011PS

No Action Taken 7R4-c 102313

WHEREAS, Resolution 7R4-b adopted December 21, 2011, authorized the Director of the Department of Engineering to execute Contract #27-2011PS “Renovations and Improvements to Sixteen (16) Sales-Lease Back Public Buildings” for Design and Preparation of Bid Documents and Construction Administration/Management for 395-399 Avon Avenue, Newark, New Jersey (hereinafter “Contract #27-2011PS), 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 April 27, 2012, specifying April 18, 2012 as the commencement date of the contract, with a termination date of April 17, 2013; and

WHEREAS, due to unforeseen delays with the contractor public bidding and procurement for the construction contract process (unanticipated and time consuming field survey work for the preparation of drawings); and the fact that the construction contract is currently under review for award; and

WHEREAS, the Director of the Department of Engineering desires to amend Contract #27-2011PS, to extend the contract term from April 18, 2012 to April 17, 2013 to April 18, 2012 to April 16, 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.

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 #27-2011PS "Renovations and Improvements to Sixteen (16) Sale-Lease Back Public Buildings" for the Design and Preparation of Bid Documents and Construction Administration/Management for 395-399 Avon Avenue, Newark, New Jersey (hereinafter, Contract #27-2011PS"), with Mikesell and Associates, 17 Academy Street, Suite 800, Newark, New Jersey 07102, to amend the term from April 18, 2012 to April 17, 2013 to April 18, 2012 to April 16, 2014.
2. The Municipal Council hereby ratifies the contract amendment from April 17, 2013 to the date of the adoption of this resolution.
3. All other terms and conditions of Contract #27- shall apply and remain in force until the contract is completed.
4. A fully executed copy of Amendment #1 to Contract #27-2011PS shall be filed in the Office of the City Clerk by the Director of the Department of Engineering.
5. No further amendments or modifications to this amended contract 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, an updated City Political Disclosure Statement and a Certificate of Compliance with Contractor Pay-to-PlayReform, Ordinance 6PSF-a, 080112, which certify that the Business Entity, as defined therein, has not made any prohibited contributions to a political or candidate committees in the previous one year, and the contract will prohibit 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-PlayReform, Ordinance 6PSF-a, 080112.

STATEMENT

This resolution authorizes and ratifies the Mayor and/or his designee, the Director of Engineering, to execute Amendment #1 to Contract #27-2011PS "Renovations and Improvements to Sixteen (16) Sale-Lease Back Public Buildings" for Design and Preparation of Bid Documents and Construction Administration/Management for 395-399 Avon Avenue, Newark, New Jersey, to amend the term from April 18, 2012 to April 17, 2013 to April 18, 2012 to April 16, 2014, with Mikesell and Associates, 17 Academy Street, Suite 800, Newark, New Jersey 07102, at no additional cost to the City.