



Legislation Details (With Text)

File #: 17-0090 **Version:** 1 **Name:** Resolution: Samuel Klein & Company (2017)
Type: Resolution **Status:** Adopted
File created: 1/19/2017 **In control:** Municipal Council and City Clerk
On agenda: 2/15/2017 **Final action:** 2/15/2017

Title: Dept/ Agency: Offices of Municipal Council/City Clerk
Action: ☒ Ratifying ☒ Authorizing ☐ Amending
Type of Service: Professional Service Contract
Purpose: To provide Statutory Auditor Services for the year ending December 31, 2016
Entity Name: Samuel Klein and Company
Entity Address: 550 Broad Street, Newark, New Jersey 07102
Contract Amount: \$370,875.00
Funding Source: 2017 Budget
Contract Period: January 1, 2017 through December 31, 2017
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
2/15/2017	1	Municipal Council	Adopt	Pass

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Additional Information:

WHEREAS, the City of Newark, on behalf of the Municipal Council, advertised a Request for Qualifications (RFQ) for Statutory Auditor Services, pursuant to *N.J.S.A. 40A:5-4*, for the calendar year ending December 31, 2016; and

WHEREAS, auditing services are professional services, exempt from the public bidding requirements of the Local Public Contracts Law, *N.J.S.A. 40A:11-1*, et seq., as the services are

provided by a Registered Municipal Accountant pursuant to *N.J.S.A. 40A:5-9*; and

WHEREAS, a Qualification Statement was received on December 28, 2016 by Samuel Klein and Company, CPA's (Joseph J. Faccone, Registered Municipal Accountant), 550 Broad Street, Newark, New Jersey 07102, the Qualification Statement was found to be in the best interest of the City of Newark to accept; and

WHEREAS, the Municipal Council of the City of Newark wishes to enter into a contract with Samuel Klein and Company, CPA's, 550 Broad Street, Newark, New Jersey 07102, which is or employs five (5) Registered Municipal Accountants to provide Statutory Auditor Services for the year ending December 31, 2016, for the Municipal Council, in the amount of \$370,875.00, for the period of January 1, 2017 through December 31, 2017; 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 public bidding, must be printed in the official newspaper of the municipality, setting forth the nature, duration, service and amount of the contract and that the resolution and contract are on file in the Office of the City Clerk and are available for public inspection; 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 Municipal Council of the City of Newark is authorized to execute a contract with Samuel Klein and Company, CPA's, 550 Broad Street, Newark, New Jersey 07102, to provide Statutory Auditor Services pursuant to *N.J.S.A. 40A:5-4*, for year ending December 31, 2016, in the amount of \$370,875.00, payable in accordance with the contract, for the period of January 1, 2017 through December 31, 2017.
2. The contract is ratified from January 1, 2017 to the date of adoption of this resolution.
3. Attached hereto is the Comptroller's Certification, which states that funds in the amount of \$370,875.00 are available in the 2016 Adopted Budget. The Certification shall be filed along with the original resolution and the executed contract in the Office of the City Clerk.
4. This contract is being awarded pursuant to the Fair and Open Procedures of the Pay-to-Play Law, *N.J.S.A. 19:44A-20.5* and is in compliance with the Contractor Pay-to-Play

Reform Ordinance R.O. 2.4-22C.

5. This contract is being awarded without public bidding pursuant to the Professional Services exception of the Local Public Contracts Law (*N.J.S.A. 40A:11-5(1)(a)(i)*), and because these services are to be rendered by a person authorized by law to practice a recognized profession, whose practice is regulated by law, and the performance of which services requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction.
6. The contract will contain language prohibiting any contributions during the term of the contract in violation of any state or local law.
7. A copy of the executed agreement herein authorized shall be filed in the Office of the City Clerk and shall be made available for public inspection.
8. 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 its passage.

STATEMENT

This resolution ratifies and authorizes the execution of a contract between the Municipal Council, on behalf of the City of Newark, and Samuel Klein and Company, CPA's, 550 Broad Street, Newark, New Jersey 07102, to provide Statutory Auditor Services for year ending December 31, 2016 in the amount of \$370,875.00, for the period of January 1, 2017 through December 31, 2017.