



## Legislation Details (With Text)

**File #:** 14-0231 **Version:** 1 **Name:** Design and Preparation of Bid Documents and Construction Management/Administration for the Construction of a Pocket Park located at 861-869 Clinton Avenue, Block #3016, Lot #25, Newark, New Jersey

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

**File created:** 2/21/2014 **In control:** Engineering

**On agenda:** 3/19/2014 **Final action:** 3/19/2014

**Title:** Dept/ Agency: Engineering  
Action: ☐ Ratifying ☒ Authorizing ☐ Amending  
Type of Service: Professional Services Contract  
Purpose: Design and Preparation of Bid Documents and Construction Management/Administration for the Construction of a Pocket Park located 861-869 Clinton Avenue, Block 3017, Lot 25, Newark, New Jersey 07102  
Entity Name: LS Engineering Associates Corporation  
Entity Address: 150 River Road, Suite E2, Montville, New Jersey 07045  
Contract Amount: \$26,200.00  
Funding Source: City of Newark/Engineering Budget  
Contract Period: One (1) year from 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 #03-2014PS  
Invitation: Engineering Director, March 18, 2014

### Sponsors:

### Indexes:

### Code sections:

Date	Ver.	Action By	Action	Result
3/19/2014	1	Municipal Council	Adopt	Pass

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Contract #03-2014PS  
**Invitation: Engineering Director, March 18, 2014**

**WHEREAS**, the Department of Engineering is in need of professional engineering/architectural services for the Proposed Construction of a Pocket Park Project Design and Preparation of Bid Documents, Construction Management/Administration 861-869 Clinton Avenue, Block 3016, Lot 25, Newark, New Jersey 07102; and

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

**WHEREAS**, on January 14, 2014, the Department of Engineering advertised for the receipt of responses to a Request for Proposals (“RFP”), from qualified engineers and/or architects to provide those professional services for Contract #03-2014PS Design and Preparation of Bid Documents and Construction Management/Administration for the Construction of a Pocket Park located at 861-869 Clinton Avenue, Block 3016, Lot 25, Newark, New Jersey 07102 (hereinafter Contract #03-2014PS); and

**WHEREAS**, on January 22, 2014, all answers to Requests for Information were provided to all eight (8) consultants/firms that obtained the RFP specifications; and

**WHEREAS**, on February 6, 2014, four (4) firms and individuals submitted their responses to the Request for Proposal; and

**WHEREAS**, after a review of the responses to the Request for Proposal, the Director of the Department of Engineering has determined that LS Engineering Associates Corporation, 150 River Road, Building E, Suite E2, Montville, New Jersey 07045, has demonstrated the requisite expertise and experience to address the needs of the City of Newark in a manner that is advantageous to the taxpayers, price and other factors considered and recommends an award of Contract #03-2014PS to LS Engineering Associates Corporation, for an amount not to exceed \$26,200.00; and

**WHEREAS**, the award of this contract through a Request for Proposal process, constitutes a fair and open process pursuant to the Local Unit Pay-to-Play Law, N.J.S.A. 19:44A-20.5 et seq. and is in compliance with Executive Order Number MEO-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 Revised Ordinance 2:4-22C, Contractor Pay-to-Play Reform, which forbids, inter alia, the award of a contract to a Business Entity (and subcontractors), as defined therein, which has made or solicited political contributions to Newark Municipal and County of Essex 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 City of Newark municipal or County of Essex elections and/or City of Newark municipal or County of Essex candidates, candidate committees, political committees, political parties, political party committees, (hereinafter “PACs”), in excess of the thresholds set forth in the ordinance, within one (1) calendar year immediately preceding the date of the contract or agreement; and

**WHEREAS**, this contract has been determined and certified in writing to have a value that exceeds \$17,500.00.

**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 Director of the Department of Engineering is hereby authorized on behalf of the City of Newark to execute Contract #03-2014PS Design and Preparation of Bid Documents and Construction Management/Administration for the Construction of a Pocket Park located at 861-869 Clinton Avenue, Block 3016, Lot 25, Newark, New Jersey 07102, a professional services contract to LS Engineering Associates Corporation, 150 River Road, Building E, Suite E2, Montville, New Jersey 07045, for an amount not to exceed \$26,200.00 (Twenty-six Thousand Two Hundred Dollars).
2. Attached hereto is a Certification of Funds issued by the Acting Chief Financial Officer, City of Newark, which states that there are available sufficient legally appropriated funds in the amount of \$26,200.00 (Twenty-six Thousand Two Hundred Dollars) for the purposes set forth herein. A copy of the Certification of Funds shall be filed in the Office of the 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. No amendments or modifications to this contract shall be allowed or authorized without prior Municipal Council approval.
5. There shall be no advance payments made against this contract in accordance with N.J.A.C. 40A:5-16.
6. 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.
7. LS Engineering Associates Corporation, 150 River Road, Building E, Suite E2, Montville, New Jersey 07045, has certified that it has neither made nor will make a prohibited contribution in violation of any applicable federal or state laws, or City Ordinances, including but not limited to the State Local Unit Local Unit Pay-to-Play Law, N.J.S.A. 19:44A-20.5 et seq., the Executive Order on Pay to Play Reform (MEO-7-0001), and Revised Ordinance 2:4-22C, Contractor Pay to Play Reform, as may be amended from time to time. Any such failure shall constitute a breach of the Contract.
8. A notice of this action shall be printed in a local newspaper as required by law within ten (10) days hereof.
9. Funds for this contract in the amount of \$26,200.00 (Twenty-six Thousand Two Hundred Dollars) is provided from Fund: 045, Department: 13G, Account: 94710, Project: 13A10, Budget Year: B2007.

**STATEMENT**

This resolution authorizes the Mayor and/or his designee the Director of the Department of Engineering to execute Contract #03-2014PS Design and Preparation of Bid Documents and Construction Management/Administration for the Construction of a Pocket Park located at 861-869 Clinton Avenue, Block 3016, Lot 25, Newark, New Jersey 07102 to LS Engineering Associates Corporation, 150 River Road, Building

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