



## Legislation Text

File #: 23-1350, Version: 1

**Dept/Agency:** Recreation, Cultural Affairs and Senior Services

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

**Type of Service:** Memorandum of Agreement with Bloomfield Avenue/Lower Broadway Alliance ("BALBA")

**Purpose:** To revitalize the City-owned park, Salvatore Bontempo Memorial Park, located at the intersection of Bloomfield Avenue and First Avenue (Block 598, Lot 1).

**Entity Name:** Bloomfield Avenue/Lower Broadway Alliance ("BALBA")

**Entity Address:** 228 North 15<sup>th</sup> Street, Bloomfield, New Jersey 07003

**Project Location:** 368-378 Bloomfield Avenue (corner of Bloomfield Avenue and First Avenue), Newark, New Jersey 07107 (Block 598, Lot 1)

**Contract Amount:** \$657,977.00 (Preliminary Total Park Estimate); City's total contribution for the Park not to exceed \$300,000.00

**Contract Period:** Upon execution, not to exceed five (5) consecutive years, unless extended upon mutual agreement and subject to adoption by the Municipal Council

**Contract Basis:** ( ) Bid ( ) State Vendor ( ) Prof. Ser. ( ) EUS  
( ) Fair & Open ( ) No Reportable Contributions ( ) RFP ( ) RFQ  
( ) Private Sale ( ) Grant ( ) Sub-recipient (X) n/a

**Additional Information:**

**WHEREAS**, pursuant to Ordinance 6PSF-h, adopted on July 12, 2017, the Mayor of the City and the Municipal Council authorized the creation of Bloomfield Avenue/Lower Broadway Business Improvement District ("District") and designated the Bloomfield Avenue/Lower Broadway Alliance (hereinafter "BALBA") to serve as the district management corporation and operating organization; and

**WHEREAS**, the BALBA provides administrative and other services to benefit businesses, employees, residents, visitors and consumers in the District;

**WHEREAS**, N.J.S.A. 40:12-20 et seq. (the "Act") recognizes that counties and municipalities often do not have the funds necessary for the proper maintenance, operation and improvement of their parks even though same helps extend the life of such facilities; and

**WHEREAS**, N.J.S.A. 40:12-22 authorizes counties, municipalities, private businesses and nonprofit organizations to enter into agreements, at no cost to the local government unit, for the maintenance, operation or improvement of a park or any portion thereof located within the local government unit; and

**WHEREAS**, N.J.S.A. 40:12-23 allows a municipality to provide, at no cost to the participants, such equipment, materials, supplies and or services to assist with the municipal park maintenance, operation, or improvements, including but not limited to, solid waste recycling and disposal services

(hereinafter “Project Costs”) ; and

**WHEREAS**, the City has identified the City owned park, known as Salvatore Bontempo Memorial Park (hereinafter the “Park”), located at the intersection of Bloomfield Avenue and First Avenue (Block 598; Lot 1), as a park that would benefit from the establishment of a partnership with the BALBA, pursuant to the Act, for the purpose of improving and revitalizing the park for the use and enjoyment of the community; and

**WHEREAS**, the City and BALBA desire to jointly fund the renovation and ongoing maintenance of the Park (hereinafter referred to as the “Project”), pursuant to the terms of the Memorandum of Agreement (hereinafter “MOA” or “Agreement”) (attached hereto); and

**WHEREAS**, the preliminary estimate for the Project is Six Hundred Fifty Seven Thousand Nine Hundred Seventy Seven Dollars and Zero Cents (\$657,977.00); and

**WHEREAS**, pursuant to the terms of the MOA, the City desires to provide an amount not to exceed Three Hundred Thousand Dollars and Zero Cents (\$300,00.00) to BALBA, toward Project as outlined in the MOA; and

**WHEREAS**, in addition to selection and oversight of the Contractor for the Project, BALBA shall also be responsible for any overrun costs in excess of the City’s not to exceed contribution of Three Hundred Thousand Dollars and Zero Cents (\$300,00.00) and

**WHEREAS**, BALBA shall also be responsible for obtaining necessary permits and any required documentation from BALBA and its agents and the Contractor and its agents (hereinafter the “Participants”) pursuant to the terms of the MOA; and

