



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 15-2018, Version: 1

Dept/ Agency: Administration/Office of the Business Administrator

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

Type of Service: EUS Contract

Purpose: To provide marketing and branding services to City of Newark

Entity Name: Cole Media, Inc.

Entity Address: 105 Lock Street, Suite 203, Newark, New Jersey, 07103

Contract Amount: \$50,000.00

Funding Source: 2015 budget

Contract Period: October 1, 2015 through September 30, 2017

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

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

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

Additional Information:

Failed 7R1-a (s) 111015

WHEREAS, the City of Newark is in need of marketing and branding consultation, to promote the ongoing progress of the various departments of the City of Newark; and

WHEREAS, branding consultation requires specialized expertise; and

WHEREAS, under the Local Public Contracts Law, *N.J.S.A. 40A:11-1 et seq.* (the "LPCL"), a municipality may enter into a contract for the performance of services without competitive public bidding if the services being procured qualify as extraordinary unspecifiable services; and

WHEREAS, the services necessary to implement and perform marketing and brand consulting qualify as extraordinary unspecifiable services pursuant to *N.J.S.A. 40A:11-5(1)(a)(ii)* because the services to be provided are of a specialized and qualitative nature requiring expertise, extensive training and proven reputation in the field of endeavor, and the services cannot be reasonably described by written specifications; and

WHEREAS, the Department of Administration, Press Information Office has determined Cole Media Inc., 105 Lock Street, Suite 203, Newark, New Jersey 07103, is best qualified to provide the service as an Extraordinary Unspecifiable Service; and

WHEREAS, due to the unique nature of the work performed by Cole Media Inc., and its experience in providing marketing and brand consulting, the City of Newark wishes to enter into a contract with Cole Media, Inc., for such services for the period of October 1, 2015 through September 30, 2017, in the amount not to exceed \$50,000.00 (Fifty Thousand Dollars and Zero Cents); Exception to Public Bidding *N.J.S.A. 40A:11-5 (1)(a)(ii)* Extraordinary Unspecifiable Service, Non-fair and Open in accordance with *N.J.S.A. 19:44A-20.4*; and

WHEREAS, Cole Media Inc. has demonstrated that it is qualified by its training and experience to provide the required services in the manner and on the terms and conditions set forth in the contract; and

WHEREAS, Cole Media Inc., has executed a "Business Entity Disclosure Certification" and a "C.271 Political Contribution Disclosure Form," copies of which are attached hereto and made a part hereof, and accordingly this contract is being awarded in as Non Fair and Open in accordance with the provisions of the New Jersey Local Unit Pay-to-Play Law, N.J.S.A. 19:44A-20.4, et seq.; and

WHEREAS, Cole Media, Inc., has executed a "City of Newark Stockholder Disclosure Certificate," a City of Newark "Political Contribution Disclosure Form" and a "Certification of Compliance", 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 designees, the Business Administrator and/or the Director of Communications, are hereby authorized to enter into and execute a contract with Cole Media Inc., 105 Lock Street, Suite 203, Newark, New Jersey 07103 for marketing and brand consulting services for a total contract amount not to exceed \$50,000.00 (Fifty Thousand Dollars and Zero Cents), for the period commencing October 1, 2015 through September 30, 2017.
2. Attached hereto is a Partial Certification of Funds which states that there are available legally appropriated funds for the purposes set forth hereinabove in the amount of \$4,000.00 (Four Thousand Dollars and Zero Cents) and in accordance with N.J.S.A.5:30-5.5(d)2 which requires all multi-year leases and contracts, except contracts specifically exempted pursuant to N.J.S.A. 40A:11-15, shall contain a clause making them subject to the availability and annual appropriation of sufficient funds as may be required to meet the extended obligation or contain an annual cancellation clause. The line appropriation of the official budget which shall be charged is as follows: Business Unit: NW011; Dept. ID: 200; Div/Proj: 2001;Activity: A; Account No. 96770; Budget Ref. B2015
3. This contract is hereby ratified from October 1, 2015 to the date of adoption of this authorizing resolution.
4. The contract is awarded as an Extraordinary Unspecifiable Service pursuant to the provisions of the State Local Public Contracts Law (N.J.S.A. 40A:11-5(1)(a)(ii)).
5. The Certification of Extraordinary Unspecifiable Service, as required by N.J.A.C. 5:34-2.3(b), is attached hereto and shall be filed in the Office of the City Clerk with the original resolution.

6. A copy of the Comptroller's Certification and the fully-executed contract herein authorized and ratified shall be filed in the Office of the City Clerk by the Director of Communications.
7. There shall be no advance payments made against this contract in accordance with N.J.A.C. 40A:5-16.
8. The Determination of Value Letter is attached hereto and shall be filed with the Office of the City Clerk with the original resolution by the Director of Communications.
9. Cole Media Inc., has completed and submitted a City of Newark Political Contribution Disclosure Form and a Business Entity Disclosure Certificate, which certify that Cole Media Inc., has not made any reportable contributions to a political or candidate committee in the City of Newark in the previous one (1) year, and their contract will prohibit Cole Media Inc., from making any reportable contributions through the term of contract.
10. A request for a waiver to award a non-fair and open contract for extraordinary unspecifiable service (EUS), a copy of which is attached hereto, shall be submitted to New Jersey's Director of the Division of Local Government Services (the "Director"), and this resolution's ratification and authorization of this contract are subject to, and contingent upon, the Director of Communications's written approval of said waiver request being provided prior to this contract's execution.
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 its passage. In accordance with N.J.S.A. 40A:11-5(1)(a), said notice shall include a brief statement as to the nature, duration, service and amount of this contract, and shall indicate that this resolution and contract are on file and available for public inspection in the Office of the City Clerk.

STATEMENT

This resolution hereby ratifies and authorizes the Mayor and/or his designees, the Business Administrator and/or the Director of Communications, to enter into and execute a contract with Cole Media Inc., 105 Lock Street, Suite 203, Newark New Jersey 07103, for marketing and brand consulting services, for a total contract amount not to exceed \$50,000.00 (Fifty Thousand Dollars and Zero Cents), for the period commencing October 1, 2015 through September 30, 2017.