

CITY COUNCIL**The City of Orange Township, New Jersey**DATE February 7, 2023NUMBER 76-2023

TITLE: A RESOLUTION AUTHORIZING THE EXTENSION OF A PROFESSIONAL SERVICES AGREEMENT WITH NISHUANE GROUP LLC TO PROVIDE PROFESSIONAL PLANNING CONSULTANT SERVICES TO THE CITY OF ORANGE TOWNSHIP AND ITS LAND USE BOARDS FOR A PERIOD BEGINNING JANUARY 1, 2023, AND CONTINUING THROUGH DECEMBER 31, 2023, IN AN AMOUNT NOT TO EXCEED \$250,000.00.

WHEREAS, the Local Public Contracts Law, *N.J.S.A. 40A:11-1 et seq.*, requires a resolution authorizing the award of contracts for professional services and that the contract itself be available for public inspection as set forth herein; and,

WHEREAS, the City of Orange Township ("City"), as well as its Planning Board and Zoning Board of Adjustment (together, "Land Use Boards"), have a need for professional planning consultant services to be provided by nationally-certified professional planners or planning consultants licensed by the State of New Jersey, Board of Professional Planners; and,

WHEREAS, the planning consultant services include all work necessary to complete the requested redevelopment area studies and redevelopment plans, economic development, project management in regards to opportunity zones and other technical assistance, as needed, as well as all planning services for the Land Use Boards and their respective Technical Review Committees; and,

WHEREAS, on February 2, 2021, under Resolution No. 71-2021, the Municipal Council of the City of Orange Township ("Municipal Council") approved a professional services agreement ("Agreement") with Nishuane Group LLC, 105 Grove Street, Montclair, New Jersey, 07042, to provide the City and the Land Use Boards with professional planning consultant services for a period of 12 months, beginning January 1, 2021, and continuing through December 31, 2021, in an amount not to exceed \$250,000.00; and,

WHEREAS, the Agreement provides the City with options to extend the term thereof for 2 additional 12-month periods, both subject to the same fee arrangement and cap (*i.e.*, not to exceed \$250,000.00 during each respective additional 12-month term); and,

WHEREAS, on January 18, 2022, under Resolution No. 50-2022, the Municipal Council approved the first extension of the Agreement through December 31, 2022; and,

WHEREAS, the City now wishes to exercise its second and final option to extend the Agreement for an additional 12 months, beginning January 1, 2023, and continuing through December 31, 2023, in an amount not to exceed \$250,000.00; and,

WHEREAS, fees for services rendered to the Land Use Boards in connection with development applications will be paid entirely from escrows funded exclusively by applicant deposits for specific projects; and,

WHEREAS, Nishuane Group LLC previously certified that it has not made any reportable contributions to a political or candidate committee in the City in the 1-year immediately prior to the initial term of the Agreement, and that it acknowledges it is prohibited from making

any such reportable contributions during any period of providing services to the City and/or its Land Use Boards; and,

WHEREAS, the City's Chief Financial Officer has prepared the necessary Certificate of Availability of Funds certifying that, contingent upon Council approval and inclusion of said item in the Temporary Budget and adopted 2023 Budget, there will be sufficient funds to contract with Nishuane Group LLC for this purpose in the applicable budget account.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF ORANGE TOWNSHIP that the Agreement is hereby extended in accordance with its terms for 12 months, beginning January 1, 2023, and continuing through December 31, 2023, in an amount not to exceed \$250,000.00; and,

BE IT FURTHER RESOLVED that notice of this action shall be published as required by law within 10 days of its passage.

Adopted: **February 7, 2023**

Joyce Lanier
City Clerk

Tency A. Eason
Council President



STATE OF NEW JERSEY BUSINESS REGISTRATION CERTIFICATE

Taxpayer Name: NISHUANE GROUP, LLC
Trade Name:
Address: 105 GROVE STREET
MONTCLAIR, NJ 07042-2461
Certificate Number: 1340466
Effective Date: July 17, 2007
Date of Issuance: April 06, 2015

For Office Use Only:

20150406175107109

DISCLOSURE OF OWNERSHIP FORM

N.J.S.A. 52:25-24.2 reads in part that "no corporation or partnership shall be awarded any contract by the State, County, Municipality or School District, or any subsidiary or agency thereof, unless prior to the receipt of the submission of the corporation or partnership, there is provided to the public contracting unit a statement setting forth the names and addresses of all individual who own 10% or more of the stock or interest in the corporation or "partnership".