**WHEREAS**, Participants shall not be paid for the administrative and management services being provided by their employees or affiliates for the Project; and

**WHEREAS**, the City and BALBA shall be responsible for the ongoing maintenance of the Park, in accordance with the terms of MOA; and

**WHEREAS**, the Agreement is not subject to the requirements or provisions of Local Public Contracts Law, pursuant to N.J.S.A. 40:12-28(b); and

**WHEREAS**, in furtherance of the City and BALBA’s mutual desire to enter into the Agreement, the Director of the Department of Recreation, Cultural Affairs and Senior Services, desires to execute the MOA, for the benefit of the City, to renovate and maintaining the Park, at a cost to the City not to exceed Three Hundred Thousand Dollars and Zero Cents (\$300,000.00), for a period not to exceed five (5) consecutive years, pursuant to the terms and conditions outlined in the attached MOA, inclusive of Exhibits A through Exhibit C, contained therein.

**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 Business Administrator and/or the Director of the Department of Recreation, Cultural Affairs and Senior Services, are hereby authorized to enter into and execute a Memorandum of Agreement (the "MOA" or "Agreement") with Bloomfield Avenue/Lower Broadway Alliance ("BALBA"), located at 228 North 15<sup>th</sup> Street, Bloomfield, New Jersey 07003, to perform renovation and maintenance operations for the purpose of improving and revitalizing a City-owned park, known as Salvatore Bontempo Park, located at 368-378 Bloomfield Avenue (Corner of Bloomfield Avenue and First Avenue), Newark, New Jersey (Block 598 and Lot 1) (the "Park"), in accordance with the terms of the Agreement.
2. The Agreement is in accordance with N.J.S.A. 40A: 40:12-20 et seq.
3. The City shall be responsible for the oversight and maintenance of the Park, in accordance with the terms of the Agreement.
4. The City's contribution shall not exceed Three Hundred Thousand Dollars and Zero Cents (\$300,000.00).
5. BALBA shall be responsible for all overage costs, pursuant to the Agreement, which are in excess of the City's Three Hundred Thousand Dollars and Zero Cents (\$300,000.00) total contribution for the Park.
6. Attached hereto is a Certification of Funds in an amount not to exceed Three Hundred Thousand Dollars and Zero Cents (\$300,000.00) from Budget Code Line: Fund 027; Dept:A23; Proj: EC3Q0;Activity :A;)
7. BALBA and its agents and the selected Contractor and its agents (the "Participants") shall not be paid for the administrative, and management services being provided by employees of Participants or its affiliates for the project. All funding provided to BALBA shall solely be dedicated to project costs for materials, supplies and services to effectuate the project.
8. BALBA shall be responsible for obtaining all necessary permits and any required documentation from the Participants in accordance with the MOA.

9. The term of the MOA shall commence upon execution and shall not exceed five (5) years, unless extended upon mutual agreement of the parties, and subject to adoption by the Municipal Council.
  
10. There shall be no changes made to the Agreement without approval from the Municipal Council.
  
11. The Director of the Department of Recreation, Cultural Affairs, and Senior Services shall file an executed copy of the Memorandum of Agreement and all such other executed documents pertaining to the Memorandum of Agreement in the Office of the City Clerk.
  
12. The Agreement is not subject to the requirements or provisions of the Local Public Contracts Law, pursuant to N.J.S.A. 40:12-28(b).

### **STATEMENT**

This resolution authorizes the Mayor and/or his designee, the Business Administrator and/or the Director of the Department of Recreation, Cultural Affairs and Senior Services, to enter into and execute a Memorandum of Agreement (“MOA” or “Agreement”) with Bloomfield Avenue/Lower Broadway Alliance (“BALBA”), located at 228 North 15<sup>th</sup> Street, Bloomfield, New Jersey 07003, to perform renovation and maintenance operations for the purpose of improving, revitalizing and maintaining a City-owned park, known as Salvatore Bontempo Park, located at 368-378 Bloomfield Avenue (Corner of Bloomfield Avenue and First Avenue), Newark, New Jersey (Block 598 and Lot 1), at a cost not to exceed \$300,000.00, for a period not to exceed five (5) consecutive years, upon execution of the Agreement.