



# City of Newark

City Hall  
920 Broad Street  
Newark, New Jersey 07102

## Legislation Text

File #: 11-1508, Version: 1

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

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

**Type of Service:** Professional Services Contract

**Purpose:** Architectural Services for City-wide Façade Improvement Program

**Entity Name:** MRuiz Design, LLC

**Entity Address:** 74 Bruen Street Newark, NJ 07105

**Contract Amount:** \$122,950.00

**Funding Source:** Urban Enterprise Zone Trust Fund

**Contract Period:** One year from the date that a notice to proceed has been issued by the Department of Economic & Housing Development

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

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

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

**Additional Information:**

Resolution 7R3-B 041509, Apply for UEZ Funds \$3,923,500.00

Resolution 7R3-G 102109, Accept UEZ Grant Funds \$3,923,500.00

**Invitation: Director of Economic & Housing Development, July 31, 2012**

**Failed 7R3-a 080112**

**WHEREAS**, pursuant to 7R3-B, adopted April 15 2009, the Deputy Mayor/Director of the Department of Economic and Housing Development and the Acting Director of the Newark Office of the Urban Enterprise Zone was authorized to submit an application to the New Jersey Urban Enterprise Zone Authority on behalf of the City of Newark for \$3,923,500.00 to fund a Zone Assistance Fund Project: Citywide Commercial Corridor Revitalization Façade Improvement Program, Phase I; and

**WHEREAS**, pursuant to Resolution 7R3-G, adopted October 21, 2009, the Deputy Mayor/Director of Economic and Housing Development and the Acting Director of the Newark Office of the Urban Enterprise Zone was authorized to enter into and execute an agreement with and accept grant funds from the New Jersey Urban Enterprise Zone Authority in the amount of \$3,923,500.00 to fund the project titled: Citywide Commercial Corridor Revitalization Façade Improvement Program, Phase I, within the Urban Enterprise Zone (the "Program"); and

**WHEREAS**, licensed architectural services are professional services exempt from the public bidding requirements of the Local Public Contracts Law, pursuant to N.J.S.A 40A:11-5(1)(a)(i), because these services are to be rendered by a person (or persons) authorized by law to practice a recognized profession, whose practice is regulated by law, and the performance of which services requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study as distinguished from general academic instruction; and

**WHEREAS**, the Newark Office of the Urban Enterprise Zone wishes to enter into a professional services contract with MRuiz Design, LLC, 74 Bruen Street, Newark, NJ 07105, in an amount not to exceed One Hundred Twenty-Two Thousand Nine Hundred Fifty Dollars (\$122,950.00), to perform architectural services for the Program, for the period of one year from the date that a notice to proceed has been issued by the Department of Economic & Housing Development, as more specifically set forth in the contract attached hereto and made a part thereof; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) requires that a notice of the award of contracts for “Professional Services” without competitive bidding must be published in a local newspaper; and

**WHEREAS**, this contract is for an amount over \$17,500 and is being awarded as a non-fair and open contract pursuant to N.J.S.A. 19:44A-20.5; and

**WHEREAS** MRuiz Design, LLC has completed and submitted a City of Newark Political Contribution Disclosure Form and a Business Entity Disclosure Certificate certifying that MRuiz Design, LLC has not made any reportable contributions to a political or candidate committee in the City of Newark in the previous one year, and this contract for architectural services with the City will prohibit MRuiz Design, LLC from making any reportable contributions through the term of the contract; and

**WHEREAS**, the Mayor of the City of Newark signed into law Executive Order Number MEO-07-0001 (hereinafter “Pay-to-Play Executive Order”), which requires reporting of political contributions to Newark Municipal Candidates and prohibits certain political contributions during the duration of the contract.

**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 to enter into and execute a Professional Services contract in the amount of One Hundred Twenty-two Thousand and Nine Hundred and Fifty Dollars (\$122,950.00) with MRuiz Design, LLC, 74 Bruen Street, Newark, NJ 07105, to provide architectural services for the City-wide Commercial Corridor Revitalization Façade Improvement Program, Phase I (the “Program”), for the period of one year from the date that a notice to proceed has been issued by the Department of Economic & Housing Development, as more specifically set forth in the contract attached hereto and made a part thereof.
2. A copy of the “Notice to Proceed” shall be filed in the Office of the City Clerk by the Deputy Mayor/Director of the Department of Economic and Housing Development.
3. Attached hereto is a certification of funds from the Municipal Comptroller of the City of Newark, in the amount of \$122,950.00 which states (1) that there are sufficient funds for the purpose

set forth hereinabove and (2) that the line appropriation of the official budget which shall be charged is Business Unit NW051, Department G09, Division A19R0; Account 71280; Budget Ref. B2009.

4. This contract is being awarded pursuant to the non-fair and open procedures of the Pay-to-Play Law N.J.S.A. 19:44A-20.5 and pursuant to the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-5 (1)(a)(i)) because these services are to be rendered by a person (or persons) whose performance requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study, as distinguished from general academic instruction and is in compliance with Newark Executive Order MEO-07-0001, effective March 31, 2007.
5. MRuiz Design, LLC has completed and submitted a City of Newark Political Contribution disclosure Form and a Business Entity Disclosure Certificate certifying that MRuiz Design, LLC has not made any reportable contributions to a political or candidate committee in the City of Newark in the previous one year, and this contract for architectural services with the City will prohibit MRuiz Design, LLC from making any reportable contributions through the term of the contract.
6. The Determination of Value is attached.
7. The executed contract, the certifications of funds, the determination of value, City of Newark political contribution disclosure form and the business entity disclosure certificate shall be filed in the Office of the City Clerk by the Deputy Mayor/Director of the Department of Economic and Housing Development.
8. There shall be no amendments or changes of this contract without approval of the Municipal Council.
9. There shall be no advance payments on this contract in accordance with N.J.S.A. 40A:5-16.
10. 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 10 days of its passage.

#### **STATEMENT**

This resolution authorizes the Mayor and/or his designee, the Deputy Mayor/Director of the Department of Economic and Housing Development, to enter into and execute a Professional Services contract in the amount of One Hundred Twenty-two Thousand Nine Hundred and Fifty Dollars (\$122,950.00) with MRuiz Design, LLC, 74 Bruen Street, Newark, NJ 07105 to provide architectural services for the City-wide Commercial Corridor Revitalization Façade Improvement Program, Phase I, for the period of one year from the date that a notice to proceed has been issued by the Department of Economic & Housing Development.