



# City of Newark

City Hall  
920 Broad Street  
Newark, New Jersey 07102

## Legislation Text

File #: 11-1390, Version: 2

**Dept/ Agency:** Engineering

**Action:** ( ) Ratifying (X) Authorizing ( ) Amending

**Type of Service:** Professional Services Contract

**Purpose:** "Renovations and Improvements to Sixteen (16) Sale-Lease Back Public Buildings" Design and Preparation of Bid Documents and Construction Administration/Management for 94 William Street, Newark, NJ

**Entity Name:** Mikesell and Associates

**Entity Address:** 17 Academy Street, Suite 800, Newark, NJ 07102

**Contract Amount:** \$38,500.00

**Funding Source:** Essex County Improvements Authority ("ECIA")

**Contract Period:** One year after a formal notice to proceed

**Contract Basis:** ( ) Bid ( ) State Vendor (X) Prof. Ser. ( ) EUS

(X) Fair & Open ( ) No Reportable Contributions (X) RFP ( ) RFQ

( ) Private Sale ( ) Grant ( ) Sub-recipient ( ) n/a

**Addition Information:**

Contract # 21-2011PS

**[WHEREAS,** the Department of Engineering is in need of professional services for renovations to sixteen (16) buildings, formally owned by the City of Newark, subsequently sold to the Essex County Improvement Authority ("ECIA") and leased back to the City of Newark (hereinafter, the "Sale-Lease Back Projects"; and

**WHEREAS,** on February 11 and 14, 2011, the Department of Engineering advertised for the receipt of responses to a Request for Qualifications ("RFQ"), from qualified engineers and/or architects to provide those professional services; more specifically, engineering/architectural design and construction administration/monitoring services; and

**WHEREAS,** forty-three (43) firms picked-up the RFQ Packages; and

**WHEREAS,** on March 14, 2011 forty-three (43) firms and individuals submitted qualification statements, which were reviewed and evaluated by a Technical Review Team, which qualified thirty-two (32) of the individuals and firms to participate in the Request for Proposal ("RFP") process; and

**WHEREAS,** based on instructions provided to the selected firms, contained in a Consultant Notification Package, the consultants/firms visited and inspected the buildings on April 18 through 21, 2011; and

**WHEREAS,** nine (9) of the qualified firms and individuals submitted cost proposals for the sixteen (16) buildings to the Department of Engineering, Director's Office on May 3<sup>rd</sup>, 2011, which cost proposals were reviewed by the Technical Review Team; and

**WHEREAS,** it was the recommendation of the Technical Review Team, after receiving the final cost

proposals (a) dated July 29, 2011 with a total cost for task to be performed and (b) September 14, 2011, with an individual, location, task, and cost distribution assessment, that Mikesell and Associates, 17 Academy Street, Suite 800, Newark, NJ 07102, was the most qualified individual or firm to perform the professional services for Design and Preparation of Bid Documents and Construction Administration/Management for, 94 William Street, Newark, NJ, price and other factors considered; and

**WHEREAS**, the Director of Engineering hereby recommends to the Municipal Council that a contract for professional services be awarded to Mikesell and Associates, 17 Academy Street, Suite 800, Newark, NJ 07102, for a term of one (1) year from the issuance of a formal notice to proceed, for an amount not to exceed \$38,500.00, which is distributed as follows:

94 William Street

Design and preparation of Bid Documents
\$30,350.00 Construction Administration/Management
\$8,150.00
Total Not to Exceed Amount
\$38,500.00

WHEREAS, engineering/architectural services are professional services required to be performed by persons licensed by the State of New Jersey and are exempt from the public bidding requirements of the Local Public Contracts Law, pursuant to N.J.S.A. 40A:11-5(1)(a)(i), which also requires that notice of award of such a contract be published in a newspaper; and

WHEREAS, the award of this contract through an RFQ/RFP process, constitutes a fair and open process pursuant to the Local Unit Pay-to Play Law, N.J.S.A. 19:44A-10.5 et seq.; and

WHEREAS, the Mayor of the City of Newark signed into law Executive Order Number MEO-07-0001, which requires reporting of political contributions to Newark Municipal Candidates and prohibits political contributions during the duration of the contract for any contract not publicly bid.

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, is hereby authorized on behalf of the City of Newark to execute a professional services Contract #21-2011PS Renovations and Improvements to Sixteen (16) Sale-Lease Back Public Buildings for Design and Preparation of Bid Documents and Construction Administration/Management for, 94 William Street, Newark, NJ, with Mikesell and Associates, 17 Academy Street, Suite 800, Newark, NJ 07102, for the total not to exceed amount of \$38,500.00
2. Mikesell and Associates, has completed and submitted a City of Newark Political Contribution Disclosure Form which certifies that Mikesell and Associates, has not made any reportable contributions to a political or candidate committee in the City of Newark in the previous one year, and the contract will prohibit Mikesell and Associates from making any contributions through the term of the contract.

3. The term of this contract shall be one (1) year from the date a formal "Notice to Proceed" is issued by the Director of Engineering.
4. No changes to this contract shall be allowed or authorized without prior Municipal Council approval.
5. There shall be no advance payments made against this contract in accordance with N.J.S.A. 40A:5-16.
6. A fully executed copy of the contract shall be filed in the Office of the City Clerk by the Director of Engineering.
7. This contract is awarded in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. and pursuant to a fair and open process in accordance with the Local Unit Pay-to-Play Law, N.J.S.A. 10:44A-20.5 and in compliance with the Mayor's Executive Order on Pay-to-Play Reform (MEO-07-0001).
8. A copy of this action shall be printed in a local newspaper as required by law.
9. There is no need for City of Newark funding for this project.
10. Funds for this contract in the amount of \$38,500.00 shall be provided by the Essex County Improvement Authority ("ECIA") through the Bank of New York Mellon and payments made for this project shall be monitored by the City of Newark, Department of Finance.

### **STATEMENT**

The Mayor and/or his designee, the Director of the Department of Engineering, are hereby authorized on behalf of the City of Newark to accept the proposal for professional services, and execute Contract # 21-2011PS Renovations and Improvements to Sixteen (16) Sale-Lease Back Public Buildings, for Design and Preparation of Bid Documents and Construction Administration/Management for, 94 William Street, Newark, NJ, with Mikesell and Associates, 17 Academy Street, Suite 800, Newark, NJ 07102, for the total not to exceed amount of \$38,500.00. The term of this contract shall be one (1) year from the date a formal "Notice to Proceed" is issued by the Director of Engineering.