



# City of Newark

City Hall  
920 Broad Street  
Newark, New Jersey 07102

## Legislation Text

File #: 21-0372, Version: 1

**Dept./ Agency:** Offices of Municipal Council/City Clerk

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

**Type of Service:** Professional Service Contract (Non-Fair and Open) Exception to Public Bidding - pursuant to N.J.S.A. 40A:11-5(1)(a)(i)

**Purpose:** To provide for the award of a contract for the Audit of the fiscal activities of the City of Newark for both Statutory Audit and the Single Audit - for the preparation and filing of the 2020 Annual Debt Statement, 2020 Annual Unaudited Financial Statement, the 2021 Municipal Budget and Budget Amendments, the Budget Appropriation CAP Calculation, the Budget Levy CAP Calculation Workbook and the Calculation for the Reserve for Uncollected Taxes.

**Entity Name:** Samuel Klein and Company

**Entity Address:** 550 Broad Street, 11<sup>th</sup> Floor, Newark, New Jersey 07102

**Contract Amount:** Not to exceed \$485,000.00

**Funding Source:** 2020 Budget/Office of the City Clerk/NW011-025-0251-71250-B2020

**Contract Period:** One (1) year from the date of adoption by the Municipal Council

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

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

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

**Additional Information:**

**WHEREAS**, the Office of City Clerk wishes to enter into a contract with Samuel Klein and Company, 550 Broad Street, 11<sup>th</sup> Floor, Newark, New Jersey 07102, to provide 2020 Statutory Audit Services, Single Audit for the Calendar Year ending December 31, 2021, review of the Annual Debt Statement, Annual Unaudited Financial Statement, Advisory Services for the 2021 Municipal Budget and Other Related Accounting Services; and

**WHEREAS**, the auditing services are a Professional Service Contract, exempt from the public bidding requirements of the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq., as the services are provided by a Registered Municipal Accountant, pursuant to N.J.S.A. 40A:5-9; and

**WHEREAS**, the Municipal Council wishes to enter into and execute a contract with Samuel Klein and Company, CPA's (Joseph J. Faccone, Registered Municipal Accountant), 550 Broad Street, 11<sup>th</sup> Floor, Newark, New Jersey 07102, to provide 2020 Statutory Audit Services, Single Audit for the Calendar Year ending December 31, 2021, review of the Annual Debt Statement, Annual Unaudited Financial Statement, Advisory Services for the 2021 Municipal Budget and Other Related Accounting Services, in an amount not to exceed Four Hundred Eighty-Five Thousand, Dollars and Zero Cents (\$485,000.00), for a one (1) year period, commencing upon the adoption of this authorizing resolution; and

**WHEREAS**, the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(i), requires that notice of the award of contract for Exception to Public Bidding, must be printed in the official newspaper of the

municipality, setting for the nature, duration, services and amount of the contract and that the resolution and the contract are on file in the Office of the City Clerk and are available for public inspection; 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. 40A:11-5(1)(a)(i).

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

1. The City Clerk, on behalf of the Municipal Council of the City of Newark is hereby authorized to enter into and execute a contract with Samuel Klein and Company, 550 Broad Street, 11<sup>th</sup> Floor, Newark, New Jersey 07102, to provide 2020 Statutory Audit Services, pursuant to N.J.S.A. 40A:5-4, for calendar year ending December 31, 2020, Single Audit for the Calendar Year ending December 31, 2021, review of the Annual Debt Statement, Annual Unaudited Financial Statement, Advisory Services and 2021 Municipal Budget and Other Related Accounting Services, in an amount not to exceed Four Hundred Eighty-Five Thousand, Dollars and Zero Cents (\$485,000.00).
2. The term of this contract shall be for one (1) year, commencing upon the adoption of this authorizing resolution.
3. Attached hereto is a Comptroller's Certification, which states funds in the amount of Four Hundred Eighty-Five Thousand, Dollars and Zero Cents (\$485,000.00) are available in the 2020 Budget, Business Unit: NW011; Dept.: 025; Div./Proj.: 0251; Activity: A; Account #: 71250; Budget Ref.: B2020, and Seventeen Thousand, Three Hundred Seventy-Five Dollars and Zero Cents (\$17,375.00) are available in the 2021 Budget, Business Unit: NW011; Dept: 020; Div/Proj: 0201; Activity: A; Account #: 71250; Budget Ref.: B2021. The Certification shall be filed, along with the original resolution and the executed contract, in the Office of the City Clerk.
4. The contract is awarded as a Non-Fair and Open Contract pursuant to N.J.S.A. 19:44A-20.5; and the Business Entity has provided a statement that it is in compliance with the City of Newark, Contractor Pay-to-Play Ordinance, 2:4-22C.
5. This contract is being awarded without public bidding pursuant to the exception of the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(i), and because these services are to be rendered by a person authorized by law to practice a recognized profession, whose practice is regulated by law, and the performance of which services required knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction.
6. The contract will contain language prohibiting any contributions in violation of any state or local law.
7. A copy of the executed contract herein authorized shall be filed in the Office of the City Clerk and shall be made available for public inspection.
8. A notice of this action shall be published in the newspaper authorized by law within ten (10)

days of its passage.

9. There shall be no amendments or changes to this contract without approval of the Municipal Council and there shall be no advance payments on this contract in accordance with N.J.S.A. 40A:11-5(1)(a)(i).

### **STATEMENT**

This resolution ratifies and authorizes the City Clerk, on behalf of the Municipal Council of the City of Newark to enter into and execute a contract with Samuel Klein and Company, CPA's, of 550 Broad Street, 11<sup>th</sup> Floor, Newark, New Jersey 07102, to provide 2020 Statutory Audit Services, pursuant to N.J.S.A. 40A:5-4, for calendar year ending December 31, 2020 and 2021 Municipal Budget and Other Related Accounting Services, in an amount not to exceed \$485,000.00 for a period of one (1) year from the date of this authorizing resolution.