



## Legislation Details (With Text)

**File #:** 17-2118      **Version:** 1      **Name:** Heyer Gruel & Associates 2018 Planning Consultant Agreement  
**Type:** Resolution      **Status:** Adopted  
**File created:** 12/6/2017      **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 ( ) Amending  
Type of Service: Professional Services Contract  
Purpose: Planning Consultant Services  
Entity Name: Heyer, Gruel & Associates, P.A.  
Entity Address: 236 Broad Street, Red Bank, New Jersey 07701  
Contract Amount: Amount not to exceed \$150,000.00  
Funding Source: 2018 Budget/ Economic and Housing Development  
Contract Period: January 1, 2018 through December 31, 2018  
Contract Basis: ( ) Bid ( ) State Vendor (X) Prof. Ser. ( ) EUS  
( ) Fair & Open ( ) No Reportable Contributions ( ) RFP (X) RFQ  
( ) Private Sale ( ) Grant ( ) Sub-recipient ( ) n/a  
Additional Information:

**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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**Additional Information:**

**WHEREAS**, the City of Newark Department of Economic and Housing Development (the "City") is involved in ongoing redevelopment and urban planning matters and therefore has a need to acquire Planning Consultant Services; and

**WHEREAS**, Planning Consultant 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 caused to be published, on the City of Newark's website, a Notice of Request for Qualifications ("RFQ") for Planning Consultant Services on or about October 2, 2017; and

**WHEREAS**, the City received a total of two (2) proposals in response to its request by the RFQ due date on October 20, 2017; and

**WHEREAS**, Heyer, Gruel & Associates, P.A., 236 Broad Street, Red Bank, New Jersey 07701, submitted a proposal in response to the RFQ 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 Planning Consultant Services; and

**WHEREAS**, the City wishes to enter into a contract with Heyer, Gruel & Associates, P.A. to provide Planning Consultant Services, in an amount not to exceed One Hundred Fifty Thousand Dollars and Zero Cents (\$150,000.00), for the period of January 1, 2018 through December 31, 2018; 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 Acting Deputy Mayor/Director of the Department of Economic and Housing Development, are hereby authorized to enter into a contract with Heyer, Gruel & Associates P.A., 236 Broad Street, Red Bank, New Jersey 07701, to provide Planning Consultant Services, in an amount not to exceed One Hundred Fifty Thousand Dollars and Zero Cents (\$150,000.00), for the period of January 1, 2018 through December 31, 2018.
2. The term of this contract shall be January 1, 2018 through December 31, 2018.
3. This contract is ratified from January 1, 2018 to the date of adoption of this resolution by the Municipal Council.

4. 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 the Local Public Contracts Law (N.J.S.A. 40A:11-5 (1)(a)(i)) and is in compliance with the Contractor Pay-to-Play Reform Ordinance, R.O. 2:4-22C.
5. Pursuant to N.J.A.C. 5:30-5.5, Temporary Budget, attached hereto is a partial certification of funds from the Director of Finance which states that funds in the amount of \$26,250.00 are available in the 2018 Budget under Business Unit: NW011, Department ID: 150, Division/Proj. 1505, Activity: A, Account#: 71280, Budget Ref.: B2018. The certification shall be filed along with the original resolution in the Office of the City Clerk. The remainder of the funding for this contract will be subject to appropriation in the 2018 Budget and included in a line item for the award of this contract and said funds will be certified prior to services being provided by the contractor. There will be no expenditure of funds authorized until a certification of funds is obtained and a copy filed with the City Clerk.
6. There shall be no advance payment pursuant to N.J.S.A. 40A:5-16.
7. There shall be no amendments or changes to this contract without approval of the Municipal Council of the City of Newark.
8. The Acting Director of the Department of Economic and Housing Development shall file a copy of the executed contract in the Office of the City Clerk by which shall be made available for public inspection.
9. 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 and authorizes the Mayor and/or his designee, the Acting Director of the Department of Economic and Housing Development, on behalf of the City of Newark, to enter into and execute a contract for Planning Consultant Services with Heyer, Gruel & Associates, P.A., 236 Broad Street, Red Bank, New Jersey 07701, in an amount not to exceed One Hundred Fifty Thousand Dollars and Zero Cents (\$150,000.00) for the period of January 1, 2018 through December 31, 2018.