



# City of Newark

City Hall  
920 Broad Street  
Newark, New Jersey 07102

## Legislation Text

File #: 13-1101, Version: 1

**Dept/ Agency:** Engineering

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

**Type of Service:** Change Order/Amend Resolution

**Purpose:** "Renovations and Improvements to Sixteen (16) Sale-Lease Back Public Buildings" for Design and Preparation of Bid Documents and Construction Administration/Management for 255 Central Avenue, Newark, New Jersey 07103

**Entity Name:** Mikesell & Associates

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

**Contract Amount:** \$38,500.00

**Funding Source:** Essex County Improvement Authority ("ECIA")

**Contract Period:** Amend the term of the contract from February 27, 2012 through February 26, 2013 to February 27, 2012 through February 25, 2014

**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:**

Contract #25-2011PS "Renovations and Improvements to Sixteen (16) Sale-Lease Back Public Building" for Design and Preparation of Bid Documents and Construction Administration/Management for 255 Central Avenue, Newark, New Jersey 07104.

**WHEREAS**, Resolution 7R4-c adopted December 21, 2011, authorized the Director of the Department of Engineering to execute Contract #25-2011PS "Renovations and Improvements to Sixteen (16) Sale-Lease Back Public Buildings" for Design and Preparation of Bid Documents and Construction Administration/Management, for 255 Central Avenue, Newark, New Jersey 07103, with Mikesell & Associates, 17 Academy Street, Suite 800, Newark, New Jersey 07102, in the amount of \$38,500.00; and

**WHEREAS**, a 'Notice to Proceed' was issued dated February 27, 2012, specifying February 27, 2012 as the commencement date of the contract and terminating on February 26, 2013; and

**WHEREAS**, due to unforeseen delays with the contractor procurement process for the construction contract (See Attachment A), an extension of time is necessary; and

**WHEREAS**, the Director of the Department of Engineering desires to amend Contract #25-2011PS "Renovations and Improvements to Sixteen (16) Sale-Lease Back Public Buildings" for Design and Preparation of Bid Documents and Construction Administration/Management for 255 Central Avenue, Newark, New Jersey, to extend the contract term from February 27, 2012 to February 26, 2013 to February 27, 2012 to February 25, 2014, at no additional cost to the City; and

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

**WHEREAS**, this contract amendment is being awarded as a non-fair and open contract pursuant to the Pay-to-Play Executive Order and in accordance with the Local Pay-to-Play Law, 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 Mayor and/or his designee, the Director of the Department of Engineering, are hereby authorized to execute Amendment #1 to Contract #25-2011PS "Renovations and Improvements to Sixteen (16) Sale-Lease Back Public Buildings" for Design and Preparation of Bid Documents and Construction Administration/Management for 255 Central Avenue, Newark, New Jersey 07103, (hereinafter, "Contract #25-2011PS"), with Mikesell & Associates, 17 Academy Street, Suite 800, Newark, New Jersey 07102, to amend the term from February 27, 2012 to February 26, 2013 to February 27, 2012 to February 25, 2014. The contract amendment is hereby ratified from February 26, 2013 to the date of the adoption of this resolution.
2. The Municipal Council hereby ratifies the contract amendment from February 26, 2013, to the date of the adoption of this resolution.
3. All other terms and conditions of Contract #25-2011PS shall apply and remain in force until the contract is completed.
4. A fully executed copy of Amendment #1 to Contract #25-2011PS shall be filed in the Office of the City Clerk by the Director of the Department of Engineering.
5. No further amendments or modifications to this amended contract shall be permitted without prior Municipal Council approval.
6. There shall be no advance payments made against this contract in accordance with N.J.A.C. 40A:5-16.
7. A notice of this action will be published in the newspaper as required by law within ten (10) days of its passage. Mikesell & Associates has completed and submitted a Business Entity Disclosure Certification and an updated City Political Disclosure Statement which certifies that the Business Entity, as defined therein, has not made or solicited any unauthorized contributions to a political or candidate committee in the City of Newark in the previous one year, and the contract will prohibit Mikesell & Associates, from making or soliciting any contributions through the term of the contract.
8. A fully executed copy of this amendment shall be filed in the Office of the City Clerk by the Director of the Department Engineering or his designee.
9. This amendment to a professional service contract is awarded under the provisions of the Local Public Contracts Law N.J.S.A. 40A:11-5(1)(a)(i), and pursuant to the New Jersey Local Unit Pay-to-Play Law, N.J.S.A. 19:44-20.5 as a 'Non-Fair and Open Contract', and in compliance with Executive Order (MEO-07-0001) effective March 31, 2007.

**STATEMENT**

This resolution ratifies and authorizes the Mayor and/or his designee the Director of Engineering, to execute Amendment #1 to Contract #25-2011PS “Renovations and Improvements to Sixteen (16) Sale-Lease Back Public Buildings” for Design and Preparation of Bid Documents and Construction Administration/Management for 255 Central Avenue, Newark, New Jersey 07103, to amend the term from February 27, 2012 to February 26, 2013 to February 27, 2012 to February 25, 2014, with Mikesell & Associates, 17 Academy Street, Suite 800, Newark, New Jersey 07102, at no additional cost to the City.