



Legislation Details (With Text)

File #: 18-1805 **Version:** 1 **Name:**

Type: Resolution **Status:** Adopted

File created: 11/20/2018 **In control:** Administration

On agenda: 12/19/2018 **Final action:** 12/19/2018

Title: Dept/ Agency: Administration/Office of the Business Administrator
Action: ☐ Ratifying ☒ Authorizing ☐ Amending
Type of Service: Contract Public Relations Services in accordance with requirements of Extraordinary Unspecifiable Service (EUS)
Purpose: Contract for Public Relations
Entity Name: Mercury Public Affairs, LLC
Entity Address: 137 Fifth Avenue, New York, New York 10010-7103
Contract Amount: Not to exceed \$225,500.00
Funding Source: 2018 Budget/Department of Administration
Account Code Line: 011-030-0302-71280
Contract Period: Six (6) months from the date of contract execution
Contract Basis: ☐ Bid ☐ State Vendor ☐ Prof. Ser. ☒ EUS
☐ Fair & Open ☒ No Reportable Contributions ☐ RFP ☐ RFQ
☐ Private Sale ☐ Grant ☐ Sub-recipient ☐ n/a
Additional Information:
Exception to Public Bidding: Public Relations Services which shall be in accordance with the requirements of N.J.S.A. 40A:11-5(1) (a) (ii), "Extraordinary Unspecifiable Service"

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
12/19/2018	1	Municipal Council	Adopt	Pass

Dept/ Agency: Administration/Office of the Business Administrator
Action: ☐ Ratifying ☒ Authorizing ☐ Amending
Type of Service: Contract Public Relations Services in accordance with requirements of Extraordinary Unspecifiable Service (EUS)
Purpose: Contract for Public Relations
Entity Name: Mercury Public Affairs, LLC
Entity Address: 137 Fifth Avenue, New York, New York 10010-7103
Contract Amount: Not to exceed \$225,500.00
Funding Source: 2018 Budget/Department of Administration
Account Code Line: 011-030-0302-71280
Contract Period: Six (6) months from the date of contract execution
Contract Basis: ☐ Bid ☐ State Vendor ☐ Prof. Ser. ☒ EUS
☐ Fair & Open ☒ No Reportable Contributions ☐ RFP ☐ RFQ
☐ Private Sale ☐ Grant ☐ Sub-recipient ☐ n/a
Additional Information:
Exception to Public Bidding: Public Relations Services which shall be in accordance with the requirements of N.J.S.A. 40A:11-5(1) (a) (ii), "Extraordinary Unspecifiable Service"

WHEREAS, the City of Newark, Department of Administration, wishes to obtain public relation services; and

WHEREAS, public relation services require specialized expertise; and

WHEREAS, under the Local Public Contracts Law, N.J.S.A. 40A:11-1 et. seq. (the “LPCL”), a municipality may enter into a contract for the performance of services without competitive public bidding if the services being procured qualify as extraordinary unspecifiable services; and

WHEREAS, Mercury Public Affairs, LLC, (hereinafter referred to as “Mercury”) 137 Fifth Avenue, New York, NY 10010-7103 with New Jersey offices at 220 Lenox Avenue # 101, Westfield, New Jersey 07090 (“Mercury”), wishes to provide certain public relations services for the City, more specifically, a strategic overview and a communications strategy, as set forth in the attached proposal from Mercury; and

WHEREAS, the City’s Department of Administration wishes to enter into a contract with Mercury in order to receive the public relations services described above; and

WHEREAS, the nature of the services described above are such that the award of a contract for them is excepted from public bidding requirements as “Extraordinary Unspecifiable Services” under N.J.S.A. 40A:11-5(1)(a)(ii) (hereinafter referred to as “EUS”) (a copy of a certification from the Business Administrator indicating that the proposed contract may be considered as an EUS in accordance with the requirements of the relevant rules and regulations, is attached hereto and) because the services to be provided are of a specialized and qualitative nature requiring expertise, extensive training and proven reputation in the field of endeavor, and the services cannot be reasonably described by written specifications; and