- 1. If the professional service entity is a partnership, then the statement shall set forth the names and addresses of all partners who own a 10% or greater interest in the partnership.
2. If the professional service entity is a corporation, then the statement shall set forth the names and addresses of all stockholders in the corporation who own 10% or more of its stock of any class.
3. If a corporation owns all or part of the stock of the corporation or partnership providing the submission, then the statement shall include a list of the stockholders who own 10% or more of the stock of any class of that corporation.
4. If the professional service entity is other than a corporation or partnership, the contractor shall indicate the form of corporate ownership as listed below.

COMPLETE ONE OF THE FOLLOWING STATEMENTS:

I. Stockholders or Partners owning 10% or more of the company providing the submission:

NAME: Michele S. Dellafort, George Wheatle Williams ADDRESS: 21A Tuxedo Place Vauxhall, NJ 07088, 21A Tuxedo Place Vauxhall, NJ 07088

SIGNATURE: DATE: 1/12/2022

II. No Stockholder or Partner owns 10% or more of the company providing this submission:

SIGNATURE: DATE:

III. Submission is being provided by an individual who operates as a sole proprietorship:

SIGNATURE: DATE:

IV. Submission is being provided by a corporation or partnership that operates as a (check one of the following:

Limited Partnership, X Limited Liability Corporation, Limited Liability Partnership, Subchapter S Corporation

SIGNATURE: [Handwritten Signature] DATE: 1/11/2022

Request for Taxpayer Identification Number and Certification

Give Form to the requester. Do not send to the IRS.

▶ Go to www.irs.gov/FormW9 for instructions and the latest information.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.
Michena Group LLC

2 Business name (disregarded entity name, if different from above)

3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes.

Individual/sole proprietor or single-member LLC C Corporation S Corporation Partnership Trust/estate

Limited liability company. Enter the tax classification (C=Corporation, S=S Corporation, P=Partnership) ▶ _____

Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.

Other (see instructions) ▶ _____

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 2):

Exempt page code (if any) _____

Exemption from FATCA reporting code (if any) _____

(Apply to accounts established outside the US)

5 Address (number, street, and apt. or suite no.) See instructions.
100 Grove Street

6 City, state, and ZIP code
Montclair, NJ

7 List account number(s) here (optional)

8 Requester's name and address (optional)

9 Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number									
or									
Employer identification number									
7	4	-	3	2	3	4	1	7	2

10 Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part I, later.

Sign Here Signature of U.S. person ▶ *Michena Group LLC* Date ▶ *May 8th, 2021*

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following:

- Form 1099-INT (interest earned or paid)
- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1099 (home mortgage interest), 1099-E (student loan interest), 1099-T (dividends)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.

CITY COUNCIL**The City of Orange Township, New Jersey**DATE February 2, 2021NUMBER 71-2021

TITLE: A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO NISHUANE GROUP LLC TO PROVIDE PROFESSIONAL PLANNING CONSULTANT SERVICES TO THE CITY OF ORANGE TOWNSHIP AND ITS LAND USE BOARDS FOR A PERIOD COMMENCING JANUARY 1, 2021, AND CONTINUING THROUGH DECEMBER 31, 2021, IN AN AMOUNT NOT TO EXCEED \$250,000.00.

WHEREAS, the Local Public Contracts Law, *N.J.S.A. 40A:11-1 et seq.*, requires a resolution authorizing the award of contracts for professional services and that the contract itself be available for public inspection as set forth herein; and,

WHEREAS, the City of Orange Township ("City") and its land use boards have a need for professional urban planning consultant services to be provided by professional planners or planning consultants licensed by the State of New Jersey, Board of Professional Planners, as well as nationally certified; and,

WHEREAS, the planning consultant services include all work necessary to complete the requested redevelopment area studies and redevelopment plans, economic development, project management in regards to opportunity zones and other technical assistance, as needed, as well as all planning services for the Planning Board, Zoning Board or Adjustment and Technical Review Committee; and,

WHEREAS, the City duly advertised a Request for Qualifications ("RFQ") for Professional Planning Consulting Services on November 19, 2020, in the *Orange Record-Transcript and Star Ledger*; and,

