



## Legislation Text

File #: 21-1852, Version: 1

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

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

**Type of Service:** Professional Services Contract

**Purpose:** An Agreement to provide Project Management Services, with Engineering Services, for the Riverfront Park Expansion Project.

**Entity Name:** Cumming Management Group, Inc., having an alternate name of Lehrer Cumming

**Entity Address:** 200 South Avenue East, Suite 302, Cranford, New Jersey 07016

**Contract Amount:** Not to exceed \$627,039.00

**Funding Source:** Capital Project Expenditure

**Contract Period:** Until project completion pursuant to N.J.S.A. 40A:11-15(9)

**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:**

**WHEREAS**, Resolution 7R2-b(S) adopted on July 23, 2019, authorized the then-Interim Deputy Mayor/Director of the Department of Economic and Housing Development to enter into and execute a contract with Cumming Construction Management, Inc., 200 South Avenue East, Suite 302, Cranford, New Jersey 07016, having an Alternate Name registered in New Jersey as Lehrer Cumming (“Lehrer Cumming”), (which registration was filed with the State of New Jersey Division of Revenue on January 11, 2019), to provide Project Management Services, including engineering services, for the Expansion of the Newark Riverfront Park, in an amount not to exceed One Hundred Twenty Thousand Dollars and Zero Cents (\$120,000.00), for a contract period of one (1) year from the date of the issuance of a written Notice to Proceed (hereinafter the “Initial Contract”); and

**WHEREAS**, since Lehrer Cumming received verbal authorization to commence work on the Initial Contract on November 7, 2019, the Initial Contract expired on November 7, 2020; and

**WHEREAS**, Lehrer Cumming changed its legal name from Cumming Construction Management, Inc., to Cumming Management Group, Inc., but retained “Lehrer Cumming” as its Alternate Name; and

**WHEREAS**, Resolution 7R2-c adopted on July 20, 2021 authorized the execution of a contract for additional and continued Project Management Services, including Engineering Services, for the ongoing expansion of the Newark Riverfront Park, which was ratified back to pay for work performed during the time between the expiration of the Initial Contract and the adoption of Resolution 7R2-c, for a contract amount not to exceed Two Hundred Forty Thousand Dollars and Zero Cents (\$240,000.00) (“1<sup>st</sup> Extension Contract”); and

**WHEREAS**, the City of Newark (the “City”), is in need of additional and continued Project Management Services, including Engineering Services, for the ongoing expansion/construction of the

Newark Riverfront Park, consistent with the Initial Contract authorized by Resolution 7R2-b(S) adopted on July 23, 2019 and the 1<sup>st</sup> Extension Contract authorized by Resolution 7R2-c adopted on July 20, 2021; and

**WHEREAS**, Project Management Services, which includes Engineering Services are “Professional Services” exempt from the public bidding requirements pursuant to Local Public Contracts Law, more specifically, N.J.S.A. 40A:11-5(1)(a)(i); and

**WHEREAS**, to maintain continuity on the Project, the City wishes to enter into a Professional Services Contract with Lehrer Cumming to continue providing Project Management Services, including Engineering Services, for the expansion of the Newark Riverfront Park, for a contract amount not to exceed Six Hundred Twenty-Seven Thousand and Thirty-Nine Dollars and Zero Cents (\$627,039.00); and

**WHEREAS**, since the expansion of the Newark Riverfront Park is a public facility, which requires construction and is considered a single project, the Contract term shall be until project completion as authorized, pursuant to N.J.S.A. 40A: 11-15(9); and

**WHEREAS**, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., requires that a notice of award of contract for Professional Services without competitive bidding be published in a local newspaper briefly setting forth the nature, duration, service, and amount of contract; and

**WHEREAS**, this Contract is for an amount over \$17,500.00 and is being awarded, pursuant to a “Non-Fair and Open Process” pursuant to N.J.S.A. 19:44A-20.5 and is in compliance with the City’s Ordinance on Pay-to-Play; and

**WHEREAS**, Lehrer Cumming, has completed and submitted a Business Entity Disclosure Certification, which certifies that it has not made any reportable contributions to a political or a candidate committee in the City of Newark in the previous one (1) year, and that the contract will prohibit Lehrer Cumming, from making any reportable contributions through the term of the contract; and

**NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:**

1. The Mayor of the City of Newark 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 Contract with Cumming Management Group, Inc., 200 South Avenue East, Suite 302, Cranford, New Jersey 07016, having an alternate name registered in New Jersey as Lehrer Cumming (Lehrer Cumming), to provide Project Management Services, including Engineering Services, for the expansion of the Newark Riverfront Park, for a contract amount not to exceed Six Hundred Twenty-Seven Thousand and Thirty-Nine Dollars and Zero Cents (\$627,039.00).
2. The term of the Contract shall be from the full execution of the Contract until the completion of the Newark Riverfront Park Expansion project per N.J.S.A. 40A: 11-15(9).
3. The Contract is for Project Management Services, including Engineering Services, which is a

Professional Service and is being awarded without competitive bidding, as an exception to the public bidding requirements in accordance with N.J.S.A. 40A:11-5(1)(a)(i) of the Local Public Contracts Law.

4. The Contract is awarded pursuant to the Non-Fair and Open Procedures of the State 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)) and is in compliance with the Pay-to-Play Ordinance, Newark, New Jersey Municipal Code § 2:4-22C.
5. Lehrer Cumming has completed and submitted a Business Entity Disclosure Certificate, which shall be placed on file with this Resolution and the Contract, in the Office of the City Clerk.
6. Attached hereto is the Certification of Funds from the Director of the Department of Finance, which states that there are available sufficient legally appropriated funds in the amount Six Hundred Twenty-Seven Thousand and Thirty-Nine Dollars and Zero Cents (\$627,039.00) for the purposes set forth herein, under the Capital Project Expenditure Budget, Business Unit: NW045, Department: 16G, Div./Proj.: 16C00, Activity: A, Account: 94710, Budget Ref.: B2016. A copy of the Certification of Funds issued shall be filed in the Office of the City Clerk by the Deputy Mayor/Director of the Department of Economic and Housing Development together with this resolution.
7. There shall be no amendments or changes to this contract without prior approval of the Municipal Council.
8. There shall be no advance payments made against this Contract in accordance with N.J.S.A. 40A:5-16.
9. This contract amendment is ratified from January 1, 2021, to the date of adoption of this authorizing Resolution.
10. The Determination of Value Letter, Business Entity Disclosure Certificate, and City of Newark Political Contribution Disclosure Form are attached and will be filed with the Office of the City Clerk by the Deputy Mayor/Director of the Department of Economic and Housing Development.
11. A copy of the fully executed contract herein authorize shall be filed in the Office of the City Clerk by the Deputy Mayor/Director of the Department of Economic and Housing Development and shall be made available for public inspection.
12. 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 the adoption of this Resolution.

### **STATEMENT**

This Resolution authorizes the Mayor of the City of Newark 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 with Cumming Management Group, Inc., 200 South Avenue East,

Suite 302, Cranford, New Jersey 07016, to provide Project Management Services, including Engineering Services, for the expansion of the Newark Riverfront Park, for a contract amount not to exceed \$627,039.00, until project completion per N.J.S.A. 40A: 11-15(9).