



## Legislation Details (With Text)

<b>File #:</b>	22-1409	<b>Version:</b>	1	<b>Name:</b>	Resolution: EUS Contract - Gilbane Building Company
<b>Type:</b>	Resolution	<b>Status:</b>			Adopted
<b>File created:</b>	9/29/2022	<b>In control:</b>			Economic and Housing Development
<b>On agenda:</b>	12/7/2022	<b>Final action:</b>			12/7/2022
<b>Title:</b>	Dept./ Agency: Economic and Housing Development Action: ( ) Ratifying (X) Authorizing ( ) Amending Type of Service: Extraordinary Unspecified Services (EUS) Purpose: To provide engineering services and project management services for the Mulberry Pedestrian Bridge. Entity Name: Gilbane Building Company Entity Address: One Riverfront Plaza, 1037 Raymond Boulevard, Suite 320, Newark, New Jersey 07102 Contract Amount: Not to exceed \$4,000,000.00 Funding Source: Bond Proceeds Contract Period: Twenty-seven (27) months from the date of the written Notice to Proceed Contract Basis: ( ) Bid ( ) State Vendor ( ) Prof. Ser. (X) EUS ( ) Fair & Open (X) No Reportable Contributions ( ) RFP ( ) RFQ ( ) Private Sale ( ) Grant ( ) Sub-recipient ( ) n/a Additional Information:				
<b>Sponsors:</b>	Council of the Whole				
<b>Indexes:</b>					
<b>Code sections:</b>					

Date	Ver.	Action By	Action	Result
12/7/2022	1	Municipal Council	Adopt	Pass

**Dept./ Agency:** Economic and Housing Development  
**Action:** ( ) Ratifying (X) Authorizing ( ) Amending  
**Type of Service:** Extraordinary Unspecified Services (EUS)  
**Purpose:** To provide engineering services and project management services for the Mulberry Pedestrian Bridge.  
**Entity Name:** Gilbane Building Company  
**Entity Address:** One Riverfront Plaza, 1037 Raymond Boulevard, Suite 320, Newark, New Jersey 07102  
**Contract Amount:** Not to exceed \$4,000,000.00  
**Funding Source:** Bond Proceeds  
**Contract Period:** Twenty-seven (27) months from the date of the written Notice to Proceed  
**Contract Basis:** ( ) Bid ( ) State Vendor ( ) Prof. Ser. (X) EUS  
( ) Fair & Open (X) No Reportable Contributions ( ) RFP ( ) RFQ  
( ) Private Sale ( ) Grant ( ) Sub-recipient ( ) n/a  
**Additional Information:**

**WHEREAS,** the City of Newark, in the County of Essex, New Jersey (the “City”) intends to construct the Mulberry Pedestrian Bridge (the “Project”), which will serve as a landmark central

pedestrian connector to address major transportation needs for the State's largest city; and

**WHEREAS**, the City will require a principal point of contact and liaison between the architect, consultants, contractors and vendors throughout the duration of the Project from pre-construction/design phase to Project completion and post-construction, a firm. The firm shall advocate for the City's interests of quality, timely and cost sensitive construction while maintaining professional relationships with the architect, consultants, contractors, and City's personnel. The firm will be responsible for monitoring progress on all aspects of the Project and coordination of tasks; and

**WHEREAS**, the services solicited are considered Extraordinary Unspecifiable Services, which are specialized and qualitative in nature requiring expertise, extensive training, and proven reputation in the field and are exempt from the requirements of public bidding pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(ii); and

**WHEREAS**, the Deputy Mayor/Director of the Department of Economic and Housing Development has determined and certified in writing that the value of this contract will exceed \$17,500.00; and

**WHEREAS**, this contract is awarded without competitive bidding as an exception to public bidding, pursuant to N.J.S.A. 40A:11-5(1)(a)(ii), Extraordinary Unspecifiable Services and Local Public Contract Law, N.J.S.A. 40A:11-1, et seq. requires a Resolution of the Governing Body authorizing the award of contracts for Extraordinary Unspecifiable Services and further requires that the contract itself must be available for public inspection and published in a local newspaper; and

**WHEREAS**, the actions contemplated by this Resolution shall result in the award of a Non-Fair and Open Contract in accordance with N.J.S.A. 19:44A-20.5; and

**WHEREAS**, the Gilbane Building Company has completed and submitted a Business Entity Disclosure Certification, which certifies that the entity 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 the entity from making any reportable contributions through the term of the contract.

**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 Deputy Mayor/Director of the Department of Economic and Housing Development are hereby authorized to enter into and execute a contract with Gilbane Building Company, One Riverfront Plaza, 1037 Raymond Boulevard, Suite 320, Newark, New Jersey 07102, to provide Engineering Services project management services, for the Mulberry Pedestrian Bridge for a contract amount not to exceed Four Million Dollars and Zero Cents (\$4,000,000.00).
2. The term of the contract shall be from a minimum of twenty-seven (27) months commencing upon a written Notice to Proceed.
3. The 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 pursuant to the provisions of the Local Public Contracts

Law, (N.J.S.A. 40A:11-5(1)(a)(ii)) and is in compliance with the Pay-to-Play Reform Ordinance, Newark, New Jersey Municipal Code §2:4-22C. 1.

4. The Gilbane Building Company has completed and submitted a Business Entity Disclosure Certificate, which shall be placed on file with this Resolution and the contract, in the Office of the City Clerk, certifying that it 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 the Gilbane Building Company from making reportable contributions through the term of the contract.
5. There shall be no amendments or changes to this contract without prior approval of the Municipal Council.
6. A Certification of the Availability of Funds shall be executed each time an invoice is submitted and charged against this contract. Funds for the Project will be paid with Bond Proceeds. This contract shall not exceed Four Million Dollars and Zero Cents (\$4,000,000.00).
7. There shall be no advance payments made against this contract in accordance with N.J.S.A. 40A:5-16.
8. The Determination of Value Letter, Business Entity Disclosure Certificate, and City of Newark Political Contribution Disclosure Form are attached and will be filed with the Office of the City Clerk by the Deputy Mayor/Director of the Department of Economic and Housing Development.
9. A copy of the fully executed contract herein authorize shall be filed in the Office of the City Clerk by the Deputy Mayor/Director of the Department of Economic and Housing Development 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 authorizes the Mayor of the City of Newark and/or his designee, the Deputy Mayor/Director of the Department of Economic and Housing Development, to enter into and execute a Professional Services Contract with Gilbane Building Company, One Riverfront Plaza, 1037 Raymond Boulevard, Suite 320, Newark, New Jersey 07102, to provide Engineering Service project management services, for the Expansion of the Newark Riverfront Park, for a contract amount not to exceed \$4,000,000.00 for a minimum of twenty-seven (27) commencing upon a written Notice to Proceed.