WHEREAS, the City received qualification statements on December 1, 2020, from:

CME Associates;
Nishuane Group; and,

WHEREAS, Nishuane Group LLC, is a qualified firm of licensed professional planners and practitioners with offices located at 105 Grove Street, Suite 1, Montclair, New Jersey, 07042, which submitted a qualification statement indicating that it will provide the City and its land use boards with professional planning consultant services for a period of 1 year, beginning January 1, 2021, and continuing through December 31, 2021, in an amount not to exceed \$250,000.00; and,

WHEREAS, fees for services rendered to the City's land use board will be paid separately from a separate escrow account funded exclusively by applicant deposits for specific projects; and,

WHEREAS, after careful examination and study of the submitted qualification statements, it was determined that it is in the City's best interest and general welfare to award Nishuane Group LLC a contract to provide professional planning consultant services to the City and its land use boards; and,

WHEREAS, the Director of Planning and Economic Development reviewed the submission from Nishuane Group LLC and is confident that all required certifications are met and that the required documents submitted with the qualification statement are in compliance with Federal, State and local laws; and,

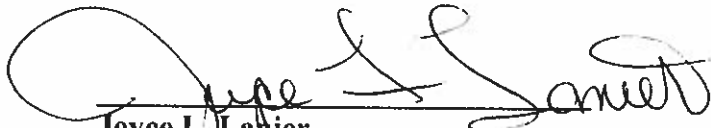
WHEREAS, Nishuane Group LLC has certified that it has not made any reportable contributions to a political or candidate committee in the City in the previous 1 year, and acknowledging that the contract will prohibit it from making any reportable contributions throughout the term of said contract: and,

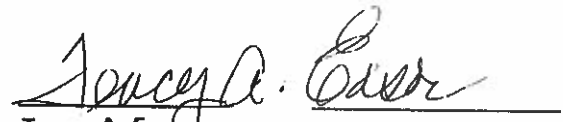
WHEREAS, the City's Chief Financial Officer has prepared the necessary Certificate of Availability of Funds certifying that the funds are available for this purpose in the applicable budget account.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF ORANGE TOWNSHIP that the Mayor is authorized to execute the attached Agreement with Nishuane Group LLC in the amount of \$250,000.00, as also specifically set forth in the attached qualification statement; and,

BE IT FURTHER RESOLVED that notice of this action shall be published as required by law within 10 days of its passage.

Adopted: February 2, 2021


Joyce L. Labier
City Clerk


Tency A. Eason
Council Vice President

RESOLUTION NO. 71-2021

ON CONSENT AGENDA

REGULAR MEETING – February 2, 2021

MOTION TO ADOPT: Montague, III

SECOND: Ross

YEAS: Eason, Johnson, Jr., Montague, III, Ross, Summers-Johnson and Wooten

NAYS: None

ABSTENTIONS: None

ABSENCES: Council President Coley

AGREEMENT FOR PROFESSIONAL PLANNING CONSULTANT SERVICES

This Agreement for Professional Planning Consultant Services ("Agreement") is made as of January 1, 2021, by and between:

**City of Orange Township,
a New Jersey Municipal Corporation,**
with offices at 29 North Day Street, Orange, New Jersey, 07050,
("City"); and,

**Nishuane Group LLC,
a New Jersey Limited Liability Company,**
with offices at 105 Grove Street, Suite 1, Montclair, New Jersey, 07042,
("Planning Consultant", together with the City, "Parties").

Recitals

Whereas, the City requires the services of a professionally-licensed, nationally-certified urban planner to provide professional planning services to the City, generally, as well as to the City's Planning Board, Zoning Board of Adjustment ("Land Use Boards") and relevant Technical Review/Advisory Committees, including without limitation: attending and providing professional planning guidance at pre-development and technical review meetings; preparing statutorily-required annual Zoning Board of Adjustment reports; preparing and presenting of blight studies, area investigations and redevelopment plans; performing planning work related to economic development; performing project management; preparation of updated zoning ordinances and zoning maps; attendance at monthly meetings, as needed, to discuss and report on planning related matters; and, other technical assistance, as needed; and,

Whereas, the Planning Consultant is a qualified firm of licensed professional planners and related practitioners that submitted documentation to the City (appended hereto as *Schedule A* and incorporated herein by reference) demonstrating its qualifications to provide the City and its Land Use Boards with professional planning consultant services for a period of 12 months, beginning January 1, 2021, and continuing through December 31, 2021 ("Initial Agreement Term"); and,

