



Legislation Details (With Text)

File #: 12-1720 **Version:** 1 **Name:** Archives Bld-Mikesell #18-2011PS
Type: Resolution **Status:** Filed
File created: 8/8/2012 **In control:** Engineering
On agenda: 11/8/2012 **Final action:** 11/8/2012
Title: Dept/ Agency: Engineering
Action: ☐ Ratifying ☒ Authorizing ☐ Amending
Type of Service: Professional Services Contract
Purpose: Engineering Design and Architectural Services for the City's Archives Building
Entity Name: Mikesell & Associates
Entity Address: 17 Academy Street, Suite 800, Newark, New Jersey 07102
Contract Amount: \$55,000.00
Funding Source: City of Newark/Engineering Budget
Contract Period: One (1) year after issuance of a formal "Notice to Proceed"
Contract Basis: ☐ Bid ☐ State Vendor ☒ Prof. Ser. ☐ EUS
☐ Fair & Open ☒ No Reportable Contributions ☐ RFP ☐ RFQ
☐ Private Sale ☐ Grant ☐ Sub-recipient ☐ n/a
Addition Information:
Contract #18-2011PS

Sponsors:

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
11/9/2012	1	Municipal Council	Adopt	Pass

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Whereas, the Department of Engineering, City of Newark, is in need of Professional Engineering Design and Architectural Services relating to the City's renovation of the Archives Building, located at 295 Halsey Street, Newark, New Jersey; and

WHEREAS, Mikesell & Associates, 17 Academy Street, Suite 800, Newark, New Jersey

07102, submitted a proposal, dated January 19, 2007, to provide Professional Engineering Design and Architectural Services for the City's Archives building; and

WHEREAS, Resolution 7Ry adopted August 1, 2007, authorized the Director of the Department of Engineering to execute Contract #05-2007PS with Mikesell & Associates, 17 Academy Street, Suite 800, Newark, New Jersey, 07102 and a "Notice to Proceed" was issued dated August 1, 2007; accordingly, the contract term was August 1, 2007 with a termination date of July 31, 2008 and is now expired; and

WHEREAS, for various reasons, work ceased on the project; however, the work has not been completed, requiring the assistance of a professional to finish the project; and

WHEREAS, on November 24, 2011, Mikesell & Associates, 17 Academy Street, Suite 800, Newark, New Jersey 07102, provided a proposal for Architectural and Design Services for the Archives Building in the amount of \$55,000.00; and

WHEREAS, the construction phase of the "Renovations to Archives Building Project" has not been completed, and based on the expertise, background, and prior experience with the "Renovations to Archives Building Project", the Director of the Department of Engineering has determined that it is in the best interest of the City of Newark to continue to retain Mikesell & Associates and execute Contract #18-2011PS, for Architectural and Design Services for the City's Archives Building with Mikesell & Associates, 17 Academy Street, Suite 800, Newark, New Jersey 07102, for an amount not to exceed \$55,000.00; and

WHEREAS, pursuant to the Local Public Contracts Law, (NJSA 40A:11-5 (i)(a)(i)), a contract for professional services may be awarded and entered into without public bidding; and

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

WHEREAS, this contract is being awarded as a **non-fair and open** contract according to the procedures outlined in the Local Pay-to-Play Law, 19:44A-20.5 and the City of Newark Pay-to-Play Reform Executive Order MEO-07-0001.

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

1. The Mayor and/or his designee and the Director of the Department of Engineering is hereby authorized on behalf of the City of Newark to execute a Professional Services contract, Contract #18-2011PS, for continued Engineering Design and Architectural Services for the City's Archives Building, with Mikesell & Associates, 17 Academy Street, Suite 800, Newark, New Jersey 07102, for an amount not to exceed \$55,000.00.

2. Attached hereto is a certification of funds issued by the Chief Financial Officer, City of Newark, which states that there are available sufficient legally appropriated funds in the amount of \$55,000.00 for the purposes set forth herein. A copy of the certification of funds shall be filed in the Office of City Clerk by the Director of Engineering together with this resolution.
3. The term of this contract shall be one (1) year from the date a formal "Notice to Proceed" is issued by the Director of Engineering or his designee.
4. The estimated amount of this non-fair and open Contract exceeds \$17,500.00. The determination of the value set forth herein is based on the full contract term.
5. Mikesell & Associates has completed and submitted a Business Entity Disclosure Certification which certifies that Mikesell & Associates has not made any reportable contributions to a political or candidate committee in the City of Newark in the previous one year, and the contract will prohibit Mikesell & Associates from making or soliciting any prohibited contributions through the term of the contract.
6. No changes to this contract shall be allowed or authorized without prior Municipal Council approval.
7. There shall be no advance payments made against this contract in accordance with N.J.A.C. 40A:5-16.
8. A fully executed copy of the contract shall be filed in the Office of the City Clerk by the Director of Engineering or his designee.
9. This contract is awarded in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5 (1) (a)(i), and as a "Non-Fair and Open Contract" pursuant to and in compliance with the procedures outlined in the Local Pay-to-Play Law, 19:44A-20.5, and the City of Newark Executive Order on Pay-to-Play Reform (MEO-07-0001).
10. Mikesell & Associates, 17 Academy Street, Suite 800, Newark, New Jersey 07102, has certified that it has neither made or solicited nor will make or solicit a prohibited contribution in violation of any applicable federal or state laws, or City Ordinances, including but not limited to the Executive Order on Pay-to-Play Reform (MEO-07-0001), as may be amended from time to time. Any such failure shall constitute a breach of the Contract.
11. A notice of this action shall be printed in a local newspaper as required by law within ten (10) days hereof.
12. Funds for this contract in the amount of \$55,000.00 is provided from Fund:045, Department:007, Project:07CMO, Account:94710, Budget Year:B2007.

STATEMENT

This resolution authorizes the Mayor and/or his designee and the Director of the Department of Engineering to execute Contract #18-2011PS, Engineering Design and Architectural Services for the

City's Archives Building, with Mikesell & Associates, 17 Academy Street, Suite 800, Newark, New Jersey 07102, for an amount not to exceed \$55,000.00, for a period of one (1) year from the issuance of a formal written "Notice to Proceed".