



Legislation Details (With Text)

File #: 22-1147 **Version:** 1 **Name:** Resolution - Public Resource Advisors Group, Inc., (2022-2023)
Type: Resolution **Status:** Adopted
File created: 8/9/2022 **In control:** Finance
On agenda: 9/21/2022 **Final action:** 9/21/2022

Title: Dept/ Agency: Finance
Action: (X) Ratifying (X) Authorizing () Amending
Type of Service: Professional Service Contract
Purpose: To provide Financial Advisory Services.
Entity Name: Public Resource Advisors Group, Inc.
Entity Address: Public Resource Advisors Group, Inc., 117 Gayley Street, Suite 200, Media, Pennsylvania 19063
Contract Amount: Not to exceed \$350,000.00
Funding Source: Bond Proceeds
Contract Period: May 26, 2022 through May 25, 2023
Contract Basis: () Bid () State Vendor (X) Prof. Ser. () EUS
(X) Fair & Open (X) No Reportable Contributions (X) RFP () RFQ
() Private Sale () Grant () Sub-recipient () n/a
Additional Information:
Vendor to be paid from Bond Proceeds.
The contract will not exceed \$350,000.00 amongst three (3) vendors.
No Certification of Funds required.

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
9/21/2022	1	Municipal Council	Adopt	Pass

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WHEREAS, the City of Newark (the “City”) is in need of financial advisors to counsel and assist the City with bond and note issuance, sales and auctions, and other financial matters; 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, excluded 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 advertised a Request for Proposal (RFP) for Financial Advisory Services on May 11, 2022; and

WHEREAS, four (4) proposals were received from NW Financial Group, LLC, 2 Hudson Place, Hoboken, New Jersey 07030; Phoenix Advisors, LLC, 625 Farnsworth Avenue, Bordentown, New Jersey 08505; PFM Financial Advisors, LLC, 40 Wall Street, 49th Floor, New York, New York 10005; and Public Resource Advisors Group, Inc., 117 Gayley Street, Suite 200, Media, Pennsylvania 19063; and

WHEREAS, the City wishes to enter into a professional services contract with Public Resource Advisors Group, Inc., 117 Gayley Street, Suite 200, Media, Pennsylvania 19063, and two (2) additional vendors, for an amount not to exceed Three Hundred Fifty Thousand Dollars and Zero Cents (\$350,000.00) among all 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, including a fee or commission calculated at a rate of \$0.75 per \$1,000.00 of par value with a minimum of \$45,000.00 for Bonds Financings and \$25,000.00 for Notes Financings of the principal amount financed payable at the closing of the proposed bond issuance in accordance with the term of sale, as provided in the contract for a period from May 26, 2022 through May 26, 2023; and

WHEREAS, the 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, Public Resource Advisors Group, Inc., has completed and submitted a Business Entity Disclosure Certification, which certifies that Public Resource Advisors 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 Public Resource Advisors Group, Inc., from making any reportable contributions through the term of the contract; and

WHEREAS, this contract is being awarded as a Fair and Open Contract, pursuant to N.J.S.A. 19:44A-20.5, in compliance with State Pay to Play statutory requirements, and the City of Newark’s Pay-to-Play Ordinance, R.O. 2:4-22C.1.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:

1. The Mayor of the City of Newark and/or his designee, the Director of the Department of Finance are hereby authorized and directed on behalf of the City of Newark to enter into and execute a contract with Public Resource Advisors Group, Inc., 117 Gayley Street, Suite 200, Media, Pennsylvania 19063, to provide Professional Financial Advisory

Services, for a period from May 26, 2022 through May 25, 2023.

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. 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 notes issues, the fee will be calculated at a rate of \$0.75 per \$1,000.00 of par value with a minimum of \$45,000.00 for Bonds Financings and \$25,000.00 for Notes Financings of the principal amount financed payable at the closing of the proposed bond issuance in accordance with the term of sale, as provided in the contracts. Funds to be utilized for this contract will be from bond proceeds.
3. This contract was 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 being awarded pursuant to the Fair and Open Procedures of the State's Pay to Play Law (N.J.S.A. 19:44A-20.5) and is in compliance with the City of Newark's Pay to Play Ordinance R.O. 2:4-22C.1
5. The contract is hereby ratified from May 26, 2022 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. Public Resource Advisors 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 Public Resource Advisors 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 Public Resource Advisors Group, Inc. from making reportable contributions through the term of the Contract.
8. There shall be no advance payments made against this contract in accordance with N.J.S.A. 40A:5-16.
9. A copy of the executed agreement herein authorized shall be filed in the Office of the City Clerk by the Director of the Department of Finance and shall be made available for public inspection.
10. 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 of the City of Newark and/or his designee, the Director of the Department of Finance, to enter into and execute a professional service contract with Public Resource Advisors Group, Inc., 117 Gayley Street, Suite 200, Media, Pennsylvania 19063, to provide financial advisory services for the period of May 26, 2022 through May 25, 2023, for an amount not to exceed \$350,000.00 among three (3) vendors.