



Legislation Text

File #: 11-1509, Version: 2

Dept/ Agency: Economic & Housing Development

Action: Ratifying Authorizing Amending

Type of Service: Professional Services Contract

Purpose: To provide architectural services for the Citywide Façade Improvement Program

Entity Name: Mikesell Associates

Entity Address: 17 Academy Street, Suite 800, Newark, New Jersey 07102

Contract Amount: \$100,000.00

Funding Source: Urban Enterprise Zone Trust Fund

Contract Period: One (1) year from the date the Notice to Proceed has been issued by the Department of Economic & Housing Development.

Contract Basis: Bid State Vendor Prof. Ser. EUS

Fair & Open No Reportable Contributions RFP RFQ

Private Sale Grant Sub-recipient n/a

Additional Information:

Resolution 7R3-j 021611, retained Mikesell Associates to provide professional architectural services.

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

WHEREAS, the City of Newark through Resolution 7R3-j dated February 16, 2011, retained the services of Mikesell Associates, 17 Academy Street, Suite 800, Newark, New Jersey 07102, to provide professional architectural services for the Zone Assistance Fund Project titled: Citywide Commercial Corridor Revitalization Façade Improvement Program, Phase I (the "Program"), in an amount of One Hundred Forty-One Thousand Seven Hundred Dollars (\$141,700.00), for a period of twelve (12) months beginning on October 31, 2010 and terminating on November 1, 2011; and

WHEREAS, the City has a need to continue the architectural services for the Program and is satisfied with the services provided by Mikesell Associates; and

WHEREAS, Mikesell Associates spent Forty Three Thousand One Hundred Forty-Two Dollars (\$43,142.00) during the term of the contract authorized through Resolution 7R3-j 021611, leaving a balance on said contract in the amount of Ninety-Eight Thousand, Five Hundred and Fifty-Eight Dollars (\$98,558.00). Mikesell Associates shall not be entitled to said balance for any work performed after the termination date on November 1, 2011; and

WHEREAS, in order to comply with the restrictions placed on the duration and extension of contracts for "Professional Services" by operation of N.J.S.A. 40A:11-15, and to accommodate the City of Newark's need for architectural services for the Program, the Mayor and/or his designee the Deputy Mayor/ Director of the Department of Economic & Housing Development desire to enter into a new contract with Mikesell Associates, for an amount of One Hundred Thousand Dollars (\$100,000.00) for a period of one (1) year from the date that a Notice to Proceed is issued by the Department of Economic & Housing Development, which shall be for those matters not completed

during the term of the original contract authorized by Resolution 7R3-j 021611, as well as any new matters that may arise during the new contract term, 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 \$17,500.00 and is being awarded as a non-fair and open contract pursuant to N.J.S.A. 19:44A-20.5; and

WHEREAS, Mikesell Associates has completed and submitted a City of Newark Political Contribution Disclosure Form and a Business Entity Disclosure Certificate certifying that Mikesell Associates has not made any reportable contributions to a political or candidate committee in the City of Newark in the previous one (1) year, and this contract for architectural services with the City will prohibit Mikesell Associates 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 Thousand Dollars (\$100,000.00) with Mikesell Associates, 17 Academy Street, Suite 800, Newark, New Jersey 07102 to provide architectural services for the Citywide Commercial Corridor Revitalization Façade Improvement Program, Phase I (the “Program”), for a period of one (1) year from the date that a Notice to Proceed is issued by the Department of Economic & Housing Development, which shall be for those matters not completed during the term of the original contract authorized by Resolution 7R3-j 021611, as well as any new matters that may arise during the new contract term, as more specifically set forth in the contract attached hereto and made a part thereof.
2. Attached hereto is a certification of funds from the Municipal Comptroller of the City of Newark, in the amount of \$100,000.00, 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.
3. The Municipal Comptroller shall decertify the balance of funds on the contract authorized by the Municipal Council through Resolution 7R3-j 021611 in the amount of Ninety-Eight Thousand, Five Hundred and Fifty- Eight Dollars (\$98,558.00).
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. Mikesell Associates has completed and submitted a City of Newark Political Contribution Disclosure Form and a Business Entity Disclosure Certificate certifying that Mikesell Associates has not made any reportable contributions to a political or candidate committee in the City of Newark in the previous one (1) year, and this contract for architectural services with the City will prohibit Mikesell Associates from making any reportable contributions through the term of the contract.
6. The Determination of Value is attached.
7. The executed contract, the certification 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 ten (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 Thousand Dollars (\$100,000.00) with Mikesell Associates, 17 Academy Street, Suite 800, Newark, New Jersey 07102 to provide architectural services for the Citywide Commercial Corridor Revitalization Façade Improvement Program, Phase I, for a period of one (1) year from the date that a Notice to Proceed is issued by the Department of Economic & Housing Development.