



CITY OF ALLENTOWN

No. 30161

RESOLUTION

R27 - 2021

Introduced by the Administration on March 3, 2021

Authorization for Change Order in the amount of \$100,000 for a new total of \$200,000 with Materials Conservation Collaborative, LLC., for Public Art and Activation Project Management services inclusive of outdoor enhancements and the creation and display of artistic installations – the initial contract had three renewal options, this is for an additional one year contract, with two remaining renewal options.

Resolved by the Council of the City of Allentown, That

WHEREAS, Article 130.16 of the City's Administrative Code requires City Council approval by Resolution for the award of contracts or engagement of professional services;

WHEREAS subparagraphs (c) and (g) of this Article require City Council approval for changes to contract terms that are greater than 10% of the terms of the contract;

WHEREAS, the original RFP and Contract indicated that the term for this contract was one (1) year;

WHEREAS, the Contract indicated that cost for this contract was \$100,000;

WHEREAS, the original RFP and Contract indicated that the City had the option to extend the contract for a one (1) year term;

WHEREAS the original RFP and Contract indicated that the City had three (3) such options available, such that, if each option was exercised, the Contract could be extended for a total of three (3) years past the initial one (1) year term;

WHEREAS neither the RFP nor the Contract were clear if the contract sum of \$100,000 was for the original one (1) year contract term only, or if it was for the original one (1) year contract term plus any and all possible renewal terms;

WHEREAS the Administration of the City of Allentown is interested in exercising the first one (1) year extension, and possibly each of the other one (1) year extensions;

WHEREAS the City of Allentown has approved \$100,000 in the current budget for the services in these contracts for this year;

WHEREAS the RFP and the Contract permit the parties to amend the contract:

WHEREAS the City of Allentown seeks to clarify the cost of the contract to make clear that the cost for services under the contract are \$100,000 for each optional, one (1) year extension of the contract;

WHEREAS Section 20 of the Contract provides that "The CITY reserves the right to terminate this Agreement upon seven (7) days written notice to the CONTRACTOR either for cause, in the event the CITY decides not to proceed with the services, or funding is not appropriated by City Council";

WHEREAS City Council's approval of this resolution is not a commitment on behalf of the City of Allentown to exercise either or both of the second and third optional one (1) year extensions of this Contract;

WHEREAS City Council's approval of this resolution does not indicate that City Council will appropriate any additional funding for either or both of the second and third optional one (1) year extensions of this Contract;

WHEREAS City Council's approval of this resolution does not obligate City Council to provide any additional funding for either or both of the second and third optional one (1) year extensions of this Contract;

WHEREAS City Council's approval of this resolution does not obligate City Council to provide any additional funding for the first optional one (1) year extension of this Contract, other than the \$100,000 identified in the Request for Approval to Council from the Director of the Department of Community and Economic Development that is dated February 2, 2020.

WHEREAS, it is the desire of the City of Allentown to clarify the contractual sum of the previously awarded agreement with the following named contractor/consultant, for the use and purpose indicated in supporting Award or Contract dated December 17, 2019:

1. Name of Contractor/Consultant: Materials Conservation Collaborative, LLC
2. Project or Contract Reference: C24-000263
3. Description of Service(s) to be provided: Public Art and Activation Project Management services, for the purpose of continuing the outdoor enhancements throughout the City and for the creation and display of artistic installations

NOW, THEREFORE, BE IT RESOLVED, on this the 17th day of March, 2021, that the Council of the City of Allentown, hereby authorizes the Mayor and/or such other City officials as deemed appropriate by the City Solicitor, to sign and execute a Contract or Amendment and such other agreements and documents as are deemed by the City Solicitor to be necessary and/or related thereto, with the above named contractor/consultant, for the project identified.



CITY OF ALLENTOWN
Request for Approval

SUBJECT: Request for Approval by City Council of Contract Price Increase Pursuant to City Ordinance, Article 130.16

Project or Contract Reference: C24-000263 -RFP No. 2019-27- Public Art and Activation Project Management

TO: City Council, City Clerk, and Council Solicitor

FROM: Leonard Lightner, Department Head

DATE: February 2, 2020

Pursuant to City Ordinances, Article 130.16, this Recommendation of Award is before City Council for it's approval of the contract consideration increase.

- This recommendation is for a contract consideration increase of 10% or more for an existing contractual sum. Said contract was previously bid and awarded under city policies.
- The contract appropriation or price increase is included in this year's budget
- List the name and address of the recommended Contractor/Vendor, include the following:

Materials Conservation Collaborative, LLC, d/b/a Materials Conservation Co., LLC., 1625 N. Howard Street, Philadelphia, PA 19122.

