



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 13-0535, Version: 1

Dept/ Agency: Economic & Housing Development

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

Type of Service: Professional Services Contract

Purpose: To manage the City of Newark's Public Art Program by providing professional artistic services, which include mural production logistics, artistic design services, community organizing and youth skill-building and supervision.

Entity Name: Yendor Arts, a NJ Non-Profit Corporation

Entity Address: 30 Spruce Street, Newark, New Jersey 07102

Contract Amount: Not to Exceed \$110,000.00

Funding Source: Percent of Arts Fund

Contract Period: One (1) year from the date of the 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

Additional Information:

Invitation: Acting Director of Economic & Housing Development, April 15, 2014

WHEREAS, the City of Newark, Department of Economic and Housing Development, is implementing a community mural program as part of the Newark Public Art Program, to be known as Newark Murals, which seeks to implement no less than four (4) community-based murals in 2014; and

WHEREAS, Newark Murals involves a unique combination of artistic services, including mural production logistics, artistic design services, community organizing and youth skill-building and supervision, requiring a unique combination of professional skills; and

WHEREAS, the Department of Economic and Housing Development is in need of Professional Services to manage these Newark Murals; and

WHEREAS, pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-2(6), the definition of Professional Services, includes those services rendered in the provision or performance of goods and services that are original and creative in character in a recognized field of artistic endeavor; and

WHEREAS, professional services, including artistic endeavors, are exempt from the requirement of public bidding, in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5 (1)(a)(i); and

WHEREAS, the Department of Economic and Housing Development wishes to enter into a professional services contract with Yendor Arts, a New Jersey Non-Profit Corporation ("Yendor"), of 30 Spruce Street, Newark, New Jersey 07102, a non-profit organization dedicated to creating and strengthening communities through collaborative public art projects and murals in an amount not to

exceed One Hundred Ten Thousand Dollars and Zero Cents (\$110,000.00) to perform the above professional services to manage the Newark Murals Program and implement no less than four (4) community-based murals in 2014, for a period of one (1) year commencing upon issuance of a written Notice to Proceed from the Acting Director of the Department of Economic and Housing Development; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-l, et seq. requires that a notice of the award of contracts for "Professional Services" without competitive bidding must be published in a local newspaper; and

WHEREAS, this contract is being awarded to a non-profit organization and as such is not governed by State Pay to Play Law, *N.J.S.A. 19:44A-20.5*; and

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

WHEREAS, the Municipal Council adopted the Contractor Pay-to-Play Reform Ordinance, 6PSF-A, on August 1, 2012, which forbids the award of a contract to a Business Entity, as defined therein, which has made or solicited political contributions to Newark Municipal Candidates, office holders having ultimate responsibility for the award of a contract; candidate committees of the aforementioned candidates; and political or political party committees of the City of Newark or County of Essex; and continuing political committees or political action committees regularly engaged in the support of the City of Newark Municipal or County of Essex elections; and certain other political party or candidate committees, in excess of certain thresholds.

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 Acting Director of the Department of Economic and Housing Development, are hereby authorized on behalf of the City of Newark to enter into and execute a Professional Services Contract with Yendor Arts, a New Jersey Non-Profit Corporation, 30 Spruce Street, Newark New Jersey 07102, for the purpose of managing the Newark Murals Program and implementing no less than four (4) community-based murals in an amount not to exceed One Hundred Ten Thousand Dollars and Zero Cents (\$110,000.00), for a period of one (1) year commencing upon issuance of a written Notice to Proceed from the Acting Director of the Department of Economic and Housing Development.
2. Attached hereto is a Certification of Funds issued by the Chief Financial Officer of the City of Newark, which states that there are available sufficient legally appropriated funds for the purpose set forth hereinabove to be provided from the following: Business Unit: NW045, Department: 007, Div./Proj.:07D20, Activity: A, Account: 94710, Budget Year: B2007.
3. No amendments or modifications to this contract shall be allowed or authorized without prior Municipal Council approval.
4. There shall be no advance payments made against this contract in accordance with *N.J.A.C.*

40A:5-16.

5. This contract is being awarded to a non-profit organization and as such the procedures of the State Pay-to-Play Law, *N.J.S.A. 19:44A-20.5* do not apply.
6. This contract is being 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)(i)* because these services are to be rendered in the provision or performance of goods and services that are original and creative in character in a recognized field of artistic endeavor, and is in compliance with Newark Executive Order MEO-07-0001, effective March 31, 2007, and Yendor Arts, a NJ Non-Profit Corporation has certified that it has not made or solicited a contribution in violation of the Contractor Pay-to-Play Reform Ordinance, 6PSF-A, adopted on August 1, 2013.
7. The Determination of Value Letter is attached.
8. Yendor Arts, a New Jersey Non-Profit Corporation, 30 Spruce Street, Newark, New Jersey 07102, has certified that it has neither made nor will make a prohibited contribution in violation of any applicable federal or state laws, or City Ordinances, including, but not limited to the Executive Order on Pay-to-Play Reform (MEO-07-0001) and the Contractor Pay-to-Play Reform Ordinance, 6PSF-A, adopted on August 1, 2013.
9. A copy of this resolution, the Certification of Funds, the fully-executed contract herein authorized, the Determination of Value letter, the Business Entity Disclosure Certificate, and the Certifications of Compliance with the City's Executive Order on Pay-to-Play Reform (MEO-07-0001) and Contractor Pay-to-Play Reform shall be filed in the Office of the City Clerk by the Acting Director of the Department of Economic and Housing Development.
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 its passage.

STATEMENT

This resolution hereby authorizes the Mayor and/or his designee, the Acting Director of the Department of Economic and Housing Development, to enter into and execute a Professional Services Contract with Yendor Arts, a NJ Non-Profit Corporation, of 30 Spruce Street, Newark, New Jersey 07102, for the purpose of managing the Newark Murals Program and implementing no less than four (4) community-based murals in an amount not to exceed One Hundred Ten Thousand Dollars and Zero Cents (\$110,000.00), for a period of one (1) year commencing upon issuance of a written Notice to Proceed from the Acting Director of the Department of Economic and Housing Development.