



Legislation Details (With Text)

File #: 20-0788 **Version:** 1 **Name:** Heyer Gruel & Associates Professional Services Agreement 2020
Type: Resolution **Status:** Adopted
File created: 7/1/2020 **In control:** Economic and Housing Development
On agenda: 8/5/2020 **Final action:** 8/5/2020

Title: Dept/ Agency: Economic and Housing Development
Action: ☒ Ratifying ☒ Authorizing ☐ Amending
Type of Service: Professional Services Contract
Purpose: To provide Planning Consultant Services.
Entity Name: Heyer, Gruel & Associates, P.A.
Entity Address: 236 Broad Street, Red Bank, New Jersey 07701
Contract Amount: Not to exceed \$100,000.00
Funding Source: 2020 Budget/Department of Economic and Housing Development/Business Unit: NW026, Dept: BS, Account: 32100, Budget Ref: B2020
Contract Period: January 1, 2020 through December 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:
Partial Certification of Funds in the amount of \$40,000.00.

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
8/5/2020	1	Municipal Council	Adopt	Pass

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WHEREAS, the City's Department of Economic and Housing Development (the "City") is involved in ongoing redevelopment and urban planning matters and therefore has a need to acquire Planning Consultant Services; and

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

WHEREAS, the City caused to be published, on the City of Newark's website, a Notice of Request for Qualifications ("RFQ") for Planning Consultant Services on or about February 4, 2020; and

WHEREAS, the City received a total of two (2) proposals in response to its request with a due date of February 27, 2020; and

WHEREAS, Heyer, Gruel & Associates, P.A., 236 Broad Street, Red Bank, New Jersey 07701, submitted a proposal in response to the RFQ and it was found, based upon price and other factors, to be in the best interest of the City of Newark to accept the proposal for the purpose of providing Planning Consultant Services; and

WHEREAS, pursuant to City of Newark Municipal Code 41:15-12.3, as amended by the Municipal Council through Ordinance 6PS-B, adopted on April 3, 2019, Heyer, Gruel & Associates, P.A. agrees that land use board fees and professional review fees will be paid separately from the Department of Economic and Housing Development's budget; these payments will be made through an escrow account that will be established and will be funded by developers based on their specific projects; and

WHEREAS, the City wishes to enter into a contract with Heyer, Gruel & Associates, P.A., to provide Planning Consultant Services, in an amount not to exceed One Hundred Thousand Dollars and Zero Cents (\$100,000.00), for the period of January 1, 2020, through December 31, 2020; 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 competitive bidding must be published in a local newspaper; and

WHEREAS, this contract is for an amount over \$40,000.00 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 Deputy Mayor/Director of the Department of Economic and Housing Development, are hereby authorized to enter into and execute a contract with

Heyer, Gruel & Associates P.A., 236 Broad Street, Red Bank, New Jersey 07701, to provide Planning Consultant Services, in an amount not to exceed One Hundred Thousand Dollars and Zero Cents (\$100,000.00), for the period of January 1, 2020, through December 31, 2020.

2. The term of this contract shall be January 1, 2020, through December 31, 2020.
3. This contract is ratified from January 1, 2020, to the date of adoption of this resolution by the Municipal Council.
4. This contract is being awarded pursuant to the Fair and Open Procedures of the State Pay-to-Play Law (N.J.S.A. 19:44A-20.5) and the Local Public Contracts Law (N.J.S.A. 40A:11-5 (1)(a)(i)) and is in compliance with the Contractor Pay-to-Play Reform Ordinance, Newark, New Jersey, Municipal Code § 2:4-22C.
5. Pursuant to N.J.A.C. 5:30-5.5(a), Temporary Budget, attached hereto is a partial Certification of Funds from the Director of Finance, which states that funds in the amount of \$40,000.00 are available for all liability to be incurred during the City of Newark's temporary budget period, more specifically: [i] Certification of Funds in the amount of \$40,000.00, Business Unit: NW026; Dept.: BS; Account #: 32100; Budget Ref. B2020. The Certification 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 2020 Budget 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.
6. There shall be no advance payment pursuant to N.J.S.A. 40A:5-16.
7. There shall be no amendments or changes to this contract without the approval of the Municipal Council.
8. The Deputy Mayor/Director of the Department of Economic and Housing Development shall file a copy of the executed contract in the Office of the City Clerk, which shall be made available for public inspection.
9. A notice of the award 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 Deputy Mayor/Director of the Department of Economic and Housing Development, on behalf of the City of Newark, to enter into and execute a contract for Planning Consultant Services with Heyer, Gruel & Associates, P.A., 236 Broad Street, Red Bank, New Jersey 07701, in an amount not to exceed One Hundred Thousand Dollars and Zero Cents (\$100,000.00) for the period of January 1, 2020, through December 31, 2020.

