



Legislation Text

File #: 23-1071, Version: 1

Dept/ Agency: Administration/Division of Central Purchasing

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

Type of Service: Extension of Emergency Contract #E2022-13

Purpose: To extend the Emergency Contract to provide the services of negotiating and setting up payment plans and providing the software platform for payment processing for water and sewer account holders with outstanding debts above \$500.00.

Entity Name: Promise Network, Inc.

Entity Address: 436 14th Street, Suite 920, Oakland, California 94612

Contract Amount: Not to exceed \$203,500.00

Funding Source: 2023 Budget/Department of Water and Sewer Utilities/NW037-750-7501-71280-B2023

Contract Period: Extended from December 27, 2022 until September 25, 2023

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

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

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

Additional Information:

On November 9, 2022, pursuant to N.J.S.A. 40A:11-6 and N.J.A.C. 5:34-6.1(a), the Purchasing Agent, QPA, approved the request of the Department of Water and Sewer Utilities for an Emergency Contract #E2022-13 with Promise Network Inc., 436 14th Street, Suite 920, Oakland, CA 94612, declaring an emergent need for a service provider to set-up and service payment plans for City of Newark residents with outstanding Water and Sewer Utility accounts, for the period of September 27, 2022 through December 26, 2022, in an amount not to exceed \$43,500,00.

WHEREAS, during the COVID-19 pandemic New Jersey Governor Phil Murphy issued numerous Executive Orders freezing collection efforts and shut-off of outstanding utility accounts, including water and sewer accounts. Once the freeze lifted, residents remained without the financial resources to pay, among other debts, outstanding water and sewer utility balances in a lump sum payment; and

WHEREAS, as a result, the City's Administration and Director of the Department of Water and Sewer Utilities determined it was in the best interests of its residents to allow for payment plans to assist in managing the payments of the outstanding bills and current bills; and

WHEREAS, on November 7, 2022, the Department Water and Sewer Utilities requested a declaration of emergency for a service provider to set-up and service payment plans for City of Newark residents with outstanding Water and Sewer Utility accounts; and

WHEREAS, on November 9, 2022, pursuant to N.J.S.A. 40A:11-6 and N.J.A.C. 5:34-6.1(a), the Purchasing Agent, QPA, approved the aforementioned request and the Department of Water and Sewer Utilities entered into Emergency Contract #E2022-13 with Promise Network Inc., 436 14th Street, Suite 920, Oakland, CA 94612 for a period of September 27, 2022 through December 26,

2022 with a “not to exceed” amount of Forty-Three Thousand Five Hundred Dollars and Zero Cents (\$43,500.00); a copy of said Emergency Contract #E-2023-03 is attached hereto and made a part hereof; and

WHEREAS, the Department of Water and Sewer Utilities continues to be in immediate and emergent need of the service to assist residents who are still recovering from the adverse economic impacts of the COVID-19 pandemic while the Department prepares bid specifications to continue to offer these or similar services; and

WHEREAS, N.J.S.A. 40A:11-6 provides that Emergency Contracts may be entered into when an emergency affecting the public health, safety or welfare requires the immediate delivery of goods or the performance of service; and

WHEREAS, the Department of Water and Sewer Utilities desires to ratify and extend Emergency Contract #E2022-13 for the period commencing December 27, 2022, through September 25, 2023 and increase the contract by One Hundred Sixty Thousand Dollars and Zero Cents (\$160,000.00) for a new total amount not to exceed Two Hundred Three Thousand Five Hundred Dollars and Zero Cents (\$203,500.00); and

WHEREAS, N.J.A.C. 5:34-6.1(a)(3) provides that the emergency purchasing procedure may be used when the need for such goods or services has arisen notwithstanding a good faith effort on the part of a municipality to plan for the purchase of any goods or services required by the municipality; and

WHEREAS, it is a matter of public health, safety and welfare that the above-described emergency contract be extended because the City of Newark still needs to ensure that account holders can expect safe and uninterrupted water and sewer services and any interruption of the services would pose an imminent harm to the health, safety and welfare of the residents of the City of Newark; and

WHEREAS, City Ordinance 6PSF-e adopted on April 6, 2011, Article 2:5-13.2 (E)(1)(b)(c) limits the period of Emergency Contracts to ninety (90) days and no extensions of Emergency Contracts shall be permitted without authorization by the Municipal Council by Resolution; and

WHEREAS, the Municipal Council has the exclusive authority to extend an emergency; and

WHEREAS, the Department of Administration now seeks authorization by the Municipal Council to ratify and extend the emergency to prevent interruption of declaration of emergency until September 26, 2023.

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

1. The Mayor and/or his designees, the Business Administrator, and/or the Purchasing Agent, QPA, are authorized to execute an extension of Emergency Contract #E2022-13 with: Promise Network Inc., 436 14th Street, Suite 920, Oakland, California 94612 to provide the services which includes negotiating and setting up payment plans and providing the software platform

for payment processing for water and sewer account holders with outstanding debts above five hundred dollars and increase the contract amount by One Hundred Sixty Thousand Dollars and Zero Cents (\$160,000.00) for a new total amount not to exceed Two Hundred Three Thousand Five Hundred Dollars and Zero Cents (\$203,500.00) from December 27, 2022 through September 25, 2023.

2. The extension of Emergency Contract #E2022-13 is ratified from December 27, 2022 to the date of adoption of this authorizing Resolution.
3. Funds are available in the temporary budget and will be charged to 037-750-71280-Budget year 2023.
4. The Qualified Purchasing Agent, for the City of Newark, has filed a copy of Emergency Contract #E2022-13, attached, with the Office of the City Clerk.
5. If required by State Law, the City Clerk shall provide the appropriate notice of the award of this contract to the State Comptroller no later than twenty (20) business days following such award, in accordance with N.J.S.A. 52:15C-10 and the Notice of the Office of the State Comptroller dated May 7, 2008.

STATEMENT

This Resolution ratifies, authorizes and amends the Mayor, and/or his designees, the Business Administrator and/or the Purchasing Agent, QPA, to extend of Emergency Contract #E2022-13 with: Promise Network Inc., 436 14th Street, Suite 920, Oakland, California 94612 to provide the services which includes negotiating and setting up payment plans and providing the software platform for payment processing for water and sewer account holders with outstanding debts above five hundred dollars and increase the contract amount by One Hundred Sixty Thousand Dollars and Zero Cents (\$160,000.00) for a new total amount not to exceed Two Hundred Three Thousand Five Hundred Dollars and Zero Cents (\$203,500.00) from December 27, 2022 through September 25,2023.