



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 23-1960, Version: 1

Dept/ Agency: Finance

Action: Ratifying Authorizing Amending

Type of Service: Professional Service Contract

Purpose: To provide Financial Advisory Services.

Entity Name: Public Resources Advisory Group, Inc.

Entity Address: 39 Broadway, Suite 1210, New York, New York, 10006-1714

Contract Amount: Not to exceed \$350,000.00

Funding Source: Bond Proceeds

Contract Period: January 1, 2024 through December 31, 2024

Contract Basis: Bid State Vendor Prof. Ser. EUS

Fair & Open No Reportable Contributions RFP RFQ

Private Sale Grant Sub-recipient n/a

Additional Information:

Vendor to be paid from Bond Proceeds.

No Certification of Funds required.

The contract will not exceed \$350,000.00 between two (2) vendors.

WHEREAS, the City of Newark is in need of financial advisors to counsel and assist the City of Newark with regards to bond and note issuance, sales and auctions, and other financial matters; and

WHEREAS, such financial advisors are part of a highly regulated financial industry, licensed by various regulatory authorities; as such, those services are professional services, excluded from the requirements of public bidding pursuant to the Local Public Contracts Law, more specifically, N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, the City of Newark wishes to enter into a professional services contract with Public Resources Advisory Group, Inc. 39 Broadway, Suite 1210, New York, New York, 10006-1714 for an amount not to exceed Three Hundred Fifty Thousand Dollars and Zero Cents (\$350,000.00) among three (2) vendors. It is expressly agreed that the City is not obligated to expend any monies or incur any expenses under this contract. For specific financing such as bond and/or note issues, the fee will be calculated at a rate of, including a fee or commission calculated at a rate of \$0.75 per \$1,000.00 of par value with a minimum of \$45,000.00 for Bonds Financings and \$25,000.00 for Notes Financings of the principal amount financed payable at the closing of the proposed bond issuance in accordance with the term of sale, as provided in the contract for a period from January 1, 2024 to December 31, 2024; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et. seq.) requires that notice of the award of contracts for "Professional Services" without competitive bidding must be published in a local newspaper; and

WHEREAS, Public Resources Advisory Group, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Public Resources Advisory Group, Inc. has not made any reportable contributions to a political or a candidate committee in the City of Newark in the previous one (1) year, and that the contract will prohibit Public Resources Advisory Group, Inc. from making any reportable contributions through 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 and/or his designee the Director of Finance are hereby authorized and directed on behalf of the City of Newark to execute a contract with Public Resources Advisory Group, Inc. 39 Broadway, Suite 1210, New York, New York, 10006-1714, to provide Professional Financial Advisory Services, for a period from January 1, 2024 to December 31, 2024.
2. The contract shall be for an amount not to exceed Three Hundred Fifty Thousand Dollars and Zero Cents (\$350,000.00) among three (3) vendors. It is expressly agreed that the City of Newark is not obligated to expend any monies or incur any expenses under this contract. For specific financing such as bond and/or notes issues, the fee will be calculated at a rate of \$0.75 per \$1,000.00 of par value with a minimum of \$45,000.00 for Bonds Financings and \$25,000.00 for Notes Financings of the principal amount financed payable at the closing of the proposed bond issuance in accordance with the term of sale, as provided in the contracts. Funds to be utilized for this contract will be from bond proceeds.
3. This contract was awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(a)(i) of the Local Public Contracts Law because the performance of the service required must be performed by someone who is a licensed financial advisor in the State of New Jersey.
4. The contract is hereby ratified from January 1, 2024 until the date of adoption of this Resolution.
5. This contract is an open-ended contract to be used as needed during the term of the contract. Thus, for any and all expenditures against this contract, a certification of the availability of sufficient funds, as required by N.J.A.C. 5:30-5.5(b)(2), shall be executed before a contractual liability is incurred each time an order is placed, covering the amount of the order.
6. Public Resources Advisory Group, Inc. has completed and submitted a Business Entity Disclosure Certificate, which shall be placed on file with the Resolution in the City Clerk's Office, certifying that Public Resources Advisory Group, Inc. has not made any reportable contributions to a political or a candidate committee in the City of Newark in the previous one (1) year, and the contract will prohibit Public Resources Advisory Group, Inc. from making reportable contributions through the term of the Contract.

7. There shall be no advance payments made against this contract in accordance with N.J.S.A. 40A:5-16.
8. A copy of the executed agreement herein authorized shall be filed in the Office of the City Clerk by the Director of Finance 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 designee the Director of Finance to enter into a professional service contract with Public Resources Advisory Group, Inc. 39 Broadway, Suite 1210, New York, New York, 10006-1714 to provide financial advisory services for the period of January 1, 2024 to December 31, 2024.