



## Legislation Details (With Text)

**File #:** 19-0113 **Version:** 1 **Name:** Resolution: Samuel Klein and Company (2019)  
**Type:** Resolution **Status:** Adopted  
**File created:** 1/15/2019 **In control:** Municipal Council and City Clerk  
**On agenda:** 1/29/2019 **Final action:** 1/29/2019  
**Title:** Dept/ Agency: Offices of Municipal Council/City Clerk  
Action: ☒ Ratifying ☒ Authorizing ☐ Amending  
Type of Service: Professional Service Contract  
Purpose: 2018 Statutory Audit Services, Single Audit, pursuant to N.J.S.A. 40A:5-4, for Calendar Year ending December 31, 2018 and 2019 Municipal Budget and Other Related Accounting Services  
Entity Name: Samuel Klein and Company  
Entity Address: 550 Broad Street, Newark, New Jersey 07102  
Contract Amount: Not to exceed \$452,775.00  
Funding Source: 2018 Budget/Office of the City Clerk  
Contract Period: January 1, 2019 through December 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:  
**Sponsors:** Council of the Whole

### Indexes:

### Code sections:

Date	Ver.	Action By	Action	Result
1/29/2019	1	Municipal Council	Adopt	Pass

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**Additional Information:**

**WHEREAS**, the City Clerk, on behalf of the Municipal Council, advertised a Request for Qualifications (RFQ) for 2018 Statutory Audit Services, Single Audit, pursuant to N.J.S.A. 40A:5-4, for Calendar Year ending December 31, 2018 and 2019 Municipal Budget and Other Related Accounting Services; 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**, the Office of the City Clerk received one (1) proposal in response to the RFQ; and

**WHEREAS**, the Office of the City Clerk received a Qualification Statement on December 18, 2018 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, to provide 2018 Statutory Audit Services, pursuant to N.J.S.A. 40A:5-4, for Calendar Year ending December 31, 2018 and 2019 Municipal Budget and Other Related Accounting Services, in an amount not to exceed \$452,775.00, for the period of January 1, 2019 through December 31, 2019; 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 the 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 City Clerk, on behalf of the of the Municipal Council of the City of Newark is authorized to enter into and execute a contract with Samuel Klein and Company, CPA's, 550 Broad Street, Newark, New Jersey 07102, to provide 2018 Statutory Audit Services, pursuant to N.J.S.A. 40A:5-4, for calendar year ending December 31, 2018 and 2019 Municipal Budget and Other Related Accounting Services, in an amount not to exceed \$452,775.00, for the period of January 1, 2019 through December 31, 2019.
2. The contract is ratified from January 1, 2019 to the date of adoption of this resolution.
3. Attached hereto is a Comptroller's Certification, which states the funds in the amount of \$452,775.00 is available in the 2018 Adopted Budget, Business Unit NW011, Dept. 025,

Div./Proj. 0251, Account# 7125. 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 Municipal Council, on behalf of the City of Newark to enter into and execute a contract with Samuel Klein and Company, CPA's, of 550 Broad Street, Newark, New Jersey 07102, to provide 2018 Statutory Audit Services, pursuant to N.J.S.A. 40A:5-4, for calendar year ending December 31, 2018 and 2019 Municipal Budget and Other Related Accounting Services, in an amount not to exceed \$452,775.00, for the period of January 1, 2019 through December 31, 2019.