



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 17-1220, Version: 1

Dept/ Agency: Economic and Housing Development

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

Type of Service: Professional Services Contract

Purpose: Professional Engineering Services for Mulberry Commons Park Project

Entity Name: Pennoni Associates, Inc.

Entity Address: 24 Commerce Street, Suite 300, Newark, New Jersey 07102

Contract Amount: Amount not to exceed \$448,395.00

Funding Source: 2016/2017 Budget/ Department of Economic and Housing Development

Contract Period: 365 consecutive calendar days from the issuance of a formal Notice to Proceed

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

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

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

Addition Information:

WHEREAS, the City of Newark, Department of Economic and Housing Development is in need of professional engineering services relating to the design and development of Mulberry Commons Park Project; and

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

WHEREAS, the Department of Economic and Housing Development has a need to acquire professional engineering services as a non-fair and open contract pursuant to N.J.S.A. 19:44A-20.5, and has selected an engineering company for the design and development of the Mulberry Commons Park Project; and

WHEREAS, the Acting Director of the Department of Economic and Housing Development desires to accept the proposal submitted by Pennoni Associates, Inc., 24 Commerce Street, Suite 300, Newark, New Jersey 07102, for the Mulberry Commons Park Project in the amount not to exceed \$448,395.00 Four Hundred Forty-Eight Thousand, Three Hundred Ninety-Five Dollars and Zero Cents; and

WHEREAS, Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that 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 in accordance with N.J.S.A. 19:44A-20.5; and

WHEREAS, the Municipal Council adopted the Contractor Pay-to-Play Reform Ordinance,

R.O. 2:4-22C, which forbids the award of a contract to a Business Entity, as defined therein, which has made or solicited political contributions to Newark Municipal Candidates, office holders having ultimate responsibility for the award of a contract; candidate committees of the aforementioned candidates; and political or political party committees of the City of Newark or County of Essex; and continuing political committees or political action committees regularly engaged in the support of the City of Newark municipal or County of Essex elections; and certain other political party or candidate committees, in excess of certain thresholds; and

WHEREAS, Pennoni Associates, Inc., has completed and submitted a Business Entity Disclosure Certification which certifies that Pennoni Associates, Inc., has not made any reportable contributions to a political or candidate committee in the City of Newark in the previous year and that the contract will prohibit Pennoni Associates, Inc., from making any reportable contributions through the term 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 Acting Director of the Department of Economic and Housing Development, are hereby authorized on behalf of the City of Newark, to enter into a contract with Pennoni Associates, Inc., 24 Commerce Street, Suite 300, Newark, New Jersey 07102, for Engineering Services, for the Mulberry Commons Park Project, in an amount not to exceed Four Hundred Forty-Eight Thousand, Three Hundred, Ninety-Five Dollars, and Zero Cents (\$448,395.00).
2. This contract is to be completed within a period of 365 consecutive calendar days from issuance of a formal Notice to Proceed by the Acting Director of the Department of Economic and Housing Development.
3. The Business Entity Disclosure Certification and the Determination of Value will be placed on file with this resolution.
4. Attached hereto is a Certification of Funds issued by the City of Newark, Director of Finance, which states that there are available sufficient legally appropriated funds for the purpose set forth hereinabove. A copy of the Certification of Funds issued shall be filed in the Office of the City Clerk by the Acting Director of the Department of Economic and Housing Development together with this resolution.
5. No changes to this contract are allowed without prior Municipal Council approval.
6. The Acting Director of the Department of Economic and Housing Development shall file a fully executed copy of the contract in the Office of the City Clerk and the same shall be made available for inspection.
7. This contract is being awarded as non-fair and open pursuant to N.J.S.A. 19:44A-20.5 and pursuant to N.J.S.A. 40A:11-5(1)(a)(i) and is in compliance with the Contractor Pay-to-Play Reform Ordinance, R.O. 2:4-22C.
8. There shall be no advance payments made against this contract in accordance with N.J.S.A.

40A:5-16.

9. Funds for this contract in the amount of \$448,395.00 are provided as below:

Fund	Dept.	Div./Proj.	Account#	Budget Ref.
NW045	007	07A00	94710	B2007

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 adoption of this Resolution.

STATEMENT

This resolution authorizes the Mayor and/or his designee, the Acting Director of the Department of Economic and Housing Development, on behalf of the City of Newark, to enter into a contract with Pennoni Associates, Inc., 24 Commerce Street, Suite 300, Newark, New Jersey 07102, for Engineering Services, for the Mulberry Commons Park Project, for an amount not to exceed \$448,395.00.