



Legislation Details (With Text)

**File #:** 19-0406      **Version:** 1      **Name:** Gradient Professional Services Contract  
**Type:** Resolution      **Status:** Adopted  
**File created:** 3/7/2019      **In control:** Law  
**On agenda:** 5/15/2019      **Final action:** 5/15/2019

**Title:** Dept/ Agency: Law  
Action:  Ratifying    Authorizing    Amending  
Type of Service: Professional Services Contract  
Purpose: To provide expert services.  
Entity Name: Gradco, LLC d/b/a Gradient Corp.  
Entity Address: 20 University Road, Cambridge, Massachusetts 02138  
Contract Amount: Not to exceed \$69,000.00  
Funding Source: 2019 Budget/Law Department  
Contract Period: February 1, 2019 through January 31, 2020  
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
5/15/2019	1	Municipal Council	Adopted	Pass

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**Additional Information:**

**WHEREAS**, the City of Newark is involved in ongoing litigation, specifically, Newark Education Workers Caucus & Natural Resources Defense Council v. City of Newark, et al., Docket No.: 18-11025 filed in the United States District Court for the District of New Jersey; and

**WHEREAS**, given the allegations in the Complaint, and the complexity of this matter, it has become necessary to retain professional experts in the area of lead contamination; and

**WHEREAS**, Gradco, LLC, d/b/a Gradient Corp., with offices located at 20 University Road, Cambridge, Massachusetts 02138, submitted a proposal to provide expert services concerning this matter, and it was found to be in the best interest of the City of Newark to accept the proposal for the purpose of providing expert opinions/testimony on behalf of the City's interests and provide expert services for this limited litigation matter; and

**WHEREAS**, Gradco, LLC d/b/a Gradient Corp., has agreed to serve as professional experts to the City of Newark, Department of Water & Sewer Utilities, Mayor Ras J. Baraka and Acting Director Kareem Adeem, in the matter of Newark Education Workers Caucus & Natural Resources Defense Council v. City of Newark, et als; and

**WHEREAS**, the Mayor and the Corporation Counsel wish to enter into a contract with Gradco, LLC d//b/a Gradient Corp., to provide expert services, as it pertains to this matter, in an amount not to exceed Sixty-Nine Thousand Dollars and Zero Cents (\$69,000.00), for the period of February 1, 2019 through January 31, 2020; and

**WHEREAS**, due to potential conflicts of interests, the Business Administrator shall be authorized to execute the contract with the Corporation Counsel, in lieu of the Mayor; and

**WHEREAS**, Professional Services are exempt from the requirement of public bidding pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(i); and

**WHEREAS**, since Gradco, LLC d/b/a Gradient Corp. are experts in toxicology and epidemiology and are Board Certified, their services constitute Professional Services; and

**WHEREAS**, this contract is awarded without competitive bidding since Professional Services are exempt from this requirement pursuant to Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(i); and

**WHEREAS**, 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 published in a local newspaper; and

**WHEREAS**, Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) requires a resolution of the Governing Body authorizing the award of contracts for Professional Services and further requires that the contract itself must be available for public inspection; and

**WHEREAS**, the actions contemplated by this resolution shall result in the award of a "Non-Fair and Open" contract and the contract is for an amount over \$17,500.00 pursuant to N.J.S.A. 19:44A-20.5, which has been determined and certified in writing; and

**WHEREAS**, Gradco, LLC d/b/a Gradient Corp., 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 that the contract will prohibit it from making any reportable contributions through the term of the contract; 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 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 Business Administrator and the Corporation Counsel on behalf of the City of Newark are authorized to enter into and execute a contract with Gradco, LLC d/b/a Gradient Corp., with offices located at 20 University Road, Cambridge, Massachusetts, 02138 to provide expert services concerning the matter Newark Education Workers Caucus & Natural Resources Defense Council v. City of Newark, et al., Docket No.:18-11025 filed in the United States District Court for the District of New Jersey in an amount not to exceed Sixty-Nine Thousand Dollars and Zero Cents (\$69,000.00), for the period of February 1, 2019 through January 31, 2020.
2. The Municipal Council ratifies this contract for the period February 1, 2019, to the date of adoption of this resolution.
3. This contract is being awarded under the City's 2019 Budget. Attached hereto is the Chief Financial Officer's Certification, which states that funds in the amount of \$69,000.00 are available in the 2019 Budget. The certification shall be filed along with the original resolution in the Office of the City Clerk.
4. This contract is awarded without competitive bidding as a "professional service" in accordance with N.J.S.A. 40A:11-5(a)(i) of the Local Public Contracts Law.
5. This contract is awarded pursuant to the Non-Fair and Open Procedures of the State Pay-to-Play Law (N.J.S.A. 19:44A-20.5 et seq.) and the Contractor Pay-to-Play Reform Ordinance, Newark, New Jersey Municipal Code § 2:4-22C and pursuant to the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-5(1)(a)(i)) as professional services.
6. The contract will contain language prohibiting any contributions in violation of any state or local law.
7. The Determination of Value and Business Entity Disclosure Certification, which certifies that Gradco, LLC d/b/a Gradient Corp. has not made any reportable contributions to a political or candidate committee in the City of Newark in the previous year and that the contract will prohibit it from making reportable contributions through the term of the contract, are attached and shall be filed with the Office of the City Clerk together with the Resolution.
8. Certified copies of the fully executed contract herein authorized shall be filed in the Office of the City Clerk by the Corporation Counsel and shall be made available for public inspection.

9. A notice of the award shall be published in the newspaper authorized by law within ten (10) days of its passage.
10. There shall be no amendments or changes of this contract without approval of the Municipal Council and there shall be no advance payments on this contract in accordance with N.J.S.A. 40A:5-16.

### **STATEMENT**

This resolution ratifies and authorizes the Business Administrator and the Corporation Counsel, on behalf of the City of Newark, to enter into and execute a contract with Gradco, LLC d/b/a Gradient Corp., with offices located at 20 University Road, Cambridge, Massachusetts, 02138 to provide expert services in the matter concerning Newark Education Workers Caucus & Natural Resources Defense Council v. City of Newark, et al., Docket No.:18-11025 to in an amount not to exceed Sixty-Nine Thousand Dollars and Zero Cents (\$69,000.00) for the period of February 1, 2019 through January 31, 2020.