



Legislation Details (With Text)

File #: 13-2044 **Version:** 1 **Name:** SPECIAL CONFERENCE: AeroFarms at Makers Village, Newark
Type: Resolution **Status:** Filed
File created: 10/22/2013 **In control:** Economic and Housing Development
On agenda: 2/5/2014 **Final action:** 2/11/2014

Title: Dept/ Agency: Economic & Housing Development
Action: (X) Ratifying (X) Authorizing () Amending
Type of Service: Contract with Sub-recipient
Purpose: To provide physical rehabilitation to 212 Rome Street, Newark, New Jersey 07105
Entity Name: RBH Group Partners I, L.P.
Entity Address: 89 Market Street, 8th Floor, Newark, New Jersey 07102
Grant Amount: \$500,000.00
Funding Source: United States Department of Housing & Urban Development (HUD)/Community Development Block Grant (CDBG)
Contract Period: January 1, 2014 through December 31, 2016
Contract Basis: () Bid () State Vendor () Prof. Ser. () EUS
(X) Fair & Open () No Reportable Contributions (X) RFP () RFQ
() Private Sale (X) Grant (X) Sub-recipient () n/a
List of Property: (If applicable)
(Address/Block/Lot/Ward)
212 Rome Street (AKA 212 Berlin Street)/Block 2052/Lot 30/Block 2487/Lot 28/ East Ward
Additional Information:
Funds appropriated and awarded by Resolution 7R1-B 111813
Funds applied for and accepted by Resolution 7R1-J091813
Failed 7R3-b 020614

Sponsors: Augusto Amador

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
2/11/2014	1	Municipal Council	Adopt	Pass
2/6/2014	1	Municipal Council	Adopt	Fail

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WHEREAS, pursuant to Resolution 7R1-J, adopted September 18, 2013, the Mayor and/or his designee, the Business Administrator, were authorized to file FY2013 (Program Year 2013-2014) One -Year Action Plan with the U.S. Department of Housing and Urban Development (HUD), which contained requests for funds from four (4) grant programs: Community Development Block Grants (CDBG), \$6,752,671.00; HOME Investment Partnerships (HOME), \$1,799,805.00; Housing Opportunities for People With AIDS (HOPWA), \$6,419,016.00 (on behalf of Newark and the "Eligible Metropolitan Area"); and Emergency Shelter Grants (ESG), \$483,211.00, and were further authorized to accept these grant funds and enter into a Grant Agreement with HUD for these funds, with no municipal funds required; and

WHEREAS, pursuant to the competitive contracting process of the State Local Public Contracts Law, as authorized by *N.J.S.A. 40A:11-4.1b(1)* (being the operation, management or administration of a social services program), and pursuant also to the Fair and Open Process of State Pay-to-Play Law *N.J.S.A. 19:44A-20.5*, the City of Newark publicly advertised a Request for Proposals (RFP) for CDBG Commercial Industrial Development on June 27, 2013 with all proposals due on July 29, 2013; and

WHEREAS, the Municipal Council of the City of Newark hereby ratifies the use of competitive contracting for processing these Housing and Urban Development Entitlement Programs from June 27, 2013 to the date of adoption of this resolution and authorizes its use in the future; and

WHEREAS, the proposal received from RBH Group Partners I, L.P., 89 Market Street, 8th Floor, Newark, New Jersey 07102, hereinafter, the "Sub-Recipient" was the most advantageous to the City of Newark, based on experience and all other criteria listed in the RFP; and

WHEREAS, the Business Administrator and/or his designee, the Acting Deputy Mayor/Director of the Department of Economic & Housing Development desires to enter into an Agreement with the Sub-Recipient, for the purpose of rehabbing its facility located at 212 Rome Street, Newark, New Jersey 07105, for the contract period January 1, 2014 through December 31, 2016, for a total contract amount of \$500,000.00; and

WHEREAS, the project commonly known as, the AeroFarms at Makers Village, Newark, will consist of rehabilitation to a 69,000 square foot industrial facility and reconstructed into an Urban Farm facility; and