Whereas, the Planning Consultant certified that it has not made any reportable contributions to a political or candidate committee in the City within the previous 12 months, and acknowledged that appointment as the Planning Consultant prohibits it from making any reportable contributions throughout the Initial Agreement Term; and,

Whereas, the Planning Consultant agreed to provide comprehensive, on-call professional planning consultant services to the City and the Land Use Boards on matters currently being handled and any additional matters that arise during the Initial Agreement Term, in an amount not to exceed \$250,000.00 for services provided to the City and non-application-related services provided to the Land Use Boards, and with all application-related planning consultant services provided to the Land Use Boards paid entirely through applicant escrow funds; and,

Whereas, the Planning Consultant further agreed to offer the City the option to extend the Initial Agreement Term for 2 additional periods of 12 months each ("Extension Terms") at the same compensation schedule as the Initial Agreement Term; and,

Whereas, on February 2, 2021, the City Council voted unanimously to adopt Resolution No. 71-2021 appointing the Planning Consultant for the Initial Agreement Term and authorizing the Mayor to

execute this Agreement with the Planning Consultant (a copy of which is appended hereto as *Schedule B* and incorporated herein by reference).

Now, Therefore, the Parties hereby agree to the terms and conditions as set forth in further detail herein.

Terms

1. Recitals. All Recitals set forth above are hereby incorporated herein by reference.

2. Scope of Services. The Planning Consultant agrees to provide comprehensive, on-call professional planning consultant services to the City and the Land Use Boards as set forth in *Schedule A*, on matters currently being handled and any additional matters that arise during the Agreement Term.


3. Fees/Rates. The Planning Consultant shall be compensated in accordance with the fees/rates set forth under *Schedule A*, in an amount not to exceed \$250,000.00 for services provided to the City and non-application-related services provided to the Land Use Boards, and with all application-related planning consultant services provided to the Land Use Boards paid entirely through applicant escrow funds.

4. Extension Options. Upon expiration of the Agreement Term, and subject to applicable calendar year budget appropriation and funds availability, the City Council shall have the option to appoint the Planning Consultant for each of the 2 Extension Terms, based on the same fees/rates set forth in Paragraph 3 above.


In Witness Whereof, the Parties hereby execute this Agreement as of this date first written above.

For CITY OF ORANGE TOWNSHIP

Witness:

By: 

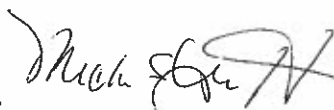
Dwayne Warren (Feb 10, 2021 11:52 EST)
Honorable Dwayne D. Warren, Esq.
Mayor



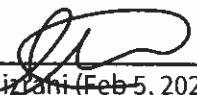
Joyce Lanier, RMC
City Clerk

For NISHUANE GROUP LLC

Approved as to form and legality:

By: 

Michèle S. Delisfort, PP, AICP
Managing Principal



By: Aaron Mizrahi (Feb 5, 2021 13:11 EST)
Aaron Mizrahi, Esq.
Deputy City Attorney

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[SCHEDULES FOLLOW ON NEXT PAGE]**

CITY COUNCIL**The City of Orange Township, New Jersey**DATE January 18, 2022NUMBER 50-2022

TITLE: A RESOLUTION AUTHORIZING THE EXTENSION OF A PROFESSIONAL SERVICES AGREEMENT WITH NISHUANE GROUP LLC TO PROVIDE PROFESSIONAL PLANNING CONSULTANT SERVICES TO THE CITY OF ORANGE TOWNSHIP AND ITS LAND USE BOARDS FOR A PERIOD BEGINNING JANUARY 1, 2022, AND CONTINUING THROUGH DECEMBER 31, 2022, IN AN AMOUNT NOT TO EXCEED \$250,000.00.

