



## Legislation Details (With Text)

**File #:** 22-1219      **Version:** 1      **Name:** Resolution: Gary Toth (Consultant) - Engineering Consulting Services (2022-2023)

**Type:** Resolution      **Status:** Adopted

**File created:** 8/24/2022      **In control:** Administration

**On agenda:** 10/5/2022      **Final action:** 10/5/2022

**Title:** Dept./ Agency: Administration  
Action: ☒ Ratifying   ☒ Authorizing   ☐ Amending  
Type of Service: Exception to Public Bidding - N.J.S.A. 40A:11-5(1)(a)(i) provides for the award of a contract for Professional Services  
Purpose: To provide engineering consultant services.  
Entity Name: Gary Toth  
Entity Address: Lambertville, New Jersey 08530  
Contract Amount: Not to exceed \$168,000.00  
Funding Source: 2022 Budget/Business Unit NW: 011-Dept. ID 110, Div./ Proj. 1107, Account 71280, Budget Ref: B2022  
Contract Period: August 1, 2022 through July 31, 2023  
Contract Basis: ☐ Bid   ☐ State Vendor   ☒ Prof. Ser.   ☐ EUS  
☐ Fair & Open   ☒ No Reportable Contributions   ☐ RFP   ☐ RFQ  
☐ Private Sale   ☐ Grant   ☐ Sub-recipient   ☐ N/A  
Additional Information:  
To provide engineering consultant services regarding implementing a Division of Transportation within the Department of Engineering in order to leverage development, traffic and signal infrastructure initiatives, including identifying and securing funding opportunities on behalf of the City of Newark, in Washington D.C. and the State of New Jersey (Trenton).

**Sponsors:** Council of the Whole

### Indexes:

### Code sections:

Date	Ver.	Action By	Action	Result
10/5/2022	1	Municipal Council	Adopt	Pass

**Dept./ Agency:** Administration  
**Action:** ☒ Ratifying   ☒ Authorizing   ☐ Amending  
**Type of Service:** Exception to Public Bidding - N.J.S.A. 40A:11-5(1)(a)(i) provides for the award of a contract for Professional Services  
**Purpose:** To provide engineering consultant services.  
**Entity Name:** Gary Toth  
**Entity Address:** Lambertville, New Jersey 08530  
**Contract Amount:** Not to exceed \$168,000.00  
**Funding Source:** 2022 Budget/Business Unit NW: 011-Dept. ID 110, Div./ Proj. 1107, Account 71280, Budget Ref: B2022  
**Contract Period:** August 1, 2022 through July 31, 2023  
**Contract Basis:** ☐ Bid   ☐ State Vendor   ☒ Prof. Ser.   ☐ EUS  
☐ Fair & Open   ☒ No Reportable Contributions   ☐ RFP   ☐ RFQ  
☐ Private Sale   ☐ Grant   ☐ Sub-recipient   ☐ N/A  
**Additional Information:**  
To provide engineering consultant services regarding implementing a Division of Transportation

within the Department of Engineering in order to leverage development, traffic and signal infrastructure initiatives, including identifying and securing funding opportunities on behalf of the City of Newark, in Washington D.C. and the State of New Jersey (Trenton).

**WHEREAS**, the City of Newark (the “City”) is a duly constituted municipal corporation at 920 Broad Street, Newark, New Jersey 07102; and

**WHEREAS**, N.J.S.A. 40A:11-5(1)(a)(i) empowers the Governing Body and its autonomous agencies to award contracts for Professional Services without competitive bidding; and

**WHEREAS**, the City is in need of Professional Services to provide the services of a Municipal Engineer and assist the municipality in the administration and operation of the roads, parks, municipal buildings, water and sewer systems, as well as provide general assistance to all City Departments; and

**WHEREAS**, the City is in receipt of a proposal from Gary Toth (the “Consultant”) located in Lambertville, New Jersey, 08530 to provide the requested professional services; and

