



Legislation Text

File #: 23-1723, Version: 1

Dept./ Agency: Administration/Office of the Business Administrator

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

Type of Service: Exception to Public Bidding - N.J.S.A. 40A:11-5(1)(a)(i) provides for the award of a contract for Professional Services

Purpose: To provide engineering services.

Entity Name: Gary Toth

Entity Address: Lambertville, New Jersey 08530

Contract Amount: Not to exceed \$100,000.00

Funding Source: 2023 Budget/Business Unit NW: 011-Dept. ID 110, Div./ Proj. 1101, Account 71280, Budget Ref: B2023

Contract Period: August 1, 2023 through July 31, 2024

Contract Basis: () Bid () State Vendor (X) Prof. Ser. () EUS

() Fair & Open (X) No Reportable Contributions () RFP () RFQ

() Private Sale () Grant () Sub-recipient () n/a

Additional Information:

This Resolution authorizes the City of Newark to enter into a professional services contract with Gary Toth, to provide engineering consultant services regarding implementing a Division of Transportation within the Department of Engineering in order to leverage development, traffic and signal infrastructure initiatives, including identifying and securing funding opportunities on behalf of the City of Newark, in Washington D.C. and the State of NJ (Trenton).

WHEREAS, the City of Newark (“City”) is a duly constituted municipal corporation at 920 Broad Street, Newark, New Jersey 07102; and

WHEREAS, N.J.S.A. 40A:11-5(1)(a)(i) empowers the Governing Body and its autonomous agencies to award contracts for Professional Services without competitive bidding; and

WHEREAS, the City of Newark’s Department of Engineering (“the Department”) is in need of Professional Services to provide engineering services by consulting for the implementation of a Division of Transportation within the Department of Engineering, in order to leverage development and traffic and signal infrastructure initiatives, which includes identifying and securing funding opportunities on behalf of the City of Newark; and

WHEREAS, the City is in receipt of a proposal from Gary Toth (“Engineer”) located at 19 Cottage Street, Lambertville, New Jersey, 08530 to provide the requested professional services; and

WHEREAS, the proposal submitted by the Engineer demonstrates that it has the requisite knowledge, education, skills, and experience to provide the requested professional services on behalf of the City; and

WHEREAS, the Engineer has completed and submitted a Business Entity Disclosure Certification which certifies that the Engineer has not made any reportable contributions to a political or candidate committee in the City of Newark in the previous (1) one year, and that the contract will

prohibit Engineer from making any reportable contributions through the term of the contract; and

WHEREAS, the Department is interested in retaining the Professional Engineering Services of the Engineer for one (1) year from the period of August 1, 2023 through July 31, 2024, for an amount not to exceed One Hundred Thousand Dollars and Zero Cents (\$100,000.00); and

WHEREAS, the contract was not awarded through a Fair and Open Process as set forth at N.J.S.A. 19:44A-20.4 et seq. and there have not been any political contributions made to any representative of the City that would preclude the Engineer from providing the requested professional services; and

WHEREAS, the Business Entity and any of its subcontractors, if any, have certified that it is in compliance with the aforementioned Contractor Pay-to-Play Reform Ordinance §2:4-22C.1; and

WHEREAS, this contract has been determined and certified in writing to have a value in excess of \$17,500.00 and is being awarded as a Non-Fair and Open Contract, pursuant to N.J.S.A. 19:44A-20.4 et. seq.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:

1. The Mayor of the City of Newark and/or his designees, the Business Administrator and/or the Director of the Department of Engineering, are hereby authorized to enter into and execute a Professional Services Agreement with Gary Toth ("Engineer") located at 19 Cottage Street, Lambertville, New Jersey, 08530 to provide engineering services by consulting for the implementation of a Division of Transportation within the Department of Engineering in order to leverage development, and traffic and signal infrastructure initiatives including, identifying and securing funding opportunities on behalf of the City of Newark, in Washington D.C. and the State of NJ (Trenton), in amount not to exceed One Hundred Thousand Dollars and Zero Cents (\$100,000.00) for one (1) year from the period of August 1, 2023 through July 31, 2024.
2. Pursuant to N.J.A.C. 5:30-5.5(a), attached hereto is a partial certification of funds issued by the Chief Finance Officer's Certification, which states funds in the amount of Fifty Thousand Dollars and Zero Cents (\$50,000.00), for the purposes set forth herein, are available from Funding Source: NW011-110-1101-71280-B2023, the remaining balance (\$50,000.00) is to be certified when additional funds become available. The Certification shall be filed, along with the original resolution and the executed contract in the Office of the City Clerk.
3. The Municipal Council hereby ratifies this contract from August 1, 2023 to the date of adoption of this authorizing resolution.
4. 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); 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.
5. The Business Entity Disclosure Certification and the Determination of Value shall be placed on file with this resolution.

6. The Director of the Department of Engineering shall file a copy of the executed agreement herein authorized in the Office of the City Clerk and shall be made available for public inspection.
7. There shall be no amendments or changes to this contract without approval of the Municipal Council.
8. There shall be no advance payment 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 ten (10) days of its passage.

STATEMENT

This Resolution ratifies and authorizes the Mayor of the City of Newark and/or his designees, the Business Administrator and/or the Director of the Department of Engineering, on behalf of the City of Newark, to enter into and execute a Professional Services Agreement with Gary Toth (“Engineer”) located at 19 Cottage Street, Lambertville, New Jersey 08530 to provide engineering services by consulting for the implementation of a Division of Transportation within the Department of Engineering in order to leverage development and traffic and signal infrastructure initiatives, which include, identifying and securing funding opportunities on behalf of the City of Newark, in Washington D.C. and the State of NJ (Trenton) in amount not to exceed One Hundred Thousand Dollars and Zero Cents (\$100,000.00) for one (1) year from the period of August 1, 2023 through July 31, 2024.