



City of Newark

City Hall
920 Mayor Kenneth A.
Gibson Boulevard
Newark, New Jersey 07102

Legislation Details (With Text)

File #: 13-2257 **Version:** 1 **Name:** Added Starter for Dam Inspection by Civil Dynamics
Type: Resolution **Status:** Filed
File created: 11/26/2013 **In control:** Water Sewer Utility
On agenda: 12/18/2013 **Final action:** 12/18/2013

Title: Dept/ Agency: Water and Sewer Utilities
Action: ☒ Ratifying ☒ Authorizing ☐ Amending
Type of Service: Professional Services Contract
Purpose: Regular Dam Safety Inspections of Water Supply Dams
Entity Name: Civil Dynamics, Inc.
Entity Address: 109A County Route 515, PO Box 760, Stockholm, New Jersey 07460-0760
Contract Amount: \$21,900.00
Funding Source: City of Newark Budget for Department of Water & Sewer Utilities
Contract Period: November 25, 2013 through November 24, 2014
Contract Basis: ☐ Bid ☐ State Vendor ☒ Prof. Ser. ☐ EUS
☒ Fair & Open ☐ No Reportable Contributions ☐ RFP ☒ RFQ
☐ Private Sale ☐ Grant ☐ Sub-recipient ☐ n/a
Additional Information:
Number of RFQ Packages distributed: Four (4)
Number of Proposals received: Two (2)
Contract is ratified from November 25, 2013 up to the date contract is authorized.

Sponsors:

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
12/18/2013	1	Municipal Council	Adopt	Pass

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WHEREAS, the City of Newark requires professional engineering services for Regular Dam Safety Inspections for its water supply dams, and a Request for Qualifications ("RFQ") was issued on

October 31, 2013 (a copy of which is attached hereto and made a part hereof); and

WHEREAS, the Department of Water and Sewer Utilities distributed four (4) bid packages to prospective vendors following the date of advertisement; and

WHEREAS, two (2) proposals were received by the City of Newark on November 15, 2013 pursuant to the RFQ, and the proposal received from Civil Dynamics, Inc., 109A County Route 515, PO Box 760, Stockholm, New Jersey 07460-0760 for an amount not to exceed \$21,900.00 (a copy of which is attached hereto and made a part hereof), was found to be in the best interest of the City of Newark to accept; and

WHEREAS, the City of Newark wishes to enter into an agreement with Civil Dynamics, Inc., 109A County Route 515, PO Box 760, Stockholm, New Jersey 07460-0760, to provide engineering services for Regular Dam Safety Inspections as described in the RFP and Civil Dynamics's proposal, in an amount not to exceed \$21,900.00; and

WHEREAS, the Local Public Contracts Law N.J.S.A. 40A:11-5(1)(a) requires that notice of award of contracts for "Professional Services" without public bidding be published in a local newspaper; and

WHEREAS, this contract is for an amount over \$17,500.00 and is being awarded as a fair and open contract pursuant to N.J.S.A. 19:44A-20.5; and

WHEREAS, Civil Dynamics, Inc., has completed and submitted a Business Entity Disclosure Certificate which certifies that Civil Dynamics, Inc., has not made any reportable contributions to a political or candidate committee in the City of Newark in the previous one year, and that the contract will prohibit Civil Dynamics, Inc. from making any reportable contributions through the term of the contract; and

WHEREAS, the Mayor of the City of Newark signed into law effective March 31, 2007, Executive Order Number MEO-07-0001 (hereinafter "Pay-to-Play Executive Order") which requires the reporting of political contributions to Newark Municipal Candidates and prohibits certain political contributions during the duration of the contract.

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

1. The Municipal Council hereby authorizes the Mayor and/or his designee, the Acting Director of the Department of Water and Sewer Utilities, to accept the proposal from, and execute and agreement with, Civil Dynamics, Inc., 109A County Route 515, PO Box 760, Stockholm, New Jersey 07460-0760, to provide professional engineering services to the City of Newark, Department of Water and Sewer Utilities, for Regular Dam Safety Inspections for its water supply dams, in an amount not to exceed \$21,900.00, for a period of one year beginning on November 25, 2013, and ending on November 24, 2014, and the contract is hereby ratified from November 25, 2013, to the date of adoption of this authorizing resolution.
2. Attached hereto is a certification of funds issued by the Director of Finance of the City of Newark which states that there are available sufficient legally appropriated funds in the amount of \$21,900.00 for the purposes set forth herein, under, Business Unit NW037,

Department No. 750, Division/Proj 7502, Account 71280. A copy of the certification of funds shall be filed along with the original resolution and the executed contract in the Office of the City Clerk by the Acting Director of the Department of Water and Sewer Utilities.

3. This contract is being awarded pursuant to the fair and open procedures of the Pay-to-Play Law N.J.S.A.19:44A-20.5 and pursuant to the provisions of the Local Public Contract Law N.J.S.A. 40A:11-5(1)(a)(i), and is in compliance with Executive Order MEO-07-0001, effective March 31, 2007.
4. This contract is awarded without public bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a)(i) of the Local Public Contracts Law, because the performance of the service required must be performed by a person (or persons) licensed to practice a recognized profession (Engineering) by the State of New Jersey, whose performance requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study, as distinguished from general academic instruction.
5. A copy of the fully executed contract shall be filed in the Office of the City Clerk by the Acting Director of the Department of Water & Sewer Utilities and shall be made available for public inspection.
6. Civil Dynamics, Inc., has completed and submitted a Business Entity Disclosure Certificate, which shall be placed on file in the City Clerk's Office by the Acting Director of the Department of Water and Sewer Utilities, certifying that Civil Dynamics, Inc. has not made any reportable contributions to a political or candidate committee in the City of Newark in the previous one year, and that the contract will prohibit Civil Dynamics, Inc., from making any reportable contributions through the term of the contract.
7. There shall be no amendment of this contract without prior approval of the Municipal Council.
8. There shall be no advance payment on this contract in accordance with N.J.S.A. 40A:5-16.
9. 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 authorizes the Mayor and/or his designee, the Acting Director of the Department of Water and Sewer Utilities, to accept the proposal from, and to execute an agreement with, Civil Dynamics, Inc., 109A County Route 515, PO Box 760, Stockholm, New Jersey 07460-0760, to provide professional engineering services to the City of Newark, Department of Water and Sewer Utilities, for Regular Dam Safety Inspections for its water supply dams, in an amount not to exceed \$21,900.00, for a period of one year beginning on November 25, 2013, and ending on November 24, 2014, and ratifies the contract from November 25, 2013, to the date of adoption of this resolution.