



# City of Newark

City Hall  
920 Broad Street  
Newark, New Jersey 07102

## Legislation Text

File #: 22-0356, Version: 1

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

**Action:** (X) 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 the audits for the years of 2022 and 2023, fiscal activities for the City of Newark for both the Statutory Audit and the Single Audit; for the review and assistance with the preparation and filing of the Annual Debt Statements, and the Annual Unaudited Financial Statements for the years of 2022 and 2023, the Municipal Budget, Budget Amendments, Adopted Budget, the Budget CAP Calculation, the Budget Levy CAP Calculation Workbook, the Calculation of the Reserve for Uncollected Taxes and for the Resolutions, Ordinances and documentation needed to support the Unaudited Financial Statements, the Municipal Budget, Budget Amendments and the Adopted Budget; along with other advisory and related accounting services for the years ending 2022 and 2023.

**Entity Name:** Samuel Klein and Company, LLP

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

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

**Funding Source:** 2022 Budget/Office of the City Clerk/NW011-020-0201-71250-B2022

**Contract Period:** One (1) year commencing May 19, 2022 through May 18, 2023

**Contract Basis:** ( ) Bid ( ) State Vendor (X) Prof. Ser. ( ) EUS  
( ) Fair and Open (X) No Reportable Contributions ( ) RFP ( ) RFQ  
( ) Private Sale ( ) Grant ( ) Sub-recipient ( ) N/A

**Additional Information:**

Partial Certification of Funds in the amount of \$130,332.00.

**WHEREAS**, the City Clerk on behalf of the Municipal Council wishes to enter into a contract with Samuel Klein and Company, LLP, 550 Broad Street, 11th Floor, Newark, New Jersey 07102 to provide the audits for the years of 2022 and 2023, fiscal activities for the City of Newark for both the Statutory Audit and the Single Audit; for the review and assistance with the preparation and filing of the Annual Debt Statements, and the Annual Unaudited Financial Statements for the years of 2022 and 2023, the Municipal Budget, Budget Amendments, Adopted Budget, the Budget CAP Calculation, the Budget Levy CAP Calculation Workbook, the Calculation of the Reserve for Uncollected Taxes and for the Resolutions, Ordinances and documentation needed to support the Unaudited Financial Statements, the Municipal Budget, Budget Amendments and the Adopted Budget; along with other advisory and related accounting services for the years ending 2022 and 2023; and

**WHEREAS**, the auditing services are a Professional Service Contract, Exception to Public Bidding - N.J.S.A. 40A:11-5(1)(x), as the services are provided by a Registered Municipal Accountant, pursuant to N.J.S.A. 40A:5-9; and

**WHEREAS**, the City Clerk on behalf of the Municipal Council wishes to enter into and execute a contract with Samuel Klein and Company, LLP, CPA's, (Joseph J. Faccone, Registered Municipal

Accountant), 550 Broad Street, 11th Floor, Newark, New Jersey 07102 to provide the audits for the years of 2022 and 2023, fiscal activities for the City of Newark for both the Statutory Audit and the Single Audit; for the review and assistance with the preparation and filing of the Annual Debt Statements, and the Annual Unaudited Financial Statements for the years of 2022 and 2023, the Municipal Budget, Budget Amendments, Adopted Budget, the Budget CAP Calculation, the Budget Levy CAP Calculation Workbook, the Calculation of the Reserve for Uncollected Taxes and for the Resolutions, Ordinances and documentation needed to support the Unaudited Financial Statements, the Municipal Budget, Budget Amendments and the Adopted Budget; along with other advisory and related accounting services for the years ending 2022 and 2023. Said services will be provided for in an amount not to exceed Four Hundred Eighty-Five Thousand Dollars and Zero Cents (\$485,000.00), for one (1) year commencing May 19, 2022 through May 18, 2023; and

**WHEREAS**, 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 is hereby authorized to enter into and execute a contract with Samuel Klein and Company, LLP, 550 Broad Street, 11th Floor, Newark, New Jersey, 07102, to provide the audits for the years of 2022 and 2023, fiscal activities for the City of Newark for both the Statutory Audit and the Single Audit; for the review and assistance with the preparation and filing of the Annual Debt Statements, and the Annual Unaudited Financial Statements for the years of 2022 and 2023, the Municipal Budget, Budget Amendments, Adopted Budget, the Budget CAP Calculation, the Budget Levy CAP Calculation Workbook, the Calculation of the Reserve for Uncollected Taxes and for the Resolutions, Ordinances and documentation needed to support the Unaudited Financial Statements, the Municipal Budget, Budget Amendments and the Adopted Budget; along with other advisory and related accounting services for the years ending 2022 and 2023. Said services will be provided for 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 May 19, 2022 through May 18, 2023.
3. This contract is ratified from May 19, 2022 to the date of adoption of this authorizing resolution.
4. Pursuant to N.J.A.C. 5:30-5.5(a), Temporary Budget, attached hereto is a Comptroller's Certification, which states funds in the amount of One Hundred Thirty Thousand, Three Hundred Thirty-Two Dollars and Zero Cents (\$130,332.00) are available in the 2022 Budget,

Business Unit: NW011; Dept.: 020; Div./Proj.: 0201; Activity: A; Account #71250; Budget Ref.: B2022. The Certification shall be filed, along with the original Resolution and the executed contract, in the Office of the City Clerk.

5. 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.
6. 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.
7. The contract will contain language prohibiting any contributions in violation of any state or local law.
8. 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.
9. A notice of this action shall be published in the newspaper authorized by law within ten (10) days of its passage.
10. There shall be no amendments or changes to this contract without approval of the Municipal Council.
11. 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 to enter into and execute a contract with Samuel Klein and Company, LLP, 550 Broad Street, 11<sup>th</sup> Floor, Newark, New Jersey 07102, to provide the audits for the years of 2022 and 2023, fiscal activities for the City of Newark for both the Statutory Audit and the Single Audit; for the review and assistance with the preparation and filing of the Annual Debt Statements, and the Annual Unaudited Financial Statements for the years of 2022 and 2023, the Municipal Budget, Budget Amendments, Adopted Budget, the Budget CAP Calculation, the Budget Levy CAP Calculation Workbook, the Calculation of the Reserve for Uncollected Taxes and for the Resolutions, Ordinances and documentation needed to support the Unaudited Financial Statements, the Municipal Budget, Budget Amendments and the Adopted Budget; along with other advisory and related accounting services for the years ending 2022 and 2023. Said services will be provided for an amount not to exceed \$485,000.00 for a period of one (1) year commencing May 19, 2022 through May 18, 2023.