



# City of Newark

City Hall  
920 Broad Street  
Newark, New Jersey 07102

## Legislation Text

File #: 13-1610, Version: 1

**Dept/ Agency:** Engineering

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

**Type of Service:** Change Order/Amend Resolution

**Purpose:** Renovations and Improvements to Sixteen (16) Sale-Lease Back Public Buildings for Design and Preparation of Bid Documents for 22 Franklin Street (Police Department), Newark, New Jersey 07102

**Entity Name:** USA Architects, Planners & Interior Designers, P.A.

**Entity Address:** 292 Lafayette Street, Newark, New Jersey 07105

**Contract Amount:** \$84,320.00

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

**Contract Period:** Amend the term of the contract from April 17, 2012 through April 16, 2013 to April 17, 2012 to April 15, 2014

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

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

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

**Additional Information:**

Contract #36-2011PS, "Renovations and Improvements to Sixteen (16) Sale -Lease Back Public Buildings" Design and Preparation of Bid Documents for 22 Franklin Street (Police Department ) Newark, New Jersey 07102.

**Invitation: Director of Engineering, November 6, 2013**

**WHEREAS**, Resolution 7R4-d, adopted February 16, 2012, authorized the Director of the Department of Engineering to execute Contract #36-2011PS "Renovations and Improvements to Sixteen (16) Sale-Lease Back Public Buildings" Design and Preparation of Bid Documents for 22 Franklin Street (Police Department), Newark, New Jersey 07102, with USA Architects, Planners & Interior Designers, P.A., 292 Lafayette Street, Newark, New Jersey 07105, in the amount of \$84,320.00; and

**WHEREAS**, a 'Notice to Proceed' was issued dated April 17, 2012, specifying April 17, 2012 as the effective date and ending on April 16, 2013; and

**WHEREAS**, due to unforeseen delays with the contractor procurement for the construction contract process (bids were not received until May 8, 2013, due in part to unanticipated and time consuming field survey work for the preparation of drawings and the construction contract was not awarded until after the contract expiration) (See Attachment A), an extension of time is necessary; and

**WHEREAS**, the Director of the Department of Engineering desires to amend Contract #36-2011PS "Renovations and Improvements to Sixteen (16) Sale-Lease Back Public Buildings" Design and Preparation of Bid Documents for 22 Franklin Street (Police Department), Newark, New Jersey 07102, with USA Architects, Planners & Interior Designers, P.A., 292 Lafayette Street, Newark, New Jersey 07105", to ratify and extend the contract term from April 17, 2012 to April 16, 2013 to April 17,

2012 to April 15, 2014, at no additional cost to the City; and

**WHEREAS**, the contracted services are Professional Services 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); and

**WHEREAS**, this contract amendment is being awarded as a non-fair and open contract pursuant to the Pay-to-Play Executive Order and in accordance with the Local Pay-to-Play Law, N.J.S.A. 19:44A-20.5 and City of Newark Contractor Pay-to-Play Reform Ordinance, 6PSF-a, adopted August 1, 2012.

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

1. The Mayor and/or his designee and the Director of Engineering, are hereby authorized to execute Amendment #1 to Contract #36-2011PS "Renovations and Improvements to Sixteen (16) Sale-Lease Back Public Buildings" Design and Preparation of Bid Documents for 22 Franklin Street (Police Department), Newark, New Jersey 07102 with USA Architects, Planners & Interior Designers, P.A., 292 Lafayette Street, Newark, New Jersey 07105, to amend the term from April 17, 2012 to April 16, 2013 to April 17, 2012 to April 15, 2014.
2. The Municipal Council hereby ratifies the contract amendment from April 16, 2013 to the date of the adoption of this resolution.
3. All other terms and conditions of Contract #36-2011PS "Renovations and Improvements to Sixteen (16) Sale-Lease Back Public Buildings" Design and Preparation of Bid Documents for 22 Franklin Street (Police Department), Newark, New Jersey, shall apply and remain in force until the contract is completed.
4. A fully executed copy of Amendment #1 to Contract #36-2011PS "Renovations and Improvements to Sixteen (16) Sale-Lease Back Public Buildings" Design and Preparation of Bid Documents for 22 Franklin Street (Police Department), Newark, New Jersey, shall be filed in the Office of the City Clerk by the Director of the Department of Engineering.
5. No further amendments or modifications to this amended contract shall be permitted without prior Municipal Council approval.
6. There shall be no advance payments made against this contract in accordance with N.J.A.C. 40A:5-16.
7. Notice of the award of this contract amendment shall be published in the newspaper authorized by law to publish a legal advertisement and as required by law within ten (10) days of its passage.
8. USA Architects, Planners & Interior Designers, P.A. has completed and submitted an updated Business Entity Disclosure Certification, an updated City Political Disclosure Statement, and a Certification of Compliance with the Contractor Pay-to-Play Reform Ordinance, 6PSF-a, adopted August 1, 2012, which certifies that the Business Entity, as defined therein, has not

made or solicited any prohibited contributions to a political or candidate committee in the City of Newark or the County of Essex in the previous one year, and the contract prohibits USA Architects, Planners & Interior Designers, P.A., from making or soliciting any prohibited contributions through the term of the contract.

9. A fully executed copy of this amendment shall be filed in the Office of the City Clerk by the Director Engineering or his designee.
10. This amendment to a professional service contract is awarded under the provisions of the Local Public Contracts Law N.J.S.A. 40A:11-5(1)(a)(i), and pursuant to the New Jersey Local Unit Pay-to-Play Law, N.J.S.A. 19:44-20.5 as a 'Non-Fair and Open Contract' , and in compliance with Executive Order (MEO-07-0001) effective March 31, 2007 and the City of Newark Contractor Pay-to-Play Reform Ordinance, 6PSF-a, adopted August 1, 2012.

### **STATEMENT**

This resolution authorizes the Mayor and/or his designee and the Director of Engineering, to execute Amendment #1 to Contract #36-2011PS "Renovations and Improvements to Sixteen (16) Sale-Lease Back Public Buildings" Design and Preparation of Bid Documents for 22 Franklin Street (Police Department), Newark, New Jersey 07102, to amend the term from April 17, 2012 to April 16, 2013 to April 17, 2012 to April 15, 2014, with USA Architects, Planners & Interior Designers, P.A., 292 Lafayette Street, Newark, New Jersey 07105, at no additional cost to the City.