



Legislation Text

File #: 24-0640, Version: 1

Dept/ Agency: Administration/Office of the Business Administrator

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

Type of Service: Extraordinary Unspecifiable Services

Purpose: To provide Lobbying Services.

Entity Name: Winning Strategies Washington, LLC

Entity Address: 409 Seventh Street, N.W., Suite 450, Washington, D.C. 20004

Contract Amount: Not to exceed \$180,000.00

Funding Source: 2024 Budget/Department of Administration/Fund NW011, Dept. ID 030, Project 0301, Activity A, Account #71280, Budget Ref. 2024

Contract Period: March 1, 2024 through February 28, 2025, with an option to renew and/or extend the contract for an additional term not to exceed two (2) years, subject to approval by Municipal Council

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:

This EUS contract will provide lobbying services for the City of Newark, more specifically, to develop and execute a comprehensive government affairs strategy to advocate and advance funding requests for the City's priorities through the annual appropriations process and Federal competitive grants, as well as track and secure existing infrastructure resources as the Biden Administration implements the Infrastructure Investment and Jobs Act (IIJA).

WHEREAS, the City of Newark, Department of Administration (the "City"), wishes to obtain lobbying services to advance and develop a comprehensive strategy to advocate and advance funding for the City's priorities; and

WHEREAS, lobbying services require 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, Winning Strategies Washington, LLC, (hereinafter referred to as "Winning Strategies") 409 Seventh Street, N.W., Suite 450, Washington, DC 20004, wishes to provide certain lobbying services for the City, more specifically, to develop and execute a comprehensive government affairs strategy to advocate and advance funding requests for Newark's priorities through the annual appropriations process and federal competitive grants, as well as track and secure existing infrastructure resources as the Biden Administration implements the Infrastructure Investment and Jobs Act (IIJA), as set forth in the attached Proposal from Winning Strategies; and

WHEREAS, the City's Department of Administration wishes to enter into a contract with

Winning Strategies in order to receive the lobbying services described above; and

WHEREAS, the nature of the services described above are such that the award of a contract is exempted from public bidding requirements as Extraordinary Unspecifiable Services (EUS), pursuant to N.J.S.A. 40A:11-5(1)(a)(ii) as 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, N.J.S.A. 40A:11-5(1)(a)(ii) requires that Notice of the Award of Contracts for EUS without public bidding be published and the contracts be made available for public inspection; 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, the Department of Administration has determined that Winning Strategies is best qualified to provide the services as an Extraordinary Unspecifiable Service; and

WHEREAS, due to the unique nature of the work performed by Winning Strategies and its experience in providing lobbying services, the City of Newark wishes to enter into a contract with Winning Strategies with services commencing on March 1, 2024 and terminating on February 28, 2025 in an amount not to exceed One Hundred Eighty Thousand Dollars and Zero Cents (\$180,000.00); and

WHEREAS, Winning Strategies 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, Winning Strategies 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 for the term of the contract; and

WHEREAS, the Municipal Council adopted New Jersey Municipal Code § 2:4-22C.1, which adopted the State of New Jersey's Pay-to-Play statutory requirements pursuant to N.J.S.A. 19:44A-20.5, as may be amended and supplemented, governing eligibility for municipal contracts.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:

1. The Mayor of the City of Newark and/or his designee, the Business Administrator is hereby authorized, to enter into and execute a contract with Winning Strategies Washington, LLC, 409 Seventh Street, N.W., Suite 450, Washington, DC 20004 for the provision of lobbying services, for an amount not to exceed One Hundred Eighty Thousand Dollars and Zero Cents (\$180,000.00), for a period of one (1) year commencing on March 1, 2024 and terminating on February 28, 2025.

2. The Contract is ratified from March 1, 2024 through the date of adoption of this authorizing Resolution.

3. Pursuant to N.J.S.A. 5:30-5.5(a), Temporary Budget, attached hereto is a partial Certification of Funds from the Director of the Department of Finance, which states that there are available legally appropriated funds for the purposes set forth hereinabove, in the amount of Forty Five Thousand Dollars and Zero Cents (\$45,000.00), in the 2024 Budget under Business Unit: 011, Department ID: 030, Division: 0301, Account: 71280. The Certification of Funds 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 2024 and 2025 Budgets 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 Office of the City Clerk.

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 Business Administrator.

5. A copy of the fully executed Contract herein authorized shall be filed in the Office of the City Clerk by the Business Administrator.

6. There shall be no advance payments made against this Contract in accordance with N.J.S.A. 40A:5-16.

7. Winning Strategies has completed and submitted a Political Contribution Disclosure Form and a Business Entity Disclosure Certificate, which certify that Winning Strategies 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 Winning Strategies, from making any reportable contributions for the term of the Contract.

8. The Contract will contain language prohibiting the making of, or solicitation of, any contributions during the term of the Contract that would violate New Jersey's Pay-to-Play Law, N.J.S.A. 19:44A-20.4 et seq., or the City of Newark's Pay-to-Play Reform Ordinance.

9. A Notice of this Action, as required by law shall be published in the newspaper authorized to publish legal advertisements within ten (10) days of this Resolution's passage.

STATEMENT

This Resolution ratifies and authorizes the Mayor of the City of Newark and/or his designee, the Business Administrator, to enter into and execute a Contract with Winning Strategies Washington, LLC, 409 Seventh Street, N.W., Suite 450, Washington, DC 20004, for lobbying services, for an amount not to exceed \$180,000.00, for a one (1) year contract commencing on March 1, 2024 and terminating on February 28, 2025.