



## Legislation Text

File #: 17-1497, Version: 3

**Dept/ Agency:** Recreation, Cultural Affairs and Senior Services

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

**Type of Service:** EUS Contract

**Purpose:** 24 Hours of Peace, Anti-Violence, pro-peace engagement program

**Entity Name:** 24 Hours of Peace, Inc.

**Entity Address:** 1030 NE 11<sup>th</sup> Avenue, Fort Lauderdale, Florida 33304

**Contract Amount:** Amount not to exceed \$90,000.00

**Funding Source:** 2017 City Budget/Department of Recreation, Cultural Affairs and Senior Services

**Contract Period:** July 10, 2017 through September 30, 2017

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

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

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

**Additional Information:**

Revised Resolution, as amended on the floor of the Council Meeting held on August 22, 2017, changing dates of event from September 22 & 23, 2017 to September 29 & 30, 2017, as requested by the Law Department.

**WHEREAS**, there has been a national outcry and debate about controversial police conduct and use of force against African Americans and minorities and the resulting disruptions, demonstrations and deaths; and

**WHEREAS**, the Office of the Mayor and Department of Recreation, Cultural Affairs and Senior Services have determined that there is a need for education of the citizens of Newark to engage in peaceful protest alternatives and to foster better relations between the police and the community of the City of Newark; and

**WHEREAS**, the Office of the Mayor and the Department of Recreation, Cultural Affairs and Senior Services desire to conduct an anti-violence, pro-peace engagement program on September 29, 2017 and September 30, 2017, to inform the citizens of Newark about peaceful protest alternatives and to foster better relations between the police and the community by entering into a contract with 24 Hours of Peace, Inc. for engagement program dates of September 29, 2017, through September 30, 2017; and

**WHEREAS**, 24 Hours of Peace, Inc. is an organization whose mission is to promote peace and community togetherness to eradicate violence in cities such as Newark and throughout New Jersey; the organization possesses the specialized and qualitative expertise and reputation in conducting pro-peace, anti-violence cultural events through the performing arts; and

**WHEREAS**, 24 Hours of Peace, Inc. engages in peaceful, tasteful and artistic expression in neighborhoods and community buildings by creating and organizing cultural events with parents, children, artists, business owners, faith based and community organizations aimed at addressing

violence and promoting effective policing through the performing arts; and

**WHEREAS**, this engagement program includes artists, speakers and celebrities requiring support equipment, services and promotion; and

**WHEREAS**, the budget attached hereto, provides details of and outlines 24 Hours of Peace, Inc.'s engagement program; and

**WHEREAS**, the services to be provided by 24 Hours of Peace, Inc. are extraordinary and unspecifiable services (EUS), specialized and qualitative in nature requiring expertise, extensive training and proven reputation in the field of endeavor including artistic performances, speakers knowledgeable on peaceful alternatives to fostering a better relationship between the police and the community, and engaging celebrities for services and promotion of the anti-violence, pro-peace engagement program; and

**WHEREAS**, pursuant to the Local Public Contracts Law, *N.J.S.A. 401A:11-1 et. seq.*, this contract may be awarded and entered into without public bidding as an extraordinary unspecifiable services contract in accordance with *N.J.S.A. 40A:11-5(1)(a)(1)(ii)* (a copy of a Certification of Extraordinary Unspecifiable Services is attached hereto and made a part hereof); and

**WHEREAS**, the Office of the Mayor and the Department of Recreation, Cultural Affairs and Senior Services, recommend entering into a contract with 24 Hours of Peace, Inc. to conduct an anti-violence, pro-peace engagement program on September 29, 2017 and September 30, 2017 to inform the citizens of Newark about peaceful protest alternatives and to foster better relations between the police and community; and

**WHEREAS**, the Mayor and Director of the Department of Recreation, Cultural Affairs and Senior Services has determined and certified, in writing, that the value of this contract will exceed \$17,500.00; and

**WHEREAS**, this Contract is awarded without competitive bidding as an exception to public bidding, pursuant to *N.J.S.A. 40A:11-5(1)(a)(ii)*, extraordinary unspecifiable services, and the actions contemplated by this Resolution shall result in the award of a non-fair and open contract in accordance with *N.J.S.A. 19:44A-20.5*; and

