



## Legislation Details (With Text)

**File #:** 18-0387      **Version:** 1      **Name:** Nishuane First Amendment to 2017 Agreement

**Type:** Resolution      **Status:** Adopted

**File created:** 3/20/2018      **In control:** Economic and Housing Development

**On agenda:** 5/10/2018      **Final action:** 5/10/2018

**Title:** Dept/ Agency: Economic and Housing Development  
Action: (X) Ratifying (X) Authorizing (X) Amending  
Type of Service: Professional Services Contract  
Purpose: First Amendment to the Agreement to Provide Professional Services, as Planning Consultants, to increase contract amount by \$45,000.00  
Entity Name: Nishuane Group, LLC  
Entity Address: 105 Grove Street, Suite #1, Montclair, New Jersey 07042  
Contract Amount: Amount not to exceed \$220,000.00  
Funding Source: City of Newark Budget /Department of Economic and Housing Development  
Contract Period: January 1, 2017 through December 31, 2017  
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:  
Contract Awarded - Resolution 7R2- a (S), adopted on May 23, 2017 awarded contract for \$175,000.00; Amendment increases contract amount by \$45,000.00, for a new contract total amount not to exceed \$220,000.00

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
5/10/2018	1	Municipal Council	Adopt	Pass

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**WHEREAS**, legal 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 7R2-a (S), adopted on May 23, 2017, awarded a contract to Nishuane Group, LLC, 105 Grove Street, Suite #1, Montclair, New Jersey 07042, to serve as Planning Consultants, for matters that are currently being handled by Nishuane Group, LLC and any new matters that may arise during the contract term, in an amount not to exceed One Hundred Seventy-Five Thousand Dollars and Zero Cents (\$175,000.00), for the period of January 1, 2017 through December 31, 2017; and

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

**WHEREAS**, Nishuane Group, LLC, currently has outstanding bills for 2017 and pending matters, which exhausted the total contract amount; and

**WHEREAS**, the outstanding bills for 2017 require an increase in the total contract amount; and

**WHEREAS** Nishuane Group, LLC, represents that the outstanding bills for the contract year 2017 is an additional Forty-Five Thousand Dollars and Zero Cents (\$45,000.00); and

**WHEREAS**, the requested increase in the total contract amount is deemed reasonable and necessary to pay for planning consultant services provided through December 31, 2017; and

**WHEREAS**, the increase of an additional Forty-Five Thousand Dollars and Zero Cents (\$45,000.00) brings the total contract to an amount not to exceed Two Hundred Twenty Thousand Dollars and Zero Cents (\$220,000.00), for January 1, 2017 through December 31, 2017.

**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 Acting Director of the Department of Economic and Housing Development, are hereby authorized and directed on behalf of the City of Newark to execute a First Amendment to the Agreement to Provide Planning Services with Nishuane Group, LLC, 105 Grove Street, Suite #1, Montclair, New Jersey 07042, as Planning Consultants for an additional Forty-Five Thousand Dollars and Zero Cents (\$45,000.00) for a total contract amount not to exceed Two Hundred Twenty Thousand Dollars and Zero Cents (\$220,000.00), for the period of January 1, 2017 through December 31, 2017, to cover outstanding bills and new matters that may arise during the term of the contract.
2. The Municipal Council hereby ratifies this first contract amendment from January 1, 2017 to the date of the adoption of this resolution.
3. All other terms and conditions of the contract shall remain the same.

4. This First 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 Fair and Open Procedures of the State's Pay-to-Play Law (N.J.S.A. 19:44A-20.5) and is in compliance with the Contractor's Pay-to-Play Reform Ordinance, 2:4-22C.
5. Attached are Certification of Funds from the Director of Finance stating that there are available, sufficient and appropriated funds in the amount of Forty-Five Thousand Dollars and Zero Cents (\$45,000.00), for the purposes set forth herein and the line appropriations which shall be charged are as follows:

<u>Bus. Unit</u>	<u>Dept. ID</u>	<u>Div/Proj.</u>	<u>Activity</u>	<u>Acct.#</u>	<u>Budget Ref.</u>
NW011	150	1505	A	71280	B2017

6. A copy of the executed First Amendment to the Agreement to provide Planning Consultant Services herein authorized shall be filed in the Office of the City Clerk by the Acting Director of the Department of Housing and Economic 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 hereby ratifies, amends and authorizes the Mayor and/or his designee, the Acting Director of the Department of Housing and Economic Development, to enter into and execute a First Amendment to the Agreement with Nishuane Group, LLC, 105 Grove Street, Suite #1, Montclair, New Jersey 07042, to cover outstanding bills that arose during the term of the contract for Planning Consultant Services for an additional Forty-Five Thousand Dollars and Zero Cents (\$45,000.00), for a total contract amount not to exceed Two Hundred Twenty Thousand Dollars and Zero Cents (\$220,000.00).