



## Legislation Text

File #: 18-0434, Version: 1

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

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

**Type of Service:** Professional Services Contract

**Purpose:** Architectural Services for Mulberry Commons Park Project

**Entity Name:** Sage and Coombe Architects, LLP

**Entity Address:** 12-16 Vestry Street, 5<sup>th</sup> Floor, New York, New York 10013

**Contract Amount:** Amount not to exceed \$2,694,076.48

**Funding Source:** PSE&G Bond Funds as authorized by the Local Finance Board Resolution, dated April 13, 2016

**Contract Period:** For the period of August 15, 2017 until the contract is completed in accordance with N.J.S.A. 40A:11-15(9)

**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**, on February 7, 2017, the City of Newark adopted Resolution 7R1-a (S/AS) authorizing the Business Administrator to enter into and execute a Professional Services Contract with Sage and Coombe Architects, LLP, 12-16 Vestry Street, 5<sup>th</sup> Floor, New York, New York 10013, in the amount not to exceed \$1,704,592.00, to provide architectural services for the design and construction of a new Municipal Park located between Mulberry Street and the western edge of McCarter Highway for the project now known as the Mulberry Commons Park Project, for a one (1) year term from August 15, 2016 through August 14, 2017; and

**WHEREAS**, the Mulberry Commons Park Project is ongoing and the City of Newark, Department of Economic and Housing Development is in need of continued architectural services and wishes to enter into a new contract with Sage and Coombe Architects, to continue to provide professional architectural services for an increased amount of \$989,484.48 for a revised total contract amount not to exceed \$2,694,076.48; and

**WHEREAS**, the above-referenced Architectural Professional Services are exempt from the public bidding requirements of the Local Public Contracts Law, pursuant to N.J.S.A. 40A:11-5(1)(a)(i), because these services are to be rendered by a person (or persons) authorized by law to practice a recognized profession, whose practice is regulated by law, and the performance of which services requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study as distinguished from general academic instruction; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that a 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 as a non-fair and open contract in accordance with N.J.S.A. 19:44A-20.5; and

**WHEREAS**, Sage and Coombe Architects, LLP, has completed and submitted a City of Newark Political Contribution disclosure Form and a Business Entity Disclosure Certificate certifying that Sage and Coombe Architects, LLP has not made any reportable contributions to a political or candidate committee in the City of Newark in the previous one year, and their contracts for accounting, tax and related financial reporting services with the City will prohibit Sage and Coombe Architects, LLP from making any reportable contributions through the term of the contract; 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 Sage and Coombe Architects, LLP, 12-16 Vestry Street, 5<sup>th</sup> Floor, New York, New York 10013, for continued Architectural Services, and to increase the contract amount to continue services by \$989,484.48 for a revised total contract amount not to exceed \$2,694,076.48 for Mulberry Commons Park Project, for the period of August 15, 2017 until the contract is completed in accordance with N.J.S.A. 40A:11-15(9).
2. This contract is ratified from August 15, 2017 until the adoption of this authorizing resolution.
3. This contract is being awarded pursuant to the non-fair-and-open procedures of the Pay-to-Play Law N.J.S.A. 19:44A-20.5 and pursuant to N.J.S.A. 40A:11-5(1)(a)(i) because these services are to be rendered by a person (or persons) whose performance requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study, as distinguished from general academic instruction, and is in compliance with the Contractor Pay-to-Play Reform Ordinance, R.O. 2:4-22C.
4. Sage and Coombe Architects, LLP has completed and submitted a City of Newark Political Contribution Disclosure Form and a Business Entity Disclosure Certificate, which certify that Sage and Coombe Architects, LLP, has not made any reportable contributions to a political or candidate committee in the City of Newark in the previous one year, and their contracts for accounting, tax and related financial reporting services with the City will prohibit Sage and Coombe Architects, LLP from making any reportable contributions through the term of the contract.

5. The Determination of Value is attached.
6. Attached hereto is a Resolution of the New Jersey State Local Finance Board, dated April 13, 2016, dedicating the sum of Three Million Dollars and Zero Cents (\$3,000,000.00) to the project formerly known as "Triangle Park", and now known as the Mulberry Commons Park Project, and a Resolution of the City of Newark, 7R2-b(AS), of February 1, 2017, authorizing and providing the issuance and sale of Twenty-Five Million Dollars and Zero Cents (\$25,000,000.00) of the City's Redevelopment Area Bonds (PSE&G Project, Series 2017) which encompasses the Mulberry Commons Park Project. Funding for this project shall come directly from the PSE&G Bond funds. Accordingly, no Certification of Funds is needed for the expenditure of PSE&G Bonds.
7. The fully executed contract; the Determination of Value, City of Newark Political Contribution Disclosure Form and the Business Entity Disclosure Certificate shall be filed by the Acting Director of the Department of Economic and Housing Development in the Office of the City Clerk and the same shall be made available for inspection.
8. There shall be no advance payments made against this contract in accordance with N.J.S.A. 40A:5-16.
9. No changes to this contract are allowed without prior Municipal Council approval.
10. 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.
11. If required by the State Law, the City Clerk shall provide the appropriate notice of the award of the contract to the State Comptroller no later than 20 business days following such award, in accordance with N.J.S.A. 52:15-C10 and the Notice of the Office of the State Comptroller dated May 7, 2008.

### **STATEMENT**

This resolution ratifies, amends and authorizes the Mayor and/or his designee, the Acting Director of the Department of Economic and Housing Development, on behalf of the City of Newark, to enter into a professional services contract with Sage and Coombe Architects, LLP, 12-16 Vestry Street, 5<sup>th</sup> Floor, New York, New York 10013, for Architectural Services, for the Mulberry Commons Park Project, for the period of August 15, 2017 until the contract is completed in accordance with N.J.S.A. 40A:11-15(9), for an increased amount not to exceed \$989,484.48 for a revised total contract amount not to exceed \$2,694,076.48.