**WHEREAS**, Local Public Contracts Law *N.J.S.A. 40A:11-1, et seq.*, requires a Resolution of the Governing Body authorizing the award of contracts for "Extraordinary Unspecifiable Services" and further requires that the contract itself must be available for public inspection; and

**WHEREAS**, 24 Hours of Peace, Inc., has completed and submitted a Business Entity Disclosure Certification which certifies that the entity, 24 Hours of Peace, Inc. has not made any reportable contributions to a political or candidate committee in the City of Newark in the previous one year, and the contract will prohibit 24 Hours of Peace, Inc., from making any reportable contributions through the term of the contract; and

**WHEREAS**, the Local Public Contracts Law (*N.J.S.A. 40A:11-1 et seq.*) requires that notice of the award of contracts for "Extraordinary Unspecifiable Services" without public bidding must be published in a local newspaper; and

**WHEREAS**, the Municipal Council adopted the Contractor Pay-to-Play Reform Ordinance 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 Office of the Mayor and the Department of Recreation, Cultural Affairs and Senior Services are authorized to execute and enter into a contract from July 10, 2017, through September 30, 2017, with 24 Hours of Peace, Inc., 1030 NE 11th Avenue, Fort Lauderdale, Florida, 33304, to conduct an anti-violence, pro-peace engagement program to inform the citizens of Newark about peaceful protest alternatives and to foster better relations between the police and the community, for an amount not to exceed Ninety Thousand Dollars and Zero Cents (\$90,000.00), for the program performance dates of September 29, 2017 and September 30, 2017.
2. 24 Hours of Peace, Inc., 1030 NE 11th Ave. Fort Lauderdale, Florida 33304, under the direction of Hakim Green, will coordinate this project for the City of Newark.
3. The agreement is ratified from July 10, 2017 to the date of adoption.
4. This contract is awarded without competitive bidding as an exception to public bidding pursuant to the provisions of the Local Public Contracts Law (*N.J.S.A. 40A:11-5(1)(a)(ii)*), extraordinary unspecifiable services, pursuant to the non-fair and open procedures of the State Pay-to-Play Law (*N.J.S.A. 19:44A-20.5*), and in compliance with City of Newark Contractor Pay-to-Play Reform Ordinance 2:4-22C.
5. Pursuant to *N.J.A.C. 5:30-5.5(a)*, Temporary Budget, attached hereto is a Certification of Funds from the Municipal Comptroller of the City of Newark, which states that funds in the amount of Ninety Thousand Dollars and Zero Cents (\$90,000.00), are available in the Business Unit NW011, Department 160 Div/Proj. 1606, Activity A, Account # 71280 and Budget Ref. B2017.
6. No amendments and or changes are allowed to this contract without prior Municipal Council approval.
7. There shall be no advance payments made against this contract in accordance with *N.J.S.A. 40A:5-16*.
8. The Certification of Extraordinary Unspecifiable Services, Determination of Value and Business Entity Disclosure Certification are attached and will be filed by the Director of the Department of Recreation, Cultural Affairs and Senior Services with the Office of the City

Clerk.

9. 24 Hours of Peace, Inc. shall provide the City's Office of Affirmative Action with a Certification of Employer Information Report, as required by the State of New Jersey, after Municipal Council approval and prior to contract execution.
10. The Director of the Department of Recreation, Cultural Affairs and Senior Services shall file a copy of the executed agreement herein authorized in the Office of the City Clerk and it shall be made available for public inspection.
11. 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 ratifies and authorizes the Mayor and/or his designee, the Director of the Department of Recreation, Cultural Affairs and Senior Services, to execute and enter into a contract from July 10, 2017 through September 30, 2017, with 24 Hours of Peace, Inc., 1030 NE 11th Avenue, Fort Lauderdale, Florida, 33304, to conduct an anti-violence, pro-peace engagement program to inform the citizens of Newark about peaceful protest alternatives and to foster better relations between the police and the community in an amount not to exceed Ninety Thousand Dollars and Zero Cents (\$90,000.00), for the program performance dates of September 29, 2017 and September 30, 2017.