WHEREAS, this Agreement is awarded to the Sub-Recipient, in compliance with Local Public Contracts Law, including, but not limited to *N.J.S.A. 40A:11-4.1(b)(2)* and/or *N.J.S.A. 40A:11-5*, and Community Development Block Grant, 24 CFR 135 (Section #3 Reporting Requirements) and 24 CFR. 570.201, and eligible under HUD matrix code 570.202, 14E, Rehab; Public or Privately-Owned Commercial Industrial; and

WHEREAS, the Mayor of the City of Newark signed into law Executive Order Number ME0-07-0001 (hereinafter "Pay-to-Play Executive Order"), which requires reporting of political contributions to Newark Municipal Candidates and prohibits certain political contributions during the duration of the contract; and

WHEREAS, reporting requirements pursuant to *N.J.S.A. 19:44A-20.5, et seq.* and MEO-07-0001 are only applicable to Business Entities as defined therein and do not include non-profit organizations. As a for-profit entity, RBH Group Partners I, L.P., is therefore required to submit certain disclosure statements.

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

1. The Mayor and/or his designees, the Business Administrator and/or the Acting Deputy Mayor/Director of the Department of Economic & Housing Development, are hereby authorized to enter into and execute an Agreement with RBH Group Partners I, L.P., 89 Market Street, 8th Floor, Newark, New Jersey 07102, for the period January 1, 2014 through December 31, 2016, to provide physical rehabilitation services under the category of CDBG Commercial Industrial Development, which is further described in the "Scope of Services" attached hereto as Exhibit A.
2. The contract between the City of Newark and sub-recipient is hereby ratified from January 1, 2014 to the date of adoption of this authorizing resolution.
3. The total Grant amount to be paid pursuant to said Agreement is \$500,000.00 and shall be paid from CDBG funding.
4. The terms of the contract may only be waived or amended in writing and signed by the parties duly authorized to execute this contract, subject to the approval of the Newark Municipal Council by resolution. The term of this contract may be extended for up to two (2) six (6) month periods, provided that any such extension is at no additional cost to the City, is authorized by resolution of the Newark Municipal Council, including a finding that the services are being performed in an effective and efficient manner, and is in writing and signed by both parties.
5. The Municipal Council ratifies the use of competitive contracting for processing and awarding Housing and Urban Development Entitlement Programs from June 27, 2013 to the date of adoption of this resolution and authorizes its use in the future.
6. This Agreement is being awarded pursuant to the Fair and Open Procedures of the State Pay-to-Play Law, *N.J.S.A. 19:44A-20.5*, State Local Public Contracts Law, including, but not limited to *N.J.S.A. 40A:11-4.1(b)(2)* and/or *N.J.S.A. 40A:11-5*, and Community Development Block Grant, 24 CFR 135 (Section #3 Reporting Requirements) and 24 CFR 570.201.
7. Attached hereto is a Certification of Funds from the Municipal Comptroller of the City of Newark, which states that (1) there are sufficient funds in the amount of \$500,000.00 for the purpose set forth hereinabove and (2) that the line appropriation of the official budget which shall be charged is as follows, Business Unit NW027, Dept. ID A13, Div./Proj. EU320, Activity A, Account No. 72090 , Budget Ref. B2013.

8. An executed copy of said Agreement shall be filed with the Office of the City Clerk by the Acting Deputy Mayor/Director of the Department of Economic & Housing Development.

STATEMENT:

This resolution hereby ratifies and authorizes the Mayor and/or his designees, the Business Administrator, and/or the Acting Deputy Mayor/Director of the Department of Economic and Housing Development to enter into and execute an Agreement with RBH Group Partners I, L.P., 89 Market Street, 8th Floor, Newark, New Jersey 07102 utilizing CDBG funding, for the purpose of providing physical rehabilitation services of 212 Rome Street, Newark, New Jersey under the category of CDBG Commercial Industrial Development for the period of January 1, 2014 through December 31, 2016, for the total contract amount of \$500,000.00.