



# City of Newark

City Hall  
920 Broad Street  
Newark, New Jersey 07102

## Legislation Text

File #: 18-0839, Version: 1

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

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

**Type of Service:** Professional Services Contract

**Purpose:** Amendment to Professional Engineering Services for Mulberry Commons Park and Peter Francisco Park

**Entity Name:** Pennoni Associates, Inc.

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

**Contract Amount:** Amount not to exceed \$733,345.00

**Funding Source:**

**Contract Period:** For the length of time necessary for the completion of construction pursuant to N.J.S.A. 40A:11-15(9)

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

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

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

**Additional Information:**

**WHEREAS**, on February 14, 2018, the City of Newark approved Resolution 7R2-a(S/AS) for the execution of a contract with Pennoni Associates, Inc, 24 Commerce Street, Suite 300, Newark, New Jersey 07102, in the amount not to exceed \$448,395.00 for engineering services relating to the design and development of Mulberry Commons Park Project; and

**WHEREAS**, the City of Newark, Department of Economic and Housing Development is in need of additional engineering services in the amount of Two Hundred Eighty-Four Thousand Nine Hundred Fifty Dollars and Zero Cents (\$284,950.00), relating to environmental oversight, and environmental testing for Mulberry Commons Park, and engineering designs for Peter Francisco Park as specified on Exhibit B of the Agreement attached hereto and in accordance with N.J.S.A. 40A:11-15(9); and

**WHEREAS**, the Acting Director of the Department of Economic and Housing Development desires to increase the contract amount by Two Hundred Eighty-Four Thousand Nine Hundred Fifty Dollars and Zero Cents (\$284,950.00), to provide additional services for Mulberry Commons Park and Peter Francisco Park, in the amount not to exceed \$733,345.00; 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**, pursuant to N.J.S.A. 19:44A-20.5, the City of Newark, the Department of Economic and Housing Development, selected Pennoni Associates, Inc., for engineering services for the Mulberry Commons Park and Peter Francisco Park; 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 additional engineering services to Mulberry Commons Park and Peter Francisco Park in the amount not to exceed \$733,345.00; 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.

**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., Inc., 24 Commerce Street, Suite 300, Newark, New Jersey 07102, for Engineering Services, for the Mulberry Commons Park and Peter Francisco Park, in an amount not to exceed an additional amount of \$284, 950.00, totalling \$733,345.00 as specified on the Agreement attached hereto.
2. This contract is to be completed upon the completion of construction in accordance with N.J.S.A. 40A:11-15(9).
3. 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.
4. No changes to this contract are allowed without prior Municipal Council approval.
5. 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.
6. This contract is being awarded 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.

7. There shall be no advance payments made against this contract in accordance with N.J.S.A. 40A:5-16.
8. Additional funds of \$284,950.00, for this contract in the amount not to exceed \$284,950.00 are provided as below:

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

9. 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 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., Inc., 24 Commerce Street, Suite 300, Newark, New Jersey 07102, for Engineering Services, for the Mulberry Commons Park and Peter Francisco Park, for an additional amount not to exceed \$284, 950.00, totaling \$733,345.00.