



Legislation Details (With Text)

File #: 16-1100 **Version:** 1 **Name:** Environmental Review Services relating to HUD Entitlement Programs
Type: Resolution **Status:** Adopted
File created: 6/29/2016 **In control:** Economic and Housing Development
On agenda: 11/29/2016 **Final action:** 11/29/2016

Title: Dept/ Agency: Economic and Housing Development
Action: ☐ Ratifying ☒ Authorizing ☐ Amending
Type of Service: Professional Services Contract
Purpose: Environmental Review Services related to HUD entitlement programs.
Entity Name: Brilliant Environmental Services, LLC.
Entity Address: 1A Executive Drive, Toms River, New Jersey 08755
Contract Amount: Amount not to exceed \$72,589.00
Funding Source: United States Department of Housing and Urban Development (HUD)
Contract Period: One year from the date of issuance of a Notice to Proceed by the Deputy Mayor/Director of the Department of Economic and Housing Development
Contract Basis: ☐ Bid ☐ State Vendor ☒ Prof. Ser. ☐ EUS
☐ Fair & Open ☐ No Reportable Contributions ☒ RFP ☐ RFQ
☐ Private Sale ☐ Grant ☐ Sub-recipient ☐ n/a
Additional Information:

Sponsors: Council of the Whole

Indexes:

Code sections:

| Date | Ver. | Action By | Action | Result |
|------------|------|-------------------|--------|--------|
| 11/29/2016 | 1 | Municipal Council | Adopt | Pass |

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Additional Information:

WHEREAS, the City of Newark is in need of environmental review services related to projects receiving funding through the City's administration of the United States Department of Housing and Urban Development (HUD) grant programs, particularly those covered under the National Environmental Policy Act (NEPA) and related legislation listed in 24 CFR Part 58 governing

Environmental Review Services for its Federal Entitlement Programs: Community Development Block Grant (CDBG) and Home Investment Partnership Program (HOME); and

WHEREAS, Environmental Review Services are professional services, exempt from the requirement for public bidding, pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, the City of Newark, Department of Economic and Housing Development, caused to be published on City of Newark's website a Request for Proposals (RFP) on April 26, 2016 for said environmental review services; and

WHEREAS, the City of Newark received a total of two (2) proposals in response to its request; and

WHEREAS, Brilliant Environmental Services, LLC, 1A Executive Drive, Toms River, New Jersey 08755, submitted a proposal and it was found, based upon price and other factors, to be in the best interest of the City of Newark to accept the proposal for the purpose of providing Environmental Review Services, which will include the preparation of Environmental Review Records, pursuant to 24 CFR 58 and guidelines under NEPA and including all items necessary for the City to receive authorization to use grant funds for the above-referenced HUD entitlement programs; and

WHEREAS, the City of Newark wishes to enter into a contract with Brilliant Environmental Services, LLC, to provide Environmental Review Services for the above-referenced HUD entitlement programs, for an amount not to exceed \$72,589.00 (Seventy Two Thousand Five Hundred Eighty Nine Dollars and Zero Cents) for a period of one year commencing from the date of the issuance of a Notice to Proceed by the Deputy Mayor/Director of the Department of Economic and Housing Development; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that notice of the award of contracts for "Professional Services" without competitive bidding must be published in a local newspaper; and

WHEREAS, this contract is for an amount over \$17,500.00 and is being awarded as a fair and open contract pursuant to N.J.S.A. 19:44A-20.5; and

WHEREAS, the Municipal Council adopted the Contractor Pay-to-Play Reform Ordinance, R.O. 2:4-22C, which forbids the award of a contract to a Business Entity, as defined therein, which has made or solicited political contributions to Newark Municipal 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 the City of Newark municipal or County of Essex elections; and certain other political party or candidate committees, in excess of certain thresholds.

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 of the City of Newark are hereby authorized to enter into and execute the attached contract with Brilliant Environmental Services, LLC, 1A Executive Drive, Toms River, New Jersey 08755, for Environmental Review Services which will include the preparation of Environmental Review Records, pursuant to 24 CFR 58 and guidelines under the National Environmental Policy Act (NEPA), and including all items necessary for the City to receive authorization to use grant funds from the United States Department of Housing and Urban Development (HUD) for its Federal Entitlement Programs: Community Development Block Grant (CDBG) and Home Investment Partnership Program (HOME), for an amount not to exceed \$72,589.00.

2. The term of this contract shall be for a period of one year commencing from the date of the issuance of a Notice to Proceed by the Deputy Mayor/Director of the Department of Economic and Housing Development.

3. This contract 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) and pursuant to the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-5(1)(a)(i)); is in compliance with the City's Contractor Pay-to-Play Reform Ordinance, R.O. 2:4-22C.

4. Attached is a Certification of Funds from the Finance Director of the City of Newark, which states (1) that there are sufficient funds in the amount of Seventy-Two Thousand Five Hundred Eighty-Nine Dollars and Zero Cents (\$72,589.00) for the purpose set forth herein above and (2) that the line appropriation which shall be charged is as follows:

| <u>Business Unit</u> | <u>Department</u> | <u>Division/Proj.</u> | <u>Account#</u> | <u>Bud. Ref.</u> |
|----------------------|-------------------|-----------------------|-----------------|------------------|
| NW051 | G11 | D11DO | 71280 | B2011 |
| NW051 | G13 | D13MO | 71280 | B2013 |

5. A fully executed copy of this contract and Notice to Proceed shall be filed in the Office of the City Clerk by the Deputy Mayor/Director of the Department of Economic and Housing Development.

6. There shall be no advance payments against this contract pursuant to N.J.S.A. 40A:5-16.

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 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 contract with Brilliant Environmental Services, LLC, 1A Executive Drive, Toms River, New Jersey 08755, for Environmental Review Services, in an amount not to exceed \$72,589.00, for the period of one year commencing from the date of the issuance of a Notice to Proceed by the Deputy Mayor/Director of the Department of Economic and Housing Development.