



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 17-1828, 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

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

Contract Amount: Amount not to exceed \$50,000.00

Funding Source: 2017 Budget

Contract Period: October 1, 2017 through September 30, 2019

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:

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, 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

WHEREAS, 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, Department of Administration, Press Information Office has determined Cole Media Inc., located at 105 Lock Street, Suite 203, Newark New Jersey, 07103 is best qualified to provide the services; 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, 2017 through September 30, 2019, in the amount not to exceed \$50,000.00 (Fifty Thousand Dollars and Zero Cents); 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 completed and submitted a Business Entity Disclosure Certification which certifies that it has not made any reportable contributions to a political or candidate committee in the City of Newark in the prior year, and the contract will prohibit them 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 designees, the Business Administrator and/or the Director of Communications, are hereby authorized to enter into and execute a contract with Cole Media Inc., located at 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, 2017 through September 30, 2019.
2. Pursuant to N.J.A.C. 5:30-5.5, attached is a partial certification of funds from the Director of Finance which states that funds in the amount of \$6,250.00 are available in the 2017 Budget under Business Unit: NW011, Department ID: 200, Division: 2001, Account: 96770. The certification shall be filed along with the original resolution in the Office of the City Clerk. The remainder of the funding for this contract will be subject to appropriation in the 2018 Budget and included in a line item for the award of this contract and said funds will be certified prior to services being provided by the contractor. There will be no expenditure of funds authorized until a certification of funds is obtained and a copy filed with the City Clerk.
3. This contract is ratified from October 1, 2017, to the date of adoption of this authorizing resolution.
4. The Certification of Extraordinary Unspecifiable Service, as required by *N.J.A.C. 5:34-2.3(b)*, Determination of Value and Business Entity Disclosure Certification are attached and shall be filed in the Office of the City Clerk by the Director of Communications.

5. A copy of the Comptroller's Certification and the fully-executed contract herein authorized shall be filed in the Office of the City Clerk by the Director of Communications.
6. There shall be no advance payments made against this contract in accordance with *N.J.S.A. 40A:5-16*.
7. 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.
8. A copy of the executed agreement shall be filed in the Office of the City Clerk by the Director of Communications and shall be made available for public inspection.
9. 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 designees, the Business Administrator and/or the Director of Communications, to enter into and execute a contract with Cole Media Inc., located at 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, 2017 through September 30, 2019.