



# City of Newark

City Hall  
920 Broad Street  
Newark, New Jersey 07102

## Legislation Text

File #: 22-1002, Version: 1

**Dept./ Agency:** Economic and Housing Development

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

**Type of Service:** Professional Services Contract

**Purpose:** To provide Planning Consultant Services, specifically the preparation of a ten (10) year Land Use Master Plan.

**Entity Name:** Wallace Roberts and Todd, LLC

**Entity Address:** 1700 Market Street, Suite 2800, Philadelphia, Pennsylvania 19103

**Original Contract Amount:** Not to exceed \$350,000.00

**Increased Contract Amount:** Not to exceed \$245,000.00, for a new total contract amount not to exceed \$595,000.00

**Funding Source:** 2022 Budget/Community and Economic Development Fund/NW026, Acct #32100, Budget Ref. #B2022

**Contract Period:** January 13, 2022 through January 12, 2023

**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:**

Resolution 7R2-j adopted on October 6, 2021, authorized and awarded a contract to provide Planning Consultant Services in the preparation of the ten (10) year Land Use Master Plan for the City of Newark.

This First Amendment will increase the contract amount by \$245,000.00, for a new total contract amount not to exceed \$595,000.00.

**WHEREAS**, the City of Newark's Department of Economic and Housing Development (the "City") is in need of Planning Consulting Services for the preparation of the City of Newark's 10-Year Land Use Master Plan (the "Project"); and

**WHEREAS**, Planning Consulting Services includes services provided by planners, urban designers, and architects, and those professions are licensed by the State of New Jersey, and as such those services are "Professional Services" exempt from the public bidding requirements pursuant to the Local Public Contracts Law, more specifically, N.J.S.A. 40A:11-5(1)(a)(i); and

**WHEREAS**, on October 6, 2021, the Municipal Council adopted Resolution 7R2-j, authorizing the City to enter into a Professional Services Contract with Wallace Roberts and Todd, LLC, 1700 Market Street, Suite 2800, Philadelphia, Pennsylvania 19103 ("WRT"), to provide Planning Consultant Services for the preparation of a Ten (10) Year Land Use Master Plan, in an amount not to exceed Three Hundred Fifty Thousand Dollars and Zero Cents (\$350,000.00), for the period of one (1) year from the date of the issuance of the Notice to Proceed by the Deputy Mayor/Director of the Department of Economic and Housing Development (the "Original Contract"); and

**WHEREAS**, WRT has exhausted the total contract amount of Three Hundred Fifty Thousand Dollars and Zero Cents (\$350,000.00); and

**WHEREAS**, WRT continues to vigorously provide Planning Consultant Services and requires an expansion of their Scope of Services to complete the Project; and

**WHEREAS**, the Scope of Services has been amended as listed in Exhibit A; and

**WHEREAS**, WRT represents to the City that the expanded Scope of Services needed to complete the Project requires at least an additional Two Hundred Forty-Five Thousand Dollars and Zero Cents (\$245,000.00); and

**WHEREAS**, the requested increase in the total contract amount is deemed reasonable and necessary to pay the anticipated cost to complete the Project through January 12, 2023; and

**WHEREAS**, the increase of Two Hundred Forty-Five Thousand Dollars and Zero Cents (\$245,000.00) brings the total contract to an amount not to exceed Five Hundred Ninety-Five Thousand Dollars and Zero Cents (\$595,000.00), for services provide from January 13, 2022, through January 12, 2023; and

**WHEREAS**, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., requires that a Notice of Award of Contract for “Professional Services” without competitive bidding must be published in a local newspaper; and

**WHEREAS**, this contract is for an amount over \$17,500.00 and is being awarded pursuant to a “Non-Fair and Open Process” pursuant to N.J.S.A. 19:44A-20.5 and is in compliance with the State Pay-to-Play and the City’s Pay-to-Play Ordinance; and

**WHEREAS**, the City wishes to amend the contract, by updating the Scope of Services and increasing the contract amount by Two Hundred Forty-Five Thousand Dollars and Zero Cents (\$245,000.00), which brings the total contract amount to Five Hundred Ninety-Five Thousand Dollars and Zero Cents (\$595,000.00).

**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 on behalf of the City of Newark to enter into and execute a First Amendment to the Agreement with Wallace Roberts and Todd LLC, 1700 Market Street, Suite 2800, Philadelphia, Pennsylvania 19103, to continue to provide Planning Consultant Services for the preparation of a Ten (10) Year Land Use Master Plan for an additional Two Hundred Forty-Five Thousand Dollars and Zero Cents (\$245,000.00), for a total contract amount not to exceed Five Hundred Ninety-Five Thousand Dollars and Zero Cents (\$595,000.00), to complete the Project and pay for the services rendered.
2. The Deputy Mayor/Director of the Department of Economic and Housing Development is

authorized to update the Scope of Services section of the Agreement with the description contained in Exhibit A.

3. The Municipal Council hereby ratifies this First Amendment to the Agreement to provide Planning Consultant Services from January 13, 2022, to the date of adoption of this Resolution.
4. The Director of the Department of Finance issued a Certification of Funds for the First Amendment to the Agreement to provide Planning Consultant Services in the amount of Two Hundred Forty-Five Thousand Dollars and Zero Cents (\$245,000.00), and the line appropriation which shall be charged is as follows:

Business Unit	Dept.	Div./Proj.	Activity	Account #	Budget Ref.
NW026				32100	B2022

5. All other terms and conditions of the contract shall remain the same.
6. The First Amendment to the Agreement to provide Planning Consultant Services is being made in accordance with the professional services exception to public bidding in the Local Public Contracts Law, (N.J.S.A. 40A:11-5(1)(a)(i)), and pursuant to the Non-Fair and Open Procedures of the State Pay-to-Play Law, (N.J.S.A. 19:44A-20.5) and is in compliance with the Contractor Pay-to-Play Reform Ordinance, Newark, New Jersey, Municipal Code § 2:4-22C.
7. The Deputy Mayor/Director of the Department of Economic and Housing Development shall file a copy of the executed First Amendment to the Agreement to provide Planning Consultant Services herein authorized in the Office of the City Clerk and same shall be made available for public inspection.
8. 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 ratifies, amends, and authorizes the 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 First Amendment to the Agreement to with Wallace Roberts and Todd, LLC, to provide Planning Consultant Services for the preparation of a Ten (10) Year Land Use Master Plan, for an additional \$245,000.00, for a total contract amount not to exceed \$595,000.00, for the period of January 13, 2022 through January 12, 2023.