**WHEREAS**, the proposal submitted by the Consultant demonstrates that it has the requisite knowledge, education, skills, and experience to provide the requested professional services on behalf of the City; and

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

**WHEREAS**, the City is interested in retaining the professional services of the Consultant for one (1) year from the period of August 1, 2022 through July 31, 2023, for an amount not to exceed One Hundred Sixty-Eight Thousand Dollars and Zero Cents (\$168,000.00); and

**WHEREAS**, the contract was not awarded through a Fair and Open Process as set forth at N.J.S.A. 19:44A-20.5 et seq. and there have not been any political contributions made to any representative of the City that would preclude the NJRC from providing the requested professional services; and

**WHEREAS**, the Business Entity and any of its subcontractors, if any, have certified that it is in compliance with the aforementioned Contractor Pay-to-Play Reform Ordinance, 2:4-22C; and

**WHEREAS**, this contract has been determined and certified in writing to have a value in excess of \$17,500.00 and is being awarded as a Non-Fair and Open Contract, pursuant to N.J.S.A. 19:44A-20.4 et. seq.

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

1. The Municipal Council hereby authorizes the Mayor of the City of Newark and/or his designee, the Business Administrator to enter into and execute a Professional Services Agreement with Gary Toth located in Lambertville, New Jersey, 08530 provide engineering consultant services regarding implementing a Division of Transportation within the Department of Engineering in order to leverage development, traffic and signal infrastructure initiatives including, identifying and securing funding opportunities on behalf of the City of Newark, in Washington D.C. and the State of New Jersey (Trenton) in amount not to exceed One Hundred Sixty-Eight Thousand Dollars and Zero Cents (\$168,000.00) for one (1) year from the period of August 1, 2022 through July 31, 2023.
2. This contract is hereby ratified from August 1, 2022 to the date of adoption of this authorizing Resolution. Attached hereto is a partial Certification of Funds in the amount of Sixty Thousand Dollars and Zero Cents (\$60,000.00) in the 2022 Adopted Budget from the City's Municipal Comptroller, for the purpose set forth hereinabove are available from: Account Code: NW011-110-1107-A-71280-B202. The Certification shall be filed, along with the original Resolution and the executed contract in the Office of the City Clerk.
3. The contract is awarded as a Non-Fair and Open Contract, pursuant to N.J.S.A. 19:44A-20.5; and the Business Entity has provided a statement that it is in compliance with the City of Newark.
4. Gary Toth, has represented that they are qualified by their training and experience to provide the required goods and services and that they have the exclusive right to make and sell these goods and services, which the Department of Engineering certifies is essential and necessary for the conduct of its affairs (N.J.S.A. 40A:11-2(39)).
5. The contract will contain language prohibiting any contributions in violation of any state or local law.
6. There shall be no amendments or changes to this contract without approval of the Municipal Council and there shall be no advance payments on this contract in accordance with N.J.S.A. 40A:5-16.
7. The Business Entity Disclosure Certification and the Determination of Value is attached in support of this Resolution and shall be placed on file with the Office of the City Clerk by the Department of Engineering.
8. The contract will contain language prohibiting any contributions in violation of any State or local law.
9. Notice of this action shall be published in the newspaper authorized to publish legal advertisements and as required by law within ten (10) days of the date of adoption.
10. A copy of the executed contract herein authorized shall be filed in the Office of the City Clerk and shall be made available for public inspection.

**STATEMENT**

This Resolution ratifies and authorizes the Mayor of the City of Newark and/or his designee, the Business Administrator, on behalf of the City of Newark, to enter into and execute a Professional Services Agreement with Gary Toth located in Lambertville, New Jersey, 08530 to provide engineering consultant services regarding implementing a Division of Transportation within the Department of Engineering in order to leverage development, traffic and signal infrastructure initiatives including, identifying and securing funding opportunities on behalf of the City of Newark, in Washington D.C. and the State of New Jersey (Trenton), the contract is for an amount not to exceed \$168,000.00 for the period of August 1, 2022 through July 31, 2023.