



Legislation Details (With Text)

File #: 20-0347 **Version:** 1 **Name:** Resolution/Contract: Financial Advisory Services - Acacia Financial Group, Inc., (2020)
Type: Resolution **Status:** Returned to Administration
File created: 2/28/2020 **In control:** Finance
On agenda: 3/4/2020 **Final action:** 3/24/2020

Title: Dept/ Agency: Finance
Action: ☒ Ratifying ☒ Authorizing ☐ Amending
Type of Service: Professional Service Contract
Purpose: To provide Financial Advisory Services.
Entity Name: Acacia Financial Group, Inc.
Entity Address: 6000 Midlantic Drive, Suite 410 North, Mount Laurel, New Jersey 08054
Contract Amount: Not to exceed \$350,000.00
Funding Source: Bond Proceeds
Contract Period: March 1, 2020 through February 28, 2021
Contract Basis: ☐ Bid ☐ State Vendor ☒ Prof. Ser. ☐ EUS
☐ Fair & Open ☒ No Reportable Contributions ☐ RFP ☐ RFQ
☐ Private Sale ☐ Grant ☐ Sub-recipient ☐ n/a
Additional Information:
The vendor will be paid from Bond Proceeds.
No Certification of Funds is required.
The contract will not exceed \$350,000.00 among three (3) vendors.
Failed 7R4-b 030420

Sponsors:

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
3/24/2020	1	Municipal Council	Returned to Administration	Pass
3/18/2020	1	Municipal Council	No Action Taken	
3/4/2020	1	Municipal Council	Adopt	Fail

Dept/ Agency: Finance

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WHEREAS, the City of Newark (the “City”) is in need of financial advisors to counsel and assist the City with regards to bond and note issuance, sales and auctions; and

WHEREAS, such financial advisors are part of a highly regulated financial industry, licensed by various regulatory authorities; as such, those services are professional services, exempt from the requirements of public bidding pursuant to the Local Public Contracts Law, more specifically, N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, the City wishes to enter into a professional services contract with Acacia Financial Group, Inc., 6000 Midlantic Drive, Suite 410 North, Mount Laurel, New Jersey 08054 for an amount not to exceed Three Hundred Fifty Thousand Dollars and Zero Cents (\$350,000.00), among three (3) vendors. It is expressly agreed that the City is not obligated to expend any monies or incur any expenses under this contract. For specific financing such as bond and/or note issues, the fee will be calculated at a rate of \$0.85 per \$1,000.00 of par value with a minimum of \$15,000.00 for Bonds Financings and a minimum of \$8,500.00 for Notes Financings with an official statement and rating; and a minimum of \$5,000.00 without an official statement and no rating of the principal amount financed payable at the closing of the proposed issuance in accordance with the term of sale, as provided in the contract for a period from March 1, 2020 through February 28, 2021; and

WHEREAS, the Local Public Contracts Law (the “LPCL”) (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, this contract is for an amount over \$17,500.00 and is being awarded pursuant to a “Non-Fair and Open Process” pursuant to N.J.S.A. 19:44A-20.5; and

WHEREAS, Acacia Financial Group, Inc., has completed and submitted a Business Entity Disclosure Certification which certifies that Acacia Financial Group, Inc., has not made any reportable contributions to a political or a candidate committee in the City of Newark in the previous one (1) year, and that the contract will prohibit Acacia Financial Group, Inc. from making any reportable contributions through the term of the contract; and

WHEREAS, the Municipal Council adopted the Contractor Pay-to-Pay 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 and County of Essex Candidates, office holders having ultimate responsibility for the award of a contract; candidates 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 Director of Finance are hereby authorized and directed on behalf of the City of Newark to enter into and execute a contract with Acacia Financial Group, Inc., 6000 Midlantic Drive, Suite 410 North, Mount Laurel, New Jersey 08054, to provide professional financial advisory services, for a period from March 1, 2020 through February 28, 2021.
2. The contract shall be for an amount not to exceed Three Hundred Fifty Thousand Dollars and Zero Cents (\$350,000.00) among three (3) vendors combined. It is expressly agreed that the City of Newark is not obligated to expend any monies or incur any expenses under this contract. For specific financing such as bond and/or note issues, the fee will be calculated at a rate of \$0.85 per \$1,000.00 of par value with a minimum of \$15,000.00 for Bonds Financings and a minimum of \$8,500.00 for Notes Financings with an official statement and rating; and a minimum of \$5,000.00 without an official statement and no rating of the principal amount financed payable at the closing of the proposed issuance in accordance with the term of sale, as provided in the Contract. Funds to be utilized for this contract will be from bond proceeds.
3. 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 because the performance of the service required must be performed by someone who is a licensed financial advisor in the State of New Jersey.
4. 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) and pursuant to the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-5(1)(a)(i)) and is in compliance with Pay-to-Play Reform Ordinance, Newark, New Jersey, Municipal Code §2:4-22C.
5. The contract is hereby ratified from March 1, 2020 until the date of adoption of this resolution.
6. This contract is an open-ended contract to be used as needed during the term of the contract. Thus, for any and all expenditures against this contract, a certification of the availability of sufficient funds, as required by N.J.A.C. 5:30-5.5(b)(2), shall be executed before a contractual liability is incurred each time an order is placed, covering the amount of the order.
7. A copy of the Business Disclosure Entity Certification and the Determination of Value letter shall be placed on file with the resolution in the Office of the City Clerk.
8. Acacia Financial Group, Inc., has completed and submitted a Business Entity Disclosure Certificate, which shall be placed on file with the resolution in the Office of the City Clerk, certifying that Acacia Financial Group, Inc., has not made any reportable contributions to a political or a candidate committee in the City of Newark in the previous one (1) year and the contract will prohibit Acacia Financial Group, Inc., from making reportable contributions through the term of the contract.
9. A copy of the fully executed contract herein authorized shall be filed in the Office of the City Clerk by the Director of Finance and shall be made available for public inspection.

10. There shall be no advance payments made against this contract in accordance with N.J.S.A. 40A:5-16.
11. 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 ratifies and authorizes the Mayor and/or his designee, the Director of Finance, to enter into and execute a professional service contract with Acacia Financial Group, Inc., 6000 Midlantic Drive, Suite 410 North, Mount Laurel, New Jersey 08054, to provide financial advisory services for the period of March 1, 2020 through February 28, 2021, for an amount not to exceed Three Hundred Fifty Thousand Dollars (\$350,000.00) to be split among three (3) vendors.