Contract Consideration: \$100,000.00

Requested Increase: \$100,000.00

New Contract \$200,000.00

Funding Source: 000-09-0901-0001-46

- Description of project or scope of services to be provided and why is an increase needed:

On or about December 19, 2019, the City entered into an agreement with the Contractor whereby the Contractor would provide Public Art and Activation Project Management services, for the purpose of continuing the outdoor enhancements throughout the City and for the creation and display of artistic installations. The original term for this contract was for one (1) year with the option for three (3) additional one (1) year renewals. *If* the City should utilize all three (3) renewal term options this contract term shall go through December 17, 2023. In the fall of 2020, the City opted to utilize first of the three

(3) one (1) year renewals. However, the original RFP and Contract was not clear as to if the original contract sum of \$100,000.00 was for the original contract term only or if it was for the original contract term plus any and all possible renewal terms. At this time the original sum of \$100,000.00 has been or is almost depleted and the City would like to continue utilizing the additional renewal terms for this contract, given the Public Art and Activation Program's momentum. The City is requesting to increase the value of this contract by an additional \$100,000.00 and utilizing the approved 2021 budgeted funds for Arts Based Economic Development Management. Additionally, we would like to also have approved the same contract sum increases for each of the two (2) remaining renewal terms, which would be a total of \$100,000.00 per renewal year, pending budget approval.

- List the current Contract Term and if an increase is needed:

This current contract term is active through December 17, 2021.

- List any renewal term options and duration of each renewal, if any:

There are two (2) remaining renewal terms left to utilize on this contract.

- Maximum dollar value of all renewals provided for beyond the original term as if all renewals were exercised:

\$100,000.00 per renewal year.

A vote of final approval is requested of the members of Council and by passing the accompanying resolution, this Contract will be deemed approved

By: Leonard Lightner, Department Head

Copies To: Mayor
Director of Finance
Purchasing
Controller

Attachment: proposed resolution

AMENDMENT TO READ AS FOLLOWS PASSED, 7 – 0

WHEREAS, Article 130.16 of the City's Administrative Code requires City Council approval by Resolution for the award of contracts or engagement of professional services;

WHEREAS subparagraphs (c) and (g) of this Article require City Council approval for changes to contract terms that are greater than 10% of the terms of the contract;

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WHEREAS, the Contract indicated that cost for this contract was \$100,000;

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WHEREAS the original RFP and Contract indicated that the City had three (3) such options available, such that, if each option was exercised, the Contract could be extended for a total of three (3) years past the initial one (1) year term;

WHEREAS neither the RFP nor the Contract were clear if the contract sum of \$100,000 was for the original one (1) year contract term only, or if it was for the original one (1) year contract term plus any and all possible renewal terms;

WHEREAS the Administration of the City of Allentown is interested in exercising the first one (1) year extension, and possibly each of the other one (1) year extensions;

WHEREAS the City of Allentown has approved \$100,000 in the current budget for the services in these contracts for this year;

WHEREAS the RFP and the Contract permit the parties to amend the contract:

WHEREAS the City of Allentown seeks to clarify the cost of the contract to make clear that the cost for services under the contract are \$100,000 for each optional, one (1) year extension of the contract;

WHEREAS Section 20 of the Contract provides that "The CITY reserves the right to terminate this Agreement upon seven (7) days written notice to the CONTRACTOR either for cause, in the event the CITY decides not to proceed with the services, or funding is not appropriated by City Council";

WHEREAS City Council's approval of this resolution is not a commitment on behalf of the City of Allentown to exercise either or both of the second and third optional one (1) year extensions of this Contract;

WHEREAS City Council's approval of this resolution does not indicate that City Council will appropriate any additional funding for either or both of the second and third optional one (1) year extensions of this Contract;

WHEREAS City Council's approval of this resolution does not obligate City Council to provide any additional funding for either or both of the second and third optional one (1) year extensions of this Contract;

WHEREAS City Council's approval of this resolution does not obligate City Council to provide any additional funding for the first optional one (1) year extension of this Contract, other than the \$100,000 identified In the Request for Approval to Council from the Director of the Department of Community and Economic Development that is dated February 2, 2020.

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| | Yea | Nay |
|-------------------------------|-----|-----|
| Candida Affa | X | |
| Ce-Ce Gerlach | X | |
| Daryl Hendricks | X | |
| Cynthia Mota | X | |
| Joshua Siegel | X | |
| Ed Zucal | X | |
| Julio A. Guridy, President | X | |
| TOTAL | 7 | 0 |

THIS IS TO CERTIFY, That the above copy of Resolution No. 30161 was adopted by the City Council of Allentown on the 17th day of March, 2021, and is on file in the City Clerk's Office.


 City Clerk