WHEREAS, the Local Public Contracts Law, *N.J.S.A. 40A:11-1 et seq.*, requires a resolution authorizing the award of contracts for professional services and that the contract itself be available for public inspection as set forth herein; and,

WHEREAS, the City of Orange Township ("City"), as well as its Planning Board and Zoning Board of Adjustment (together, "Land Use Boards"), have a need for professional planning consultant services to be provided by nationally-certified professional planners or planning consultants licensed by the State of New Jersey, Board of Professional Planners; and,

WHEREAS, the planning consultant services include all work necessary to complete the requested redevelopment area studies and redevelopment plans, economic development, project management in regards to opportunity zones and other technical assistance, as needed, as well as all planning services for the Land Use Boards and their respective Technical Review Committees; and,

WHEREAS, on February 2, 2021, under Resolution No. 71-2021, the Municipal Council of the City of Orange Township ("Council") approved a professional services agreement ("Agreement") with Nishuane Group LLC, 105 Grove Street, Montclair, New Jersey, 07042, to provide the City and the Land Use Boards with professional planning consultant services for a period of 12 months, beginning January 1, 2021, and continuing through December 31, 2021, in an amount not to exceed \$250,000.00; and,

WHEREAS, the Agreement provides the City with the option to extend the term thereof for 2 additional 12-month periods, both subject to the same fee arrangement and cap (*i.e.*, not to exceed \$250,000.00 during each respective additional 12-month term); and,

WHEREAS, the City wishes to exercise its first option to extend the contract with Nishuane Group LLC for 12 months, beginning January 1, 2022, and continuing through December 31, 2022, in an amount not to exceed \$250,000.00; and,

WHEREAS, fees for services rendered to the Land Use Boards in connection with development applications will be paid entirely from escrows funded exclusively by applicant deposits for specific projects; and,

WHEREAS, Nishuane Group LLC previously certified that it has not made any reportable contributions to a political or candidate committee in the City in the 1-year immediately prior to the initial term of the Agreement, and that it acknowledges it is prohibited from making any such reportable contributions during any period of providing services to the City and/or its Land Use Boards; and,

WHEREAS, the City's Chief Financial Officer has prepared the necessary Certificate of Availability of Funds certifying that the funds are available for this purpose in the applicable budget account.

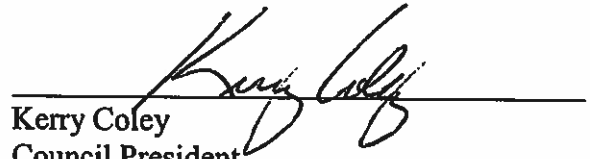
NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF ORANGE TOWNSHIP that the Agreement is hereby extended in accordance with its terms for 12 months, beginning January 1, 2022, and continuing through December 31, 2022, in an amount not to exceed \$250,000.00; and,

BE IT FURTHER RESOLVED that notice of this action shall be published as required by law within 10 days of its passage.

Adopted: **January 18, 2022**



Joyce Lanier
City Clerk



Kerry Coley
Council President

RESOLUTION NO. 50-2022

ON CONSENT AGENDA

REGULAR COUNCIL MEETING – January 18, 2022

MOTION TO ADOPT Montague, III

SECOND: Eason

YEAS: Eason, Johnson, Jr., Montague, III, Ross, Summers-Johnson, & Council President Coley

NAYS: None

ABSTENTIONS: None

ABSENCES: Wooten

CITY OF ORANGE TOWNSHIP
FINANCE DEPARTMENT

CERTIFICATION OF FUNDS
NEXT BUDGET

I, Nile Clements, Chief Financial Officer for the City of Orange Township, do hereby confirm that based on the Quote or RFP, RFQ, bid results or "extraordinary unspecifiable services" without competitive bids for 2022 service contract, and the resolution to be presented to the Council for approval, and contingent upon Council approval and inclusion of said item in the Temporary Budget and adopted 2022 Budget, there will be sufficient funds to contract with:

Vendor Name: Nishuane Group, LLC.

Address: 105 Grove St.

Suite 3

City: Montclair

State: New Jersey

Zip Code: 07042

Purpose: Planning consultant services

Vendor ID: NISHU010

Temporary Budget: \$ 62,500.00

Fund: Current Fund

Line Description PLD - Planning - Contractual Services

Account Numbers(s): CY22 2-01-20-170-000-528

The remainder of: \$ 187,500.00

will be provided in

Fund: Current Fund

Line Description PLD - Planning - Contractual Services

Account Numbers(s): CY22 2-01-20-170-000-528

Purchase Order #: 22-00070

Amount not to exceed: \$ 250,000.00

Division Head

Date

Nile Clements

1/12/2022

Chief Financial Officer

Date