



## Legislation Details (With Text)

**File #:** 20-0168 **Version:** 1 **Name:** Resolution: First Amendment to the Agreement for Planning Consulting Services - Nishuane Group, LLC (2019)  
**Type:** Resolution **Status:** Adopted  
**File created:** 1/24/2020 **In control:** Economic and Housing Development  
**On agenda:** 3/10/2020 **Final action:** 3/10/2020

**Title:** Dept/ Agency: Economic and Housing Development  
Action: ☒ Ratifying ☒ Authorizing ☒ Amending  
Type of Service: Professional Services Contract  
Purpose: First Amendment to the Agreement to provide Professional Services, as Planning Consultants, to increase the contract amount by \$70,000.00.  
Entity Name: Nishuane Group, LLC.  
Entity Address: 105 Grove Street, Suite #1, Montclair, New Jersey 07042  
Contract Amount: Not to exceed \$220,000.00  
Funding Source: Community and Economic Development Trust Fund  
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:  
The Original Resolution 7R2-a adopted on April 17, 2019, awarded a contract in an amount not to exceed \$150,000.00.  
The First Amendment increases the contract amount by \$70,000.00 for a new contract amount not to exceed \$220,000.00.

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
3/10/2020	1	Municipal Council	Adopt	Pass

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The Original Resolution 7R2-a adopted on April 17, 2019, awarded a contract in an amount not to exceed \$150,000.00.

The First Amendment increases the contract amount by \$70,000.00 for a new contract amount not to exceed \$220,000.00.

**WHEREAS**, Planning Consultant services are Professional Services and are exempt from the requirements for public bidding pursuant to the Local Public Contracts Law, more specifically, N.J.S.A. 40A:11-5(1)(a)(i); and

**WHEREAS**, the Municipal Council of the City of Newark (the "Municipal Council") by Resolution 7R2-a, adopted on April 17, 2019, awarded a Professional Services contract to Nishuane Group, LLC, 105 Grove Street, Suite #1, Montclair, New Jersey 07042, to serve as Planning Consultants, for an amount not to exceed One Hundred Fifty Thousand Dollars and Zero Cents (\$150,000.00), for the period of January 1, 2019 through December 31, 2019; and

**WHEREAS**, this contract is for an amount over \$17,500.00 and was awarded as a Fair and Open Contract pursuant to N.J.S.A. 19:44A-20.5; and

**WHEREAS**, the contract was awarded in compliance with Local Public Contracts Law ( N.J.S.A. 40A:11-5(1)(a)(i)), and Fair and Open Procedures of the State Pay-to-Play Law (N.J.S.A. 19:44a-20.5) and is in compliance with the Contractor Pay-to-Play Reform Ordinance 2:4-22C; and

**WHEREAS**, Nishuane Group, LLC, currently has outstanding bills for 2019 pending matters, which have exhausted the total contract amount; and

**WHEREAS**, the outstanding bills for 2019 require an increase in the total contract amount; and

**WHEREAS**, Nishuane Group, LLC, represents that an additional Seventy Thousand Dollars and Zero Cents (\$70,000.00), is necessary to pay the firm's invoices for Planning Consulting Services provided through December 31, 2019; and

**WHEREAS**, the requested increase in the total contract amount is deemed reasonable and necessary to pay for Planning Consultant Services provided through December 31, 2019; and

**WHEREAS**, the award of an additional Seventy Thousand Dollars and Zero Cents (\$70,000.00), brings the total contract to an amount not to exceed Two Hundred Twenty Thousand Dollars and Zero Cents (\$220,000.00), for the period of January 1, 2019 through December 31, 2019.

**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 the Department of Economic and Housing Development, are hereby authorized and directed on behalf of the City of Newark to enter into and execute a First Amendment to the Agreement for Planning Services with Nishuane Group, LLC, 105 Grove Street, Suite #1, Montclair, New Jersey 07042, provided through December 31, 2019, for an additional Seventy Thousand Dollars and Zero Cents (\$70,000.00), for the period of January 1, 2019 through December 31, 2019, to cover outstanding bills.

2. The Municipal Council hereby ratifies this First Amendment to the Agreement from the date of the adoption of this resolution to January 1, 2019.

3. All other terms and conditions of the contract shall remain the same.

4. This First Amendment to the Agreement to provide Planning Consultant Services is made in accordance with the professional services exception to public bidding in the Local Public Contracts Law (N.J.S.A. 40A:11-5(1)(a)(i), and Fair and Open Procedures of the State Pay-to-Play Law (N.J.S.A. 19:44a-20.5) and is in compliance with the Contractor Pay-to-Play Reform Ordinance 2:4-22C.

5. Attached is a Certification of Funds from the Director of Finance stating that there are available, sufficient and appropriated funds in the amount of Seventy Thousand Dollars and Zero Cents (\$70,000.00) for the purposes set herein and the line appropriations, which shall be charged are as follows:

<u>Business Unit</u>	<u>Dept. ID</u>	<u>Div/Proj.</u>	<u>Activity</u>	<u>Account#</u>	<u>Budget Ref.</u>
NW011	150	1505	A	71280	B2019

6. The Director of the Department of Economic and Housing Development shall file a copy of the executed First Amendment to the Agreement to provide Planning Consultant Services in the Office of the City Clerk and the same shall be made available for public inspection.

7. 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, amends, authorizes and directs the Mayor and/or his designee, the Director of the Department of Economic and Housing Development, to enter into and execute a First Amendment to the Agreement with Nishuane Group, LLC, 105 Grove Street, Suite #1, Montclair, New Jersey 07042, amending the contract amount by an additional Seventy Thousand Dollars and Zero Cents (\$70,000.00), for a total contract amount not to exceed Two Hundred Twenty Thousand Dollars and Zero Cents (\$220,000.00). This amendment is needed to cover outstanding invoices for Planning Consulting Services provided during the term of the agreement (January 1, 2019 through December 31, 2019).