



## Legislation Details (With Text)

**File #:** 18-0413      **Version:** 2      **Name:**

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

**File created:** 3/23/2018      **In control:** Public Safety

**On agenda:** 5/23/2018      **Final action:** 6/7/2018

**Title:** Dept/ Agency: Public Safety/Division of Police  
Action: ☒ Ratifying ☒ Authorizing ☐ Amending  
Type of Service: Professional Service Contract  
Purpose: To provide Clinical and Forensic Psychological and Consulting Services  
Entity Name: Nicole J. Rafanello, Ph.D., CFPCS Limited Liability Company, D/B/A Clinical and Forensic Psychological and Consulting Services  
Entity Address: 91 Washington Street, Morristown, New Jersey 07960  
Contract Amount: Not to exceed \$264,875.00  
Funding Source: 2018 Budget/Department of Public Safety, Police Division  
Contract Period: April 1, 2018 through March 31, 2019  
Contract Basis: ☐ Bid ☐ State Vendor ☒ Prof. Ser. ☐ EUS  
☐ Fair & Open ☒ No Reportable Contributions ☐ RFP ☐ RFQ  
☐ Private Sale ☐ Grant ☐ Sub-recipient ☐ n/a  
Additional Information:  
Deferred 7R9-a 052318  
Deferred 7R9-a (s) 053018

**Sponsors:** John Sharpe James, Anibal Ramos, Jr.

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
6/7/2018	2	Municipal Council	Adopt	Pass
5/30/2018	2	Municipal Council	Defer to a Special Meeting	Pass
5/23/2018	2	Municipal Council	Defer to a Special Meeting	Pass

**Dept/ Agency:** Public Safety/Division of Police  
**Action:** ☒ Ratifying ☒ Authorizing ☐ Amending  
**Type of Service:** Professional Service Contract  
**Purpose:** To provide Clinical and Forensic Psychological and Consulting Services  
**Entity Name:** Nicole J. Rafanello, Ph.D., CFPCS Limited Liability Company, D/B/A Clinical and Forensic Psychological and Consulting Services  
**Entity Address:** 91 Washington Street, Morristown, New Jersey 07960  
**Contract Amount:** Not to exceed \$264,875.00  
**Funding Source:** 2018 Budget/Department of Public Safety, Police Division  
**Contract Period:** April 1, 2018 through March 31, 2019  
**Contract Basis:** ☐ Bid ☐ State Vendor ☒ Prof. Ser. ☐ EUS  
☐ Fair & Open ☒ No Reportable Contributions ☐ RFP ☐ RFQ  
☐ Private Sale ☐ Grant ☐ Sub-recipient ☐ n/a  
**Additional Information:**  
**Deferred 7R9-a 052318**  
**Deferred 7R9-a (s) 053018**

**WHEREAS**, the City of Newark Department of Public Safety has a need to acquire psychological services concerning consultations and evaluations for fitness for duty and pre-employment exams for employees of the Department of Public Safety, Police Division; and

**WHEREAS**, the Contractor, Nicole J. Rafanello, Ph.D., CFPCS Limited Liability Company, D/B/A Clinical and Forensic Psychological and Consulting Services, 91 Washington Street, Morristown, New Jersey 07960, has represented that they are qualified by their training and experience to provide the required services in the manner and on the terms and conditions set forth in the proposed contract; and

**WHEREAS**, the Business Administrator and the Director of Public Safety have determined and certified in writing that the value of this agreement will exceed \$17,500.00; and

**WHEREAS**, this contract is being awarded without competitive bidding as a “Professional Service” contract pursuant to Local Public Contracts Law N.J.S.A. 40A:11-5(1)(a)(i), because the services will be performed by an individual who is 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 and study; and

**WHEREAS**, the actions contemplated by this Resolution shall result in the award of a “non-fair and open” contract in accordance with N.J.S.A. 19:44A-20.5; and

