



## Legislation Details (With Text)

**File #:** 16-0891 **Version:** 1 **Name:** Amendment to Heyer, Gruel Contract (Planning Consultants)  
**Type:** Resolution **Status:** Adopted  
**File created:** 5/19/2016 **In control:** Economic and Housing Development  
**On agenda:** 6/23/2016 **Final action:** 6/23/2016

**Title:** Dept/ Agency: Economic and Housing Development  
Action: (X) Ratifying (X) Authorizing (X) Amending  
Type of Service: Professional Services Contract  
Purpose: Third Amendment to the Agreement to provide Professional Services, as Planning Consultants, to increase contract amount by \$40,000.00  
Entity Name: Heyer, Gruel & Associates, P.A.  
Entity Address: 236 Broad Street, Red Bank, New Jersey 07701  
Contract Amount: Amount not to exceed \$140,000.00  
Funding Source: City of Newark Budget / Department of Economic and Housing Development  
Contract Period: July 1, 2015 through June 30, 2016  
Contract Basis: ( ) Bid ( ) State Vendor (X) Prof. Ser. ( ) EUS  
(X) Fair & Open ( ) No Reportable Contributions ( ) RFP ( ) RFQ  
( ) Private Sale ( ) Grant ( ) Sub-recipient ( ) n/a  
Additional Information:  
Third Amendment increasing the contract amount by \$40,000.00, for a new contract total not to exceed \$140,000.00  
Deferred 7R3-e 061516

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
6/23/2016	1	Municipal Council	Adopt	Pass
6/15/2016	1	Municipal Council		
6/15/2016	1	Municipal Council	Defer	Pass

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exceed \$140,000.00  
**Deferred 7R3-e 061516**

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

**WHEREAS**, the Municipal Council of the City of Newark, by Resolution 7R3-h (AS), adopted on July 1, 2015, awarded a contract to Heyer, Gruel & Associates, P.A., 236 Broad Street, Red Bank, New Jersey 07701, to serve as Planning Consultants, for matters that are currently being handled by Heyer, Gruel & Associates, P.A. and any new matters that may arise during the contract term, in an amount not to exceed Seventeen Thousand Five Hundred Dollars and Zero Cents (\$17,500.00), for the period of July 1, 2015 through June 30, 2016; and

**WHEREAS**, the contract was awarded in compliance with Local Public Contracts Law, and through the fair and open process of State Pay-to-Play, and in compliance with Reform Ordinance 2:4-22c; and

**WHEREAS**, on October 27, 2015, the Municipal Council adopted Resolution 7R3-a(S), to amend the contract and increase the contract amount by \$32,500.00, for a new contract not to exceed \$50,000.00; and

**WHEREAS**, on March 2, 2016, the Municipal Council adopted Resolution 7R3-b to amend the contract and increase the contract amount by \$50,000.00 for a new contract not to exceed \$100,000.00; and

**WHEREAS**, Heyer, Gruel & Associates, P.A., currently has outstanding bills for 2016 and pending matters, which will exhaust the total contract amount; and

**WHEREAS**, the outstanding bills and pending planning matters for the term of contract July 1, 2015 through June 30, 2016 requires an increase in the total contract amount; and

**WHEREAS** Heyer, Gruel & Associates, P.A. represents that an additional Forty Thousand Dollars and Zero Cents (\$40,000.00) is necessary for the firm to continue to provide Planning Consultant Services through June 30, 2016; and

**WHEREAS**, the requested increase in the total contract amount is deemed reasonable and necessary to pay for Planning Consultant Services provided through June 30, 2016; and

**WHEREAS**, the increase of an additional Forty Thousand Dollars and Zero Cents (\$40,000.00) brings the total contract to an amount not to exceed One Hundred and Forty Thousand Dollars and Zero Cents (\$140,000.00), for the period of July 1, 2015 through June 30, 2016.

**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 Deputy Mayor/Director of the Department of Economic and Housing Development, are hereby authorized and directed on behalf of the City of

Newark to execute a Third Amendment to the Agreement to provide Planning Consultant Services with Heyer, Gruel & Associates, P.A., 236 Broad Street, Red Bank, New Jersey 07701, provided through June 30, 2016, as Planning Consultants for an additional Forty Thousand Dollars and Zero Cents (\$40,000.00) for a total contract amount not to exceed One Hundred and Forty Thousand Dollars and Zero Cents (\$140,000.00), for the period of July 1, 2015 through June 30, 2016, to cover outstanding bills and new matters that may arise during the term of the contract.

2. The Municipal Council hereby ratifies this Third Contract Amendment from July 1, 2015 to the date of the adoption of this resolution.
3. All other terms and conditions of the contract shall remain the same.
4. This Third Amendment to the Agreement to provide Planning Consultant Services is made in accordance with the professional services exception to public bidding in the Local Public Contracts Law (N.J.S.A. 40A:11-5(1)(a)(i)), and the Fair and Open Procedures of the State Pay-to-Play Law (N.J.S.A. 19:44A-20.5) and is in compliance with the Contractor Pay-to-Play Reform Ordinance, 2:4-22C.
5. Attached is a Certification of Funds from the Finance Director which states (1) that there are sufficient and appropriated funds, in the amount of \$40,000.00, for the purposes stated herein and (2) that the line appropriation of the official budget which shall be charged is: Business Unit: NW026, Account #: 32100; Budget Ref.: B2016.
6. A copy of the executed Third Amendment to the Agreement to provide planning consultant services herein authorized shall be filed in the Office of the City Clerk by the Deputy Mayor/Director of the Department of Economic and Housing Development and shall be made available for public inspection.
7. A notice of this action shall be published in the newspaper authorized by law to publish a legal advertisement and as required by law within ten (10) days of the adoption of this resolution.

### **STATEMENT**

This resolution ratifies, amends and authorizes the Mayor and/or his designee, the Deputy Mayor/Director of the Department of Economic and Housing Development, to enter into and execute a Third Amendment to the Agreement with Heyer, Gruel & Associates, P.A., 236 Broad Street, Red Bank, New Jersey 07701, to cover outstanding bills, ongoing and new matters that may arise during the term of the contract for Planning Consultant Services for an additional Forty Thousand Dollars and Zero Cents (\$40,000.00), for a total contract amount not to exceed One Hundred Forty Thousand Dollars and Zero Cents (\$140,000.00), for the period of July 1, 2015 through June 30, 2016.