



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 12-0768, Version: 1

Dept/ Agency: Economic & Housing Development

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

Type of Service: Professional Services Contract

Purpose: Environmental Review Services

Entity Name: Brilliant Environmental Services, LLC

Entity Address: 1A Executive Drive, Toms River, New Jersey 08755

Contract Amount: Not to exceed \$92,000.00

Funding Source: HOME and NSP2 program funds

Contract Period: From the date of the 'Notice to Proceed' for a period not to exceed twelve (12) months

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

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

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

Additional Information:

WHEREAS, the City of Newark is in need of environmental review services related to projects receiving funding through the City's administration of the U.S. Department of Housing and Urban Development (HUD) grant programs, particularly those covered under the National Environmental Policy Act (NEPA) and related legislation listed in 24 CFR Part 58 governing environmental reviews for its Federal Entitlement Programs: Community Development Block Grant (CDBG), Home Investment Partnership Program (HOME), and the Neighborhood Stabilization Program (NSP); and

WHEREAS, on January 30, 2012, the City of Newark, Department of Economic and Housing Development publicly advertised a Request for Proposals (RFP) for said environmental review services; and

WHEREAS, on February 28, 2012, two (2) firms responded by submitting proposal packages and based on their expertise, background and experience in performing this type of service the City of Newark, the Deputy Mayor/Director of the Department of Economic and Housing Development determined that it is in the best interest of the City of Newark to award the contract for environmental review services to one (1) responsive bidder, namely, Brilliant Environmental Services, LLC, 1A Executive Drive, Toms River, New Jersey 08755, for an amount not to exceed \$92,000.00; and

WHEREAS, the Local Public Contract Law, N.J.S.A. 40A:11-5(1)(a)(i), requires that Notice of Award of a Professional Services Contract must be published in the newspaper; and

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

WHEREAS, the Mayor of the City of Newark signed into law Executive Order Number MEO-

07-0001 (hereinafter "Pay-to-Play Executive Order"), which requires reporting of political contributions to Newark Municipal Candidates and prohibits certain political contributions during the duration of the contract.

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 Deputy Mayor/Director of the Department of Economic and Housing Development of the City of Newark are hereby authorized to enter into and execute the attached contract for Environmental Review Services with Brilliant Environmental Services, LLC, 1A Executive Drive, Toms River, New Jersey 08755, for an amount not to exceed \$92,000.00.
2. The term of this contract shall be for a period of twelve (12) months from the date of the 'Notice to Proceed' by the Deputy Mayor/Director of the Department of Economic and Housing Development.
3. Attached hereto are Certification of Funds for Brilliant Environmental Services, LLC for the total amount of \$92,000.00, which states that there are sufficient funds, which shall be provided from the following line appropriations of the official municipal budget:

<u>Business Unit</u>	<u>Department</u>	<u>Division</u>	<u>Account</u>	<u>Bud. Ref.</u>
NW051	G09	D1930	71280	B2009
NW051	G10	D10V0	71280	B2009

4. No changes to this contract are allowed or authorized without prior Municipal Council approval.
5. There shall be no advance payments made against this contract in accordance with N.J.A.C. 40A: 5-16.
6. A fully executed copy of the contract and the certification of funds shall be filed in the Office of the City Clerk by the Deputy Mayor/Director of the Department of Economic and Housing Development.
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 19:44A-20.5 et seq. and in compliance with the Mayor's Executive Order on Pay-to-Play Reform (MEO-07-0001) effective March 7, 2007.
8. Brilliant Environmental Services, LLC has completed and submitted a City of Newark Political Contribution Disclosure Form, which certifies that the Business Entity has not made any prohibited contributions to a political or candidate committee in the City of Newark in the previous one (1) year, and the contract will prohibit the Business Entity from making any contributions through the term of the contract.
9. A notice of this action shall be published in the newspaper as required by law within ten

(10) days of its passage.

STATEMENT

This resolution authorizes the Mayor and/or his designee, the Deputy Mayor/Director of the Department of Economic and Housing Development to enter into and execute a fair and open professional service contract with Brilliant Environmental Services, LLC, 1A Executive Drive, Toms River, New Jersey 08755, for Environmental Review Services, for a period of one (1) year from the date a formal 'Notice to Proceed' is issued by the Department of Economic and Housing Development, for an amount not to exceed \$92,000.00.