



## Legislation Details (With Text)

**File #:** 13-2076      **Version:** 2      **Name:** Contract Amendment Renovations and Improvements to 16 Sales Lease back publi buildings for Design and Preparation of Bid Documents for 10-90 17th Avenue, Newark, NJ

**Type:** Resolution      **Status:** Filed

**File created:** 10/26/2013      **In control:** Engineering

**On agenda:** 1/22/2014      **Final action:** 1/22/2014

**Title:** Dept/ Agency: Engineering  
 Action: ☐ Ratifying ☒ Authorizing ☒ Amending  
 Type of Service: Change Order/Amend Resolution  
 Purpose: "Renovations and Improvements to Sixteen (16) SaleLease Back Public Buildings" for Design and Preparation of Bid Documents for 10-90 17th Avenue, Newark, New Jersey  
 Entity Name: USA Architects, Planners & Interior Designers, P.A.  
 Entity Address: 292 Lafayette Street, Newark, New Jersey 07105  
 Contract Amount: \$41,400.00  
 Funding Source: Essex County Improvement Authority ("ECIA")  
 Contract Period: Amend the term of the contract from April 20, 2012 through April 19, 2013 to April 20, 2012 through April 18, 2014  
 Contract Basis: ☐ Bid ☐ State Vendor ☒ Prof. Ser. ☐ EUS  
☐ Fair & Open ☒ No Reportable Contributions ☐ RFP ☐ RFQ  
☐ Private Sale ☐ Grant ☐ Sub-recipient ☐ n/a  
 Additional Information:  
 Extending original contract term an additional one (1) year from April 19, 2013 to April 18, 2014, at no additional cost to City.

**Sponsors:** Council of the Whole

### Indexes:

### Code sections:

Date	Ver.	Action By	Action	Result
1/22/2014	2	Municipal Council	Adopt	Pass

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**Additional Information:**

Extending original contract term an additional one (1) year from April 19, 2013 to April 18, 2014, at no additional cost to City.

**WHEREAS**, Resolution 7R4-a adopted February 16, 2012, authorized the Director of the Department of Engineering to execute Contract #38-2011PS “Renovations and Improvements to Sixteen (16) Sale-Lease Back Public Buildings” Design and Preparation of Bid Documents for 10-90 17<sup>th</sup> Avenue, Newark, New Jersey, with USA Architects, Planners & Interior Designers, P.A., 292 Lafayette Street, Newark, New Jersey 07105, in the amount of \$41,400.00; and

**WHEREAS**, a ‘Notice to Proceed’ was issued dated April 20, 2012, specifying April 20, 2012 as the effective date and ending on April 19, 2013; and

**WHEREAS**, due to unforeseen delays with the contractor procurement process for the construction contract (See Attachment A), the project has not been completed, necessitating an extension of the professional service contract of USA Architects, Planners & Interior Designers, P.A. and

**WHEREAS**, the Director of the Department of Engineering desires to amend Contract #38-2011PS, to extend the contract term from April 20, 2012 to April 19, 2013 to April 20, 2012 to April 18, 2014, at no additional cost to the City; and

**WHEREAS**, the contracted services are professional services and are exempt from the public bidding requirements of the Local Public Contracts Law, pursuant to N.J.S.A. 40A:11-5(1)(a)(i); and

**WHEREAS**, this contract amendment is being awarded as a non-fair and open contract pursuant to the Pay-to-Play Executive Order and in accordance with the Local Pay-to-Play Law, N.J.S.A. 19:44A-20.5 and the Contractor Pay-to-Play Reform Ordinance, 6PSF-a, adopted August 1, 2012.

**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 Engineering are hereby authorized to execute Amendment #1 to Contract #38-2011PS “Renovations and Improvements to Sixteen (16) Sale-Lease Back Public Buildings” Design and Preparation of Bid Documents for 10-90 17<sup>th</sup> Avenue, Newark, New Jersey, with USA Architects, Planners & Interior Designers, P.A., 292 Lafayette Street, Newark, New Jersey 07105, to amend the term from April 20, 2012 to April 19, 2013 to April 20, 2012 to April 18, 2014.
2. The contract amendment is hereby ratified from April 19, 2013 to the date of the adoption of this resolution.
3. All other terms and conditions of Contract #38-2011PS “Renovations and Improvements to Sixteen (16) Sale-Lease Back Public Buildings” Design and Preparation of Bid Documents for 10-90 17<sup>th</sup> Avenue, Newark, New Jersey, shall apply and remain in force until the contract is completed.
4. A fully executed copy of Amendment #1 to Contract #38-2011PS “Renovations and Improvements to Sixteen (16) Sale-Lease Back Public Buildings” Design and Preparation of Bid

Documents for 10-90 17<sup>th</sup> Avenue, Newark, New Jersey, shall be filed in the Office of the City Clerk by the Director of the Department of Engineering.

5. No further amendments or modifications to this amended contract shall be permitted without prior Municipal Council approval.
6. There shall be no advance payments made against this contract in accordance with N.J.A.C. 40A:5-16.
7. Notice of the award of this contract amendment shall be published in a local newspaper as required by law within ten (10) days of adoption.
8. USA Architects, Planners & Interior Designers, P.A. has completed and submitted a Business Entity Disclosure Certification and an updated City Political Disclosure Statement which certifies that the Business Entity, as defined therein, has not made any prohibited contributions to a political or candidate committee in the City of Newark or the County of Essex in the previous one year, and the contract will prohibit USA Architects, Planners & Interior Designers, P.A., from making any prohibited contributions through the term of the contract.
9. A fully executed copy of this amendment shall be filed in the Office of the City Clerk by the Director Engineering or his designee.

This amendment to a professional service contract is awarded under the provisions of the Local Public Contracts Law N.J.S.A. 40A:11-5(1)(a)(i), and pursuant to the New Jersey Local Unit Pay-to-Play Law, N.J.S.A. 19:44-20.5 as a 'Non-Fair and Open Contract' , and in compliance with Executive Order (MEO-07-0001), effective March 31, 2007, and the Contractor Pay-to-Play Reform Ordinance, 6PSF-a, adopted August 1, 2012.

### **STATEMENT**

This resolution authorizes the Mayor and/or his designee and the Director of Engineering, to execute Amendment #1 to Contract #38-2011PS "Renovations and Improvements to Sixteen (16) Sale-Lease Back Public Buildings" Design and Preparation of Bid Documents for 10-90 17<sup>th</sup> Avenue, Newark, New Jersey, to amend the term from April 20, 2012 to April 19, 2013 to April 20, 2012 to April 18, 2014, with USA Architects, Planners & Interior Designers, P.A., 292 Lafayette Street, Newark, New Jersey 07105, at no additional cost to the City.