



Legislation Details (With Text)

File #: 19-1438 **Version:** 1 **Name:** Cole Media
Type: Resolution **Status:** Adopted
File created: 9/10/2019 **In control:** Administration
On agenda: 12/18/2019 **Final action:** 12/18/2019
Title: Dept/ Agency: Administration/Office of the Business Administrator
Action: ☒ Ratifying ☒ Authorizing ☐ Amending
Type of Service: EUS Contract
Purpose: Goods/services contracted for marketing and branding consultation
Entity Name: Cole Media, Inc.
Entity Address: 105 Lock Street, Suite 203, Newark, New Jersey 07103
Contract Amount: Not to exceed \$25,000.00
Funding Source: 2019 Budget/Department of Administration/NW011-200-2001-9677
Contract Period: October 1, 2019 through September 30, 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
12/18/2019	1	Municipal Council	Adopt	Pass

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Additional Information:

WHEREAS, the City of Newark is in need of marketing and branding consultation, to promote the ongoing progress, achievements and developments of various City departments; and

WHEREAS, Branding consultation requires 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, the services necessary to implement and perform marketing and brand consulting qualify as Extraordinary Unspecifiable Services pursuant to N.J.S.A. 40A:11-5(1)(a)(ii) 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, this Contract is awarded without competitive bidding as an exception to public bidding, pursuant to N.J.S.A. 40A:11-5(1)(a)(ii), Extraordinary Unspecifiable Services; 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, Press Information Office has determined Cole Media Inc., 105 Lock Street, Suite 203, Newark, New Jersey 07103 is best qualified to provide the service as an Extraordinary Unspecifiable Service; and

WHEREAS, due to the unique nature of the work performed by Cole Media, Inc., and its experience in providing marketing and brand consulting, the City of Newark wishes to enter into a contract with Cole Media, Inc., for such services for the period of October 1, 2019 through September 30, 2020, in an amount not to exceed \$25,000.00 (Twenty-Five Thousand Dollars and Zero Cents); and

WHEREAS, Cole Media, Inc., 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, Cole Media, Inc., has completed and submitted a Business Entity Disclosure Certification copies of which are attached hereto 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, 6PSF-a on August 1, 2012, 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 Mayor and/or his designees, the Business Administrator and/or the Director of Communications, are hereby authorized to enter into and execute a contract with Cole Media

Inc., located at 105 Lock Street, Suite 203, Newark, New Jersey 07103 for marketing and brand consulting services for a total contract amount not to exceed \$25,000.00 (Twenty-Five Thousand Dollars and Zero Cents), for the period commencing October 1, 2019 through September 30, 2020.

2. Pursuant to N.J.S.A 5:30-5.5(a), Temporary Budget, attached hereto is a partial Certification of Funds from the Director of Finance which states that there are available legally appropriated funds for the purposes set forth hereinabove, in the amount of \$8,400.00 (Eight Thousand Four Hundred Dollars and Zero Cents) in the 2019 Budget under Business Unit: NW011, Department ID:200, Division:2001, Account: 9677. The Certification of Funds shall be filed along with the original resolution in the Office of the City Clerk. The remainder of the funding for this contract will be subject to appropriation in the 2019 and 2020 Budgets and included in a line item for the award of this contract and said funds will be certified prior to services being provided by the contractor. There will be no expenditure of funds authorized until a Certification of Funds is obtained and a copy filed with the City Clerk.
3. This contract is hereby ratified from October 1, 2019, to the date of adoption of this authorizing resolution.
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 hereto and shall be filed in the Office of the City Clerk with the original resolution.
5. A copy of the Comptroller's Certification and the fully-executed contract herein authorized and ratified shall be filed in the Office of the City Clerk by the Director of Communications.
6. There shall be no advance payments made against this contract in accordance with N.J.A.C. 40A:5-16.
7. Cole Media Inc., has completed and submitted a City of Newark Political Contribution Disclosure Form and a Business Entity Disclosure Certificate, which certifies that Cole Media Inc., 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 Cole Media Inc., from making any reportable contributions through the term of contract.
8. A copy of the executed agreement shall be filed in the Office of the City Clerk by the Director of Communications and shall be made available for public inspection.
9. 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 in accordance with N.J.S.A. 40A:11-5(1)(a).

STATEMENT

This resolution hereby ratifies and authorizes the Mayor and/or his designees, the Business Administrator and/or the Director of Communications, to enter into and execute a contract with Cole Media, Inc., 105 Lock Street, Suite 203, Newark, New Jersey 07103, for marketing and brand consulting services for a total contract amount not to exceed \$25,000.00 (Twenty-Five Thousand

Dollars and Zero Cents), for the period commencing October 1, 2019 through September 30, 2020.