



## Legislation Details (With Text)

**File #:** 14-0268      **Version:** 2      **Name:** Traffic Studies & Design South Ward Traffic Calming  
**Type:** Resolution      **Status:** Filed  
**File created:** 2/27/2014      **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: Designing Traffic Calming Measures for the South Ward  
Entity Name: Sam Schwartz Engineering D.P.C.  
Entity Address: 744 Broad Street, Suite 2090, Newark, New Jersey 07102  
Contract Amount: \$49,000.00  
Funding Source: City of Newark/Hess Trust Fund  
Contract Period: Ninety (90) Consecutive Calendar Days from the Issue 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 No. 01-2014PS

### Sponsors:

### Indexes:

### Code sections:

Date	Ver.	Action By	Action	Result
3/19/2014	2	Municipal Council	Adopt	Pass

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**WHEREAS**, the Division of Traffic and Signals, Department of Engineering, City of Newark, is in need of professional services relating to Performing Traffic Studies and Designing Traffic Calming Measures for the South Ward, Contract No. 01-2014PS; 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**, pursuant to the fair and open process of the State of New Jersey Pay-to-Play Law, N.J.S.A. 19:44A-20.5, the Division of Traffic and Signals, Department of Engineering, City of Newark, publicly advertised a Request for Proposal (RFP) on January 16, 2014, for Providing Professional Services for Performing Traffic Studies and Designing Traffic Calming Measures for the South Ward, Contract No. 01-2014PS; and

**WHEREAS**, on February 19, 2014, two (2) firms submitted their responses to the Request for Proposal (RFP); and

**WHEREAS**, based on a review of the responses to the Request for Proposal, the Director of the Department of Engineering has determined that Sam Schwartz Engineering D.P.C., 744 Broad Street, Suite 2090, Newark, New Jersey 07102, 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 No. 01-2014PS, Providing Professional Services for Performing Traffic Studies and Designing Traffic Calming Measures for the South Ward, to Sam Schwartz Engineering D.P.C., 744 Broad Street, Suite 2090, Newark, New Jersey 07102, for an amount not to exceed \$49,000.00; 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, are hereby authorized on behalf of the City of Newark to accept the proposal submitted by Sam Schwartz Engineering D.P.C., 744 Broad St, Suite 2090, Newark, New Jersey 07102 and execute Contract No. 01-2014PS, Providing Professional Services for Performing Traffic Studies and Designing Traffic Calming Measures for the South Ward with them, for an amount not to exceed \$49,000.00.
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 for the purpose set forth hereinabove from Fund NW026, Dept. ID BS, Account 32072, Budget Ref. B2014. A copy

of the Certification of Funds issued shall be filed in the Office of the City Clerk by the Director of the Department of Engineering together with this resolution.

3. No amendments or modifications to this contract are allowed without prior Municipal Council approval.
4. A fully executed copy of the contract shall be filed in the Office of the City Clerk by the Director of the Department of Engineering and available for inspection.
5. This contract is to be completed within a period of ninety (90) consecutive calendar days from issue of a formal Notice to Proceed by the Director of the Department of Engineering.
6. The public bidding process under the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1, complies with the Fair and Open Process of the State of New Jersey Local Unit Pay-to-Play Law, N.J.S.A. 19:44A-20.5 as a fair and open contract, and is in compliance with Executive Order MEO-07-0001, effective March 31, 2007 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. .
7. There shall be no advance payments made against this contract in accordance with N.J.S.A. 40A:5-16.
8. A notice of this action shall be placed in the newspaper as required by law within ten (10) days of the adoption of this resolution.

### **STATEMENT**

This resolution authorizes the Mayor and/or his designee, the Director of the Department of Engineering on behalf of the City of Newark, to accept the proposal submitted by Sam Schwartz Engineering D.P.C., 744 Broad Street, Suite 2090, Newark, New Jersey 07102 and to enter into and execute Contract No. 01-2014PS, Providing Professional Services for Performing Traffic Studies and Designing Traffic Calming Measures for the South Ward with them, for the total bid amount not to exceed \$49,000.00.