



# City of Newark

City Hall  
920 Broad Street  
Newark, New Jersey 07102

## Legislation Text

File #: 16-0890, Version: 1

**Dept/ Agency:** Economic and Housing Development

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

**Type of Service:** Professional Services Contract

**Purpose:** Third Amendment to the Agreement to provide Professional Services, as Planning Consultants, to increase contract amount by \$40,000.00

**Entity Name:** Nishuane Group, LLC

**Entity Address:** 105 Grove Street, Suite #1, Montclair, New Jersey 07042

**Contract Amount:** Amount not to exceed \$140,000.00

**Funding Source:** City of Newark Budget /Department of Economic and Housing Development

**Contract Period:** July 1, 2015 through June 30, 2016

**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:**

Third Amendment increasing contract amount by \$40,000.00, for a new contract amount not to exceed \$140,000.00.

**Deferred 7R3-d 061516**

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

**WHEREAS**, the Municipal Council of the City of Newark, by Resolution 7R3-i(AS), adopted on July 1, 2015, awarded a contract to Nishuane Group, LLC, 105 Grove Street, Suite #1, Montclair, New Jersey 07042, to serve as Planning Consultants for matters that are currently being handled by Nishuane Group, LLC and any new matters that may arise during the contract term, in an amount not to exceed Seventeen Thousand Five Hundred Dollars and Zero Cents (\$17,500.00), for the period of July 1, 2015 through June 30, 2016; and

**WHEREAS**, the City of Newark by Resolution 7R3-c (as), adopted on October 21, 2015, amended the contract with, Nishuane Group, LLC, 105 Grove Street, Suite #1, Montclair, New Jersey 07042, to serve as Planning Consultants for matters currently being handled and any additional matters that may arise during the contract term, in an amount not to exceed Thirty-Two Thousand Five Hundred Dollars and Zero Cents (\$32,500.00), for the period of July 1, 2015 through June 30, 2016; and

**WHEREAS**, on March 2, 2016, the Municipal Council adopted Resolution 7R3-a the Second Amendment to the contract and increased the contract amount by \$50,000.00 for a new contract not to exceed \$100,000.00; and

**WHEREAS**, Nishuane Group, LLC, currently has outstanding bills for 2016 and pending

matters, which will exhaust the total contract amount; and

**WHEREAS**, the outstanding bills and pending planning matters for 2016 require an increase in the total contract amount; and

**WHEREAS** Nishuane Group, LLC, represents that an additional Forty Thousand Dollars and Zero Cents (\$40,000.00), is necessary for the firm to continue to provide Planning Consultant Services through June 30, 2016; and

**WHEREAS**, the requested increase in the total contract amount is deemed reasonable and necessary to pay for Planning Consultant Services provided through June 30, 2016; and

**WHEREAS**, the contract was awarded in compliance with Local Public Contracts Law, and through the fair and open process of State Pay-to-Play, and in compliance with Reform Ordinance 2:4-22c; and

**WHEREAS**, the City desires to enter into a Third Contract Amendment to increase an additional Forty Thousand Dollars and Zero Cents (\$40,000.00) and bring the total contract amount not to exceed One Hundred and Forty Thousand Dollars and Zero Cents (\$140,000.00), for the period of July 1, 2015 through June 30, 2016.

**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 and directed on behalf of the City of Newark to execute a Third Amendment to the Agreement to Provide Planning Services with Nishuane Group, LLC, 105 Grove Street, Suite #1, Montclair, New Jersey 07042, provided through June 30, 2016 as Planning Consultants for an additional Forty Thousand Dollars and Zero Cents (\$40,000.00) for a total contract amount not to exceed One Hundred and Forty Thousand Dollars and Zero Cents (\$140,000.00), for the period of July 1, 2015 through June 30, 2016, to cover outstanding bills and new matters that may arise during the term of the contract.
2. The Municipal Council hereby ratifies this Third Contract Amendment from July 1, 2015 to the date of the adoption of this resolution.
3. All other terms and conditions of the contract shall remain the same.
4. This Third Amendment to the Agreement to provide Planning Consultant Services is made in accordance with the professional services exception to public bidding in the Local Public Contracts Law (N.J.S.A. 40A:11-5(1)(a)(i)), and Fair and Open Procedures of the State Pay-to-Play Law (N.J.S.A. 19:44A-20.5) and is in compliance with the Contractor Pay-to-Play Reform Ordinance, 2:4-22C.
5. Attached is a Certification of Funds from the Finance Director which states (1) that there are sufficient and appropriated funds, in the amount of \$40,000.00, for the purposes stated herein and (2) that the line appropriation of the official budget which shall be charged is:

Business Unit: NW026, Account #: 32100, Budget Ref.: B2016.

6. The Deputy Mayor/Director of the Department of Economic and Housing Development shall file a copy of the executed Third Amendment to the Agreement to provide Planning Consultant Services herein authorized with the Office of the City Clerk and same shall be made available for public inspection.
  
7. 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 hereby ratifies, amends and authorizes the Mayor and/or his designee, the Deputy Mayor/Director of the Department of Housing and Economic Development, to enter into and execute a Third Amendment to the Agreement with Nishuane Group, LLC, 105 Grove Street, Suite #1, Montclair, New Jersey 07042, to cover outstanding bills, ongoing and new matters that may arise during the term of the contract for Planning Consultant Services for an additional Forty Thousand Dollars and Zero Cents (\$40,000.00), for a total contract amount not to exceed One Hundred and Forty Thousand Dollars and Zero Cents (\$140,000.00), for the period of July 1, 2015 through June 30, 2016.