



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 14-0907, Version: 2

Dept/ Agency: Offices of Municipal Council/City Clerk

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

Type of Service: Professional Service Contract

Purpose: To provide 2013 Statutory Audit.

Entity Name: Samuel Klein and Company

Entity Address: 550 Broad Street, Newark, New Jersey 07102

Contract Amount: \$357,600.00

Funding Source: City of Newark/Office of the City Clerk

Contract Period: January 1, 2014 through December 31, 2014

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

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

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

Additional Information:

WHEREAS, the Office of the City Clerk on behalf of the City of Newark advertised an RFQ for Statutory Auditor Services pursuant to *N.J.S.A. 40A:5-4* for related accounting and auditing services for calendar year ending December 31, 2013 for the Municipal Council; and

WHEREAS, auditing services are professional services, exempt from the public bidding requirements of the Local Public Contracts Law, *N.J.S.A. 40A:11-1, et seq.*, as the services are provided primarily by certified public accountants, who are also designated as Registered Municipal Accountants; and

WHEREAS, four (4) proposals were received on April 23, 2014, with Samuel Klein and Company, 550 Broad Street, Newark, New Jersey 07102, submitting the proposal that was found to be in the best interest of the City of Newark to accept based on price and other factors; and

WHEREAS, the Municipal Council of the City of Newark wishes to enter into a contract with Samuel Klein and Company, 550 Broad Street, Newark, New Jersey 07102, who employs registered municipal accountants to provide Statutory Auditor Services and related accounting and auditing services for the 2013 calendar year ending December 31, 2013 for the Municipal Council, in the amount of \$357,600.00 for the period of January 1, 2014 through December 31, 2014; and

WHEREAS, the Local Public Contracts Law (*N.J.S.A. 40A:11-1 et seq.*) requires that the resolution authorizing the award of contracts for Professional Services without public bidding must be publicly advertised; and

WHEREAS, this contract is for an amount over \$17,500.00 and is being awarded as a Fair and Open contract pursuant to *N.J.S.A. 19:44A-20.5*; and

WHEREAS, the Mayor of the City of Newark signed into law Executive Order Number MEO-07-0001 (hereinafter "Pay-to-Play Executive Order"), which requires reporting of political contributions during the duration of the contract; and

WHEREAS, the Municipal Council adopted the Contractor Pay-to-Play Reform Ordinance, 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 City Clerk is hereby authorized and directed on behalf of the City of Newark to enter into and execute a contract with Samuel Klein and Company, 550 Broad Street, Newark, New Jersey 07102, to provide Statutory Auditor Services and related accounting and auditing services for the 2013 calendar year ending December 31, 2013, pursuant to *N.J.S.A. 40A:5-4* for the Municipal Council, in the amount of \$357,600.00, for the period of January 1, 2014 through December 31, 2014.
2. The Council ratifies this contract for the period of January 1, 2014 to the date of adoption of this resolution.
3. Attached hereto is the Comptroller's Certification, which states the funds in the amount of \$80,000.00 are available in the 2014 Temporary Budget and the balance will be provided in the 2014 Adopted Budget, Fund NW011, Dept. ID 020, Div./Proj. 0201, Account # 71250. The Certification shall be filed along with the original resolution and the executed contract in the Office of the City Clerk.

4. This contract is being awarded pursuant to the Fair and Open procedures of the Pay-to-Play Law, *N.J.S.A. 19:44A-20.5* and is in compliance with the City of Newark Executive Order on Pay-to-Play Reform, MEO-07-0001 and the Contractor Pay-to-Play Reform Ordinance, 2:4-22C.
5. This contract is being awarded without public bidding pursuant to the Professional Services exception of the Local Public Contracts Law (*N.J.S.A. 40A:11-5(1)(a)(i)*), and because these services are to be rendered by a person authorized by law to practice a recognized profession, whose practice is regulated by law, and the performance of which services requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction.
6. The contract will contain language prohibiting any contributions during the term of the contract in violation of any state or local law.
7. A copy of the executed agreement herein authorized shall be filed in the Office of the City Clerk and shall be made available for public inspection.

8. 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.

STATEMENT:

This resolution hereby ratifies and authorizes the City Clerk on behalf of the City of Newark to enter into and execute a contract with Samuel Klein and Company, 550 Broad Street, Newark, New Jersey 07102, to provide Statutory Auditor Services and related accounting and auditing services for the 2013 calendar year ending December 31, 2013, pursuant to *N.J.S.A. 40A:5-4* for the Municipal Council, in the amount of \$357,600.00 for the period of January 1, 2014 through December 31, 2014.