



Legislation Details (With Text)

File #: 19-0153 **Version:** 1 **Name:** Newark Arts Council
Type: Resolution **Status:** Adopted
File created: 1/23/2019 **In control:** Economic and Housing Development
On agenda: 5/1/2019 **Final action:** 5/1/2019
Title: Dept/ Agency: Economic and Housing Development
Action: () Ratifying (X) Authorizing () Amending
Type of Service: Professional Services Contract
Purpose: To provide an Agreement for the provision of services to promote the revival and growth of the arts in the Lincoln Park Neighborhood.
Entity Name: Newark Arts Council
Entity Address: 17 Academy Street, Newark, New Jersey 07102
Contract Amount: Not to exceed \$200,000.00
Funding Source: Department of Economic and Housing Development
Contract Period: Twelve (12) months from the date the Professional Services Agreement is fully executed
Contract Basis: () Bid () State Vendor (X) Prof. Ser. () EUS
(X) Fair & Open (X) No Reportable Contributions () RFP () RFQ
() Private Sale () Grant () Sub-recipient () n/a
Additional Information:

Sponsors: Mildred C. Crump, LaMonica R. McIver

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
5/1/2019	1	Municipal Council	Adopt	Pass

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WHEREAS, the City of Newark, Department of Economic and Housing Development, wishes to engage the talents of the Newark Arts Council to provide creative and original work towards the revival and growth of the arts within the Lincoln Park neighborhood; and

WHEREAS, in order to carry out the above work, Newark Arts Council plans to work with two organizations: Lincoln Park Coast Cultural District and Newark Symphony Hall/Newark to provide exhibitions, create and fulfill cultural programming needs, and reactivate New Jersey's most historic performing arts center; and

WHEREAS, the intent of the parties' anticipated Professional Services Agreement (the "Agreement") is to combine the talents of these cultural and original nonprofit organizations to further the economic and artistic growth of the Lincoln Park community; and

WHEREAS, the further anticipated goals of the Newark Arts Council are to: enhance the quality of life and standard of living in and around Lincoln Park; address economic and cultural revitalization through short and long-term strategies developed and implemented collaboratively by stakeholder institutions and engaged civic leadership; and establish a fund through which government and private sector resources are made available for the programs and projects proposed by the advisory board; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40a:11-5(1)(a)(i)) exempts from public bidding the award of a contract for "Professional Services"; and

WHEREAS, pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-2(6), the definition of Professional Services, includes those services rendered in the provision or performance of goods and services that are original and creative in character in a recognized field of artistic endeavor; and

WHEREAS, this contract is being awarded to a non-profit organization and as such is not governed by the State Pay-to-Play Law, N.J.S.A. 19:44A-20.5; 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, Newark, New Jersey, Municipal Code § 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 and County of Essex 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 Director of the Department of Economic and Housing Development, are authorized and directed to enter into and execute a Professional Services Agreement, in the form attached hereto as Exhibit A, with the Newark Arts Council, 17 Academy Street, Newark, New Jersey 07102, to engage the creative and original talents of the Newark Arts

Council-comprised of the Lincoln Park Coast Cultural District and Newark Symphony Hall/Newark Performing Arts Corporation-in order to revive and empower Lincoln Park and its neighboring institutions by providing exhibitions, implementing cultural programming, and reactivating New Jersey's most historic performing arts center, in a total amount not to exceed Two Hundred Thousand Dollars and Zero Cents (\$200,000.00).

2. The term of the agreement shall be for a period of twelve (12) months from the date the agreement is fully executed.

3. This contract is being awarded pursuant to the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-5(1)(a)(i)) and N.J.S.A. 40A:11-2 (6) as a Professional Service since it includes those services rendered in the provision or performance of goods and services that are original and creative in character in a recognized field of artistic endeavor, and is in compliance with the City of Newark's Contractor Pay-to-Play Reform Ordinance, Newark, New Jersey Municipal Code § 2:4-22C.

4. This contract is being awarded to a non-profit organization and as such is not governed by the Pay-to-Play Law.

5. Attached hereto is a full Certification of Funds from the Finance Director of the City of Newark, which states that there are available, sufficient and appropriate funds in the amount of \$200,000.00 for the purpose set forth herein and the line appropriations which shall be charged are as follows:

<u>Business Unit</u>	<u>Dept.</u>	<u>Div/Proj.</u>	<u>Account #</u>	<u>Budget Ref.</u>
NW026	BS		32100	B2019

6. A fully executed copy of the parties' Agreement shall be filed in the Office of the City Clerk by the Acting Director of the Department of Economic and Housing Development and shall be made available for public inspection.

7. There shall be no advance payments against this contract pursuant to N.J.S.A. 40A:5-16.

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 the adoption of this Resolution.

STATEMENT

This Resolution authorizes the Mayor and/or his designee, the Acting Director of the Department of Economic and Housing Development, to enter into and execute a Professional Services Agreement with the Newark Arts Council, 17 Academy Street, Newark, New Jersey 07102, to engage the creative and original talents of the Newark Arts Council-comprised of the Lincoln Park Coast Cultural District and Newark Symphony Hall/Newark Performing Arts Corporation-in order to revive and empower Lincoln Park and its neighboring institutions by providing exhibitions, implementing cultural programming, and reactivating New Jersey's most historic performing arts center, in a total amount not to exceed Two Hundred Thousand Dollars and Zero Cents (\$200,000.00), for a period of twelve (12) months from the date the Agreement is fully executed.