**WHEREAS**, Nicole J. Rafanello, Ph.D., CFPCS Limited Liability Company, D/B/A Clinical and Forensic Psychological and Consulting Services, has completed and submitted a City of Newark Political Contribution Disclosure Form and a Business Entity Disclosure Certificate certifying that they have not made any reportable contributions to a political or candidate committee in the City of Newark in the previous one year, and that the Contract will prohibit Nicole J. Rafanello, Ph.D., CFPCS Limited Liability Company, D/B/A Clinical and Forensic Psychological and Consulting Services, from making any reportable contributions through the term of the Contract; and

**WHEREAS**, the City of Newark adopted the “Contractor Pay-to-Play Reform” ordinance, codified at Section 2:4-22C of the Revised General Ordinances of Newark, which requires reporting of political contributions to candidates for City of Newark elective municipal offices or City of Newark or County of Essex political committees and prohibits certain political contributions during the duration of the contract.

**NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:**

1. The Mayor and/or his designees, the Business Administrator and/or the Director of Public Safety, are hereby authorized to enter into and execute a contract with Nicole J. Rafanello, Ph.D., CFPCS Limited Liability Company, D/B/A the Clinical and Forensic Psychological and Consulting Services, 91 Washington Street, Morristown, New Jersey 07960, to provide psychological services, including evaluations for fitness for duty, pre-employment examinations, re-evaluations, recruit screening, related testing, medical consultations and

expert testimony for the Department of Public Safety, Police Division, for an amount not to exceed \$264,875.00, for the period of April 1, 2018 through March 31, 2019.

2. The Municipal Council hereby ratifies this contract from April 1, 2018, to the date of the adoption of this authorizing Resolution.
3. This contract is awarded without competitive bidding as an exception to Local Public Contracts Law as a professional service pursuant to N.J.S.A. 40A:11-5(1)(a)(i).
4. The cost of providing the aforesaid service under this contract shall not exceed \$264,875.00.
5. This is an open-ended contract to be used as needed during the contract term. Thus, for any and all expenditures against this contract, a certification of the availability of sufficient funds, as required by N.J.A.C. 5:30-5.5(b)(2), shall be executed before a contractual liability is incurred each time an order is placed, covering the amount of the order.
6. The Determination of Value and Business Entity Disclosure Certificate are attached hereto and shall be filed with the Office of the City Clerk.
7. Nicole J. Rafanello, Ph.D., CFPCS Limited Liability Company, D/B/A Clinical and Forensic Psychological and Consulting Services, has completed and submitted a Business Entity Disclosure Certificate which shall be placed on file with the Resolution in the City Clerk's Office certifying that Nicole J. Rafanello, Ph.D., CFPCS Limited Liability Company, D/B/A Clinical and Forensic Psychological and Consulting Services, has not made any reportable contributions to a political or candidate committee in the City of Newark in the previous one year, and that the Contract will prohibit Nicole J. Rafanello, Ph.D., CFPCS Limited Liability Company, D/B/A Clinical and Forensic Psychological and Consulting Services, from making any reportable contributions through the term of the Contract.
8. This Contract was awarded pursuant to the "non-fair and open" procedures of the 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)) and is in compliance with the City's "Contractor Pay-to-Play Reform" ordinance.
9. There shall be no amendments or changes to this contract without the approval of the Newark Municipal Council.
10. There shall be no advance payments on this contract in accordance with N.J.S.A. 40A:5-16.
11. A duly executed copy of the contract shall be filed in the Office of the City Clerk by the Director of the Department of Public Safety.
12. A notice of this action shall be published in the newspaper as required by law within ten (10) days of the adoption of this Resolution.

### **STATEMENT**

This Resolution authorizes and ratifies the actions taken by the Mayor and/or his designees, the Business Administrator and/or the Director of Public Safety, to enter into a contract with Nicole J.

Rafanello, Ph.D., CFPCS Limited Liability Company, D/B/A Clinical and Forensic Psychological and Consulting Services, 91 Washington Street, Morristown, New Jersey 07960, to provide psychological services, including evaluations for fitness for duty, pre-employment examinations, re-evaluations, recruit screening, related testing, medical consultations and expert testimony, for the Department of Public Safety, Police Division, for the period of April 1, 2018 through March 31, 2019, for an amount not to exceed \$264,875.00