WHEREAS, the Local Public Contracts Law, as per N.J.S.A. 40A:11-5(1)(a)(ii), requires that notice of the award of contracts for EUS without public bidding be published and the contracts be made available for public inspection; 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, the Department of Administration has determined that Mercury is best qualified to provide the services; and

WHEREAS, due to the unique nature of the work performed by Mercury, and its experience in providing public relation services, the City of Newark wishes to enter into a contract with Mercury, with services to be completed within six (6) months days from the date of contract execution, in the amount not to exceed \$225,500.00; and

WHEREAS, Mercury has demonstrated that it is qualified by its training and experience to provide the required services in the manner and on the terms and conditions set forth in the contract; and

WHEREAS, Mercury has completed and submitted a Business Entity Disclosure Certification which certifies that it has not made any reportable contributions to a political or candidate committee

in the City of Newark in the prior year, and the contract will prohibit them from making any reportable contributions through the term of the contract; 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.

WHEREAS, Mercury has not made, and has agreed not to make during the term of the contract, any political contributions that would violate (1) New Jersey's Pay-to-Play Law, N.J.S.A. 19:44A-20.4 et seq., or (2) the City of Newark's Pay-to-Play Reform Ordinance.

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

1. The City of Newark hereby authorizes the Mayor and/or his designee, the Business Administrator, to enter into and execute a contract with Mercury Public Affairs, LLC, 137 Fifth Avenue, New York, New York 10010-7103, with New Jersey offices at 220 Lenox Avenue # 101, Westfield, New Jersey 07090 for the provision of public relation services, for an amount not to exceed \$225,500.00, with services to be completed within 180 days of the date of the contract's execution.

2. Attached hereto is a partial Certification of Funds from the City of Newark's Director of Finance: \$10,000.00 Budget, under Business Unit NW011, Department ID 030, Division/Project 0302, Account # 71280, Budget Ref:2018.

3. Funds for the full contract amount are contingent upon appropriation, and the contract shall be subject to the availability and appropriation of sufficient funds, in accordance with N.J.A.C. 5:30-5.5(c) and N.J.A.C. 5:30-5.5(d).

4. The Certification of Extraordinary Unspecifiable Service, as required by N.J.A.C. 5:34-2.3(b), Determination of Value and Business Entity Disclosure Certification are attached and shall be filed in the Office of the City Clerk by the Business Administrator.

5. A copy of the fully executed contract herein authorized shall be filed in the Office of the City Clerk by the Business Administrator.

6. There shall be no advance payments made against this contract in accordance with N.J.S.A. 40A:5-16.

7. Mercury has completed and submitted a City of Newark Political Contribution Disclosure Form and a Business Entity Disclosure Certificate, which certify that Mercury has not made any reportable contributions to a political or candidate committee in the City of Newark in the previous one (1) year, and their contract will prohibit Mercury, from making any reportable contributions through the term of contract.

8. This contract is being awarded without public bidding under the “Extraordinary Unspecifiable Services” exception, as set forth in N.J.S.A. 40A:11-5(1)(a)(ii), to the general requirement of public bidding found in New Jersey’s Local Public Contracts Law.

9. The contract will contain language prohibiting the making of, or solicitation of, any contributions during the term of the contract that would violate New Jersey’s Pay-to-Play Law, N.J.S.A. 19:44A-20.4 et seq., or the City of Newark’s Pay-to-Play Reform Ordinance.

10. A notice of this action, as required by law, shall be published in the newspaper authorized to publish legal advertisements within ten (10) days of this resolution’s passage.

STATEMENT

This resolution authorizes the Mayor and/or his designee, the Business Administrator, to execute a contract with Mercury Public Affairs, LLC, 137 Fifth Avenue, New York, New York 10010-7103 with New Jersey offices at 220 Lenox Avenue # 101, Westfield, New Jersey 07090, for certain Public Relations Services, for an amount not to exceed \$225,500.00, for a period of six (6) months from the date of contract execution.