



## Legislation Text

File #: 11-1510, Version: 1

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

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

**Type of Service:** Professional Services Contract

**Purpose:** Architectural Services for City-wide Façade Improvement Program

**Entity Name:** CTS Group Architecture Planning P.A. (also known as CTS Group)

**Entity Address:** 575 N. 5<sup>th</sup> Street Newark, NJ 07107

**Contract Amount:** \$129,000

**Funding Source:** Urban Enterprise Zone Trust Fund

**Contract Period:** April 1, 2012 to March 31, 2013

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

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

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

**Additional Information:**

Resolution 7R3-b 021611, retained services of CTS Group to provide professional architectural services.

**Invitation: Director of Economic & Housing Development, July 31, 2012**

**WHEREAS** the City of Newark through Resolution 7R3-b 021611 dated February 16, 2011, retained the services of CTS Group Architecture Planning P.A. (also known as CTS Group), 575 N. Fifth Street, Newark, NJ 07107, to provide professional architectural services for the Zone Assistance Fund Project titled: City-wide Commercial Corridor Revitalization Façade Improvement Program, Phase I (the "Program"), in an amount of One Hundred Fifty Thousand Dollars (\$150,000.00), for a period of twelve (12) months beginning on October 31, 2010 and terminating on November 1, 2011; and

**WHEREAS**, the City has a need to continue the architectural services for the Program and is satisfied with the services provided by CTS Group; and

**WHEREAS**, CTS Group spent Fifteen Thousand Eight Hundred and Eighty-Eight Dollars and Seventy Five Cents (\$15,888.75) during the term of the contract authorized through Resolution 7R3-b 021611, leaving a balance on said contract in the amount of One Hundred Thirty Four Thousand One Hundred and Eleven Dollars and Twenty-Five Cents (\$134,111.25). CTS Group shall not be entitled to said balance for any work performed after the termination date on November 1, 2011; and

**WHEREAS**, in order to comply with the restrictions placed on the duration and extension of contracts for "Professional Services" by operation of N.J.S.A. 40A:11-15, and to accommodate the City of Newark's need for architectural services for the Program, the Mayor and/or his designee, the Deputy Mayor/ Director of the Department of Economic & Housing Development desire to enter into a new contract with CTS Group, for an amount of One Hundred Twenty-nine Thousand Dollars (\$129,000.00) for the period of April 1, 2012 to March 31, 2013, which shall be for those matters not

completed during the term of the original contract authorized by Resolution 7R3-b 021611 as well as any new matters that may arise during the new contract term, as more specifically set forth in the contract attached hereto and made a part thereof; 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 and is being awarded as a non-fair and open contract pursuant to N.J.S.A. 19:44A-20.5; and

**WHEREAS** CTS Group has completed and submitted a City of Newark Political Contribution Disclosure Form and a Business Entity Disclosure Certificate certifying that CTS Group has not made any reportable contributions to a political or candidate committee in the City of Newark in the previous one year, and this contract for architectural services with the City will prohibit CTS Group from making any reportable contributions through the term of the contract; and

**WHEREAS**, the Mayor of the City of Newark signed into law Executive Order Number MEO-07-0001 (hereinafter “Pay-to-Play Executive Order”), which requires reporting of political contributions to Newark Municipal Candidates and prohibits certain political contributions during the duration of the contract.

**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 Deputy Mayor/Director of the Department of Economic and Housing Development, are hereby authorized to enter into and execute a Professional Services Contract in the amount of One Hundred Twenty-nine Thousand Dollars (\$129,000.00) with CTS Group, 575 North Fifth Street, Newark, NJ 07107, to provide architectural services for the City-wide Commercial Corridor Revitalization Façade Improvement Program, Phase I (the “Program”), for the period commencing on April 1, 2012 and terminating on March 31, 2013, which shall be for those matters not completed during the term of the original contract authorized by Resolution 7R3-b 021611 as well as any new matters that may arise during the new contract term, as more specifically set forth in the contract attached hereto and made a part thereof.
2. This contract is hereby ratified from April 1, 2012 until the date of adoption of this authorizing resolution.
3. Attached hereto is a certification of funds from the Municipal Comptroller of the City of Newark, in the amount of \$129,000.00 which states (1) that there are sufficient funds for the purpose set forth hereinabove and (2) that the line appropriation of the official budget which shall be charged is Business Unit NW051, Department G09, Division A19R0; Account 71280; Budget Ref. B2009.
4. The Municipal Comptroller shall decertify the balance of funds on the contract authorized by the Municipal Council through Resolution 7R3-b 021611 in the amount of One Hundred Thirty

Four Thousand One Hundred and Eleven Dollars and Twenty-Five Cents (\$134,111.25).

5. 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 the provisions of the Local Public Contracts Law (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 Newark Executive Order MEO-07-0001, effective March 31, 2007.
6. CTS Group has completed and submitted a City of Newark Political Contribution Disclosure Form and a Business Entity Disclosure Certificate certifying that CTS Group has not made any reportable contributions to a political or candidate committee in the City of Newark in the previous one year, and this contract for architectural services with the City will prohibit CTS Group from making any reportable contributions through the term of the contract
7. The Determination of Value is attached.
8. The executed contract, the certifications of funds, the determination of value, City of Newark political contribution disclosure form and the business entity disclosure certificate shall be filed in the Office of the City Clerk by the Deputy Mayor/Director of the Department of Economic and Housing Development.
9. There shall be no amendments or changes of this contract without approval of the Municipal Council.
10. There shall be no advance payments on this contract in accordance with N.J.S.A. 40A:5-16.
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 10 days of its passage.

### **STATEMENT**

This resolution ratifies and authorizes the Mayor and/or his designee, the Deputy Mayor/Director of the Department of Economic and Housing Development, to enter into and execute a Professional Services contract in the amount of One Hundred Twenty-nine Thousand Dollars (\$129,000.00) with CTS Group, 575 North Fifth Street, Newark, NJ 07107, to provide architectural services for the City-wide Commercial Corridor Revitalization Façade Improvement Program, Phase I, for the period commencing on April 1, 2012 and terminating on March 31, 2013.