



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 23-1261, Version: 1

Dept/Agency: Offices of Municipal Council/City Clerk

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

Type of Service: Professional Service Contract (Non-Fair and Open) Exception to Public Bidding - Pursuant to N.J.S.A. 40A:11-5(1)(a)(i)

Purpose: To permit the contractor to complete the auditing services for fiscal years 2022 and 2023.

Entity Name: Samuel Klein and Company, LLP, CPA's

Entity Address: 550 Broad Street, 11th Floor, Newark, New Jersey 07102

Contract Amount: Not to exceed \$130,332.00

Funding Source: 2022 and 2023 Budgets/Office of the City Clerk/NW011-020-0201-71250-B2022 and B2023

Contract Period: May 19, 2023 through December 31, 2023

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

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

() Private Sale () Grant () Sub-recipient () N/A

Additional Information:

WHEREAS, the Municipal Council adopted Resolution 7R8-d on June 2, 2022, authorizing a contract with Samuel Klein and Company, LLP, CPA's, (Joseph J. Faccone, Registered Municipal Accountant), 550 Broad Street, 11th Floor, Newark, New Jersey 07102 ("auditor"), to provide the audits for the years of 2022 and 2023, fiscal activities for the City of Newark for both the Statutory Audit and the Single Audit; for the review and assistance with the preparation and filing of the Annual Debt Statements, and the Annual Unaudited Financial Statements for the years of 2022 and 2023, the Municipal Budget, Budget Amendments, Adopted Budget, the Budget CAP Calculation, the Budget Levy CAP Calculation Workbook, the Calculation of the Reserve for Uncollected Taxes and for the Resolutions, Ordinances and documentation needed to support the Unaudited Financial Statements, the Municipal Budget, Budget Amendments and the Adopted Budget; along with other advisory and related accounting services for the years ending 2022 and 2023 ("auditing services" for the period commencing May 19, 2022 and ending May 18, 2023 and was for an amount not to exceed **Four Hundred Eighty-Five Thousand Dollars and Zero Cents (\$485,000.00)**; and

WHEREAS, the time for completion of the services expired and a new contract is required to permit the auditor to complete the 2022 and 2023 audits; and

WHEREAS, the a balance of **One Hundred Thirty Thousand Three Hundred Thirty-Two Dollars and Zero Cents (\$130,332.00)** remains for service authorize by 7R8-d on June 2, 2022; and

WHEREAS, the aforementioned auditing services are provided by a Registered Municipal Accountant pursuant to N.J.S.A. 40A:5-9 and constitute professional services within the meaning of N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, pursuant to N.J.S.A. 40A:11-5(1)(a)(i), a professional services contract may be awarded by the Municipal Council by resolution without public advertising for bids and bidding therefor; and

WHEREAS, the City Clerk, on behalf of the Municipal Council, wishes to enter into and execute a professional services contract with Samuel Klein and Company, LLP, CPA's (Joseph J. Faccone, Registered Municipal Accountant), 550 Broad Street, 11th Floor, Newark, New Jersey 07102 for a contract period of seven (7) months commencing May 18, 2023 and ending December 31, 2023 to permit the auditor to complete the fiscal 2022 and 2023 audits; and

WHEREAS, Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(i), requires that notice of the contract be printed in the official newspaper of the municipality, setting forth the nature, duration, services and amount of the contract and that the Resolution and the contract be placed on file in the Office of the City Clerk and made available for public inspection; and

WHEREAS, this contract is for an amount over \$17,500.00 and is being awarded as a Non-Fair and Open Contract pursuant to 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 City Clerk, on behalf of the Municipal Council, is hereby authorized to enter into and execute a contract with Samuel Klein and Company, LLP, CPA's, (Joseph J. Faccone, Registered Municipal Accountant), 550 Broad Street, 11th Floor, Newark, New Jersey, 07102, to provide the audits for the years of 2022 and 2023, fiscal activities for the City of Newark for both the Statutory Audit and the Single Audit; for the review and assistance with the preparation and filing of the Annual Debt Statements, and the Annual Unaudited Financial Statements for the years of 2022 and 2023, the Municipal Budget, Budget Amendments, Adopted Budget, the Budget CAP Calculation, the Budget Levy CAP Calculation Workbook, the Calculation of the Reserve for Uncollected Taxes and for the Resolutions, Ordinances and documentation needed to support the Unaudited Financial Statements, the Municipal Budget, Budget Amendments and the Adopted Budget; along with other advisory and related accounting services for the years ending 2022 and 2023. This new contract is for an amount not to exceed **One Hundred Thirty Thousand Three Hundred Thirty-Two Dollars and Zero Cents (\$130,332.00)**.
2. The term of this contract shall be from May 19, 2023 through December 31, 2023.
3. This contract is ratified from May 19, 2023 to the date of adoption of this authorizing Resolution.
4. Pursuant to N.J.A.C. 5:30-5.5(a), Temporary Budget, attached hereto is a Comptroller's Certification, which states funds in the amount of One Hundred Thirty Thousand Three Hundred Thirty-Two Dollars and Zero Cents (\$130,332.00) are available in the 2022 Budget, Business Unit: NW011; Dept.: 020; Div./Proj.: 0201; Activity: A; Account #71250; Budget Ref.: B2022. The Certification shall be filed, along with the original Resolution and the executed

contract, in the Office of the City Clerk.

5. The contract is awarded as a Non-Fair and Open Contract pursuant to N.J.S.A. 19:44A-20.5; and the Business Entity has provided a statement that it is in compliance with the City of Newark, Contractor Pay-to-Play Ordinance, 2:4-22C.
6. This contract is being awarded without public bidding pursuant to the exception of the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(i), and because these services are to be rendered by a person authorized by law to practice a recognized profession, whose practice is regulated by law, and the performance of which services required knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction.
7. The contract will contain language prohibiting any contributions in violation of any state or local law.
8. A copy of the executed contract herein authorized shall be filed 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 within ten (10) days of its passage.
10. There shall be no amendments or changes to this contract without approval of the Municipal Council.
11. There shall be no advance payments on this contract in accordance with N.J.S.A. 40A:11-5(1)(a)(i).

STATEMENT

This Resolution authorizes the City Clerk, on behalf of the Municipal Council, to enter into and execute a contract with Samuel Klein and Company, LLP, CPA's, (Joseph J. Faccone, Registered Municipal Accountant), 550 Broad Street, 11th Floor, Newark, New Jersey 07102 ("auditor"), to allow the auditor to complete the audits for the years of 2022 and 2023. The contract is for a period of seven (7) months from May 19, 2023 through December 31, 2023 and is for an amount not to exceed **One Hundred Thirty Thousand Three Hundred Thirty-Two Dollars and Zero Cents (\$130,332.00)**. The Resolution ratifies the contract from May 19, 2023 to the date of this authorizing Resolution.