



## Legislation Details (With Text)

**File #:** 21-1677      **Version:** 1      **Name:** Professional Service Contract for Small Cell Wireless Facility Permit Review Services  
**Type:** Resolution      **Status:** Adopted  
**File created:** 11/8/2021      **In control:** Engineering  
**On agenda:** 2/7/2022      **Final action:** 2/16/2022

**Title:** Dept./ Agency: Engineering  
Action: (X) Ratifying (X) Authorizing ( ) Amending  
Type of Service: Professional Services Contract  
Purpose: To provide Small Cell Wireless Facility Permit Review Services.  
Entity Name: Johnson, Mirmiran and Thompson, Inc. (JMT)  
Entity Address: 1200 Lenox Drive, Suite 101, Trenton, New Jersey 08648  
Contract Amount: Not to exceed \$250,000.00  
Funding Source: 2021 Budget/Trust Fund/NW026, 38780, B2021  
Contract Period: October 28, 2021 through October 27, 2022  
Contract Basis: ( ) Bid ( ) State Vendor (X) Prof. Ser. ( ) EUS  
( ) Fair & Open (X) No Reportable Contributions ( ) RFP ( ) RFQ  
( ) Private Sale ( ) Grant ( ) Sub-recipient ( ) n/a  
Addition Information:  
Deferred 7R3-a(s)020822

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
2/16/2022	1	Municipal Council	Adopt	Pass
2/8/2022	1	Municipal Council	Defer	Pass

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**WHEREAS**, the City of Newark, Department of Engineering (the "City") is in need of Engineering Services to review applications received by the City from telecommunication companies requesting the installation of Small Cell Wired and Wireless facility deployments within the City's right-of-way (the "Professional Engineering Services"); and

**WHEREAS**, Johnson, Mirmiran & Thompson, Inc. (JMT), 1200 Lenox Drive, Suite 101, Trenton, New Jersey 08648, is an engineering firm with a diverse practice and specific expertise in reviewing applications from telecommunication companies requesting the installation of Small Cell Wired and Wireless facility deployments in municipal right-of-ways, submitted a Proposal to provide the above services and it was found to be in the best interest of the City to accept the Proposal for the purpose of providing the Professional Engineering Services; and

**WHEREAS**, the City wishes to enter into a Professional Services Contract with JMT for an amount not to exceed Two Hundred and Fifty Thousand Dollars and Zero Cents (\$250,000.00) to provide the Professional Engineering Services for the period of October 28, 2021 through October 27, 2022; and

**WHEREAS**, the Local Public Contracts Law, (N.J.S.A. 40A:11-1 et seq.) requires a resolution, from 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**, 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**, JMT, has completed and submitted a Business Entity Disclosure Certification, which certifies that JMT has not made any reportable contributions to a political or a candidate committee in the City of Newark in the previous one (1) year prior to award, and that the contract will prohibit JMT from making any reportable contributions through the term of the contract; and

**WHEREAS**, the Municipal Council adopted New Jersey Municipal Code § 2:4-22C.1, which adopted the State of New Jersey's Pay-to-Play statutory requirements pursuant to N.J.S.A. 19:44A-20.5, as may be amended and supplemented, governing eligibility for municipal contracts.

**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 Engineering, are hereby authorized and directed on behalf of the City of Newark to enter into and execute a contract with Johnson, Mirmiran & Thompson, Inc., 1200 Lenox Drive, Suite 101, Trenton, New Jersey 08648, (JMT), to provide Professional Engineering Services for the review of applications received by the City from telecommunication companies requesting the installation of Small Cell Wired and Wireless facility deployments within the City's right-of-way, for the period of October 28, 2021 through October 27, 2022, for an amount not to exceed Two Hundred and Fifty Thousand Dollars and Zero Cents (\$250,000.00).
2. Pursuant to the Federal Communications Commissions (FCC) regulations and under the Law, the City is entitled to recover reasonable costs incurred by the City to review applications received from telecommunication carriers for the installation and deployment of wireless and any associated wireline facilities, including in particular small wireless facilities and facilities associated with 5G deployments within the City's public rights of way.
3. Pursuant to City of Newark Municipal Code § 29:29-1, et seq., the funding for this Professional Service Contract shall come from the proceeds that the City receives from the applications

received by the City from telecommunication companies and license agreements entered into with telecommunication companies for the installation and deployment of wireless and any associated wireline facilities, including in particular small wireless facilities and facilities associated with 5G deployments within the City's public rights-of-way.

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 because the performance of the service required will be performed by someone who is a licensed engineer in the State of New Jersey.
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) and is in compliance with the Pay-to-Play Reform Ordinance, Newark, New Jersey, Municipal Code §2:4-22C.
6. This contract is ratified from October 28, 2021 until the date of adoption of this authorizing resolution.
7. Attached hereto is a Certification of Funds from the Director of the Department of Finance, which states that (1) there are available sufficient legally appropriated funds in the amount of Two Hundred and Fifty Thousand Dollars and Zero Cents (\$250,000.00) for the purposes set forth herein, and (2) that the line appropriation of the official budget which shall be charged is as follows:

Business Unit	Dept.	Div./Proj.	Account#	Budget Yr.	Amount
NW026	-	-	38780	B2021	\$250,000.00

8. A copy of the Certification of Funds issued shall be filed in the Office of the City Clerk by the Director of the Department of Engineering together with this resolution.
9. A copy of the Certification of Funds Political Contribution Disclosure Form, and the Determination of Value letter are attached and shall be placed on file with the resolution in the Office of the City Clerk by the Director of the Department of Engineering.
10. JMT, 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 JMT 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 JMT from making reportable contributions through the term of the contract.
11. The Director of the Department of Engineering shall file a copy of the fully executed contract herein authorized in the Office of the City Clerk and the same shall be made available for public inspection.
12. There shall be no advance payments made against this contract in accordance with N.J.S.A. 40A:5-16.
13. 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 the Department of Engineering, to enter into a Professional Service contract with Johnson, Mirmiran & Thompson, Inc. (JMT), 1200 Lenox Drive, Suite 101, Trenton, New Jersey 08648, to review applications received by the City from a Telecommunication Company for the installation of Small Cell Wired and Wireless facility deployments within the City's right-of-way, for the period of October 28, 2021 through October 27, 2022, for an amount not to exceed \$250,000.00.