



Legislation Details (With Text)

File #: 21-1111 **Version:** 1 **Name:** Resolution: ABB,Inc. - Service and Maintain the Control System at the PWTP
Type: Resolution **Status:** Adopted
File created: 7/26/2021 **In control:** Water Sewer Utility
On agenda: 1/5/2022 **Final action:** 1/5/2022

Title: Dept/ Agency: Water and Sewer Utilities
Action: () Ratifying (X) Authorizing () Amending
Type of Service: Bid Contract
Purpose: To service and maintain the control system at City of Newark’s Pequannock Water Treatment Plant, West Milford, New Jersey.
Entity Name: ABB, Inc.
Entity Address: 23000 Harvard Road, Cleveland, Ohio 44122
Contract Amount: Not to exceed \$185,726.00
Funding Source: 2021 Budget/Department of Water and Sewer Utilities Budget/NW037-750-7502-71770-B2021
Contract Period: Two (2) years from the date of issuance of a written Notice to Proceed
Contract Basis: (X) Bid () State Vendor (X) Prof. Ser. () EUS
() Fair & Open () No Reportable Contributions () RFP () RFQ
() Private Sale () Grant () Sub-recipient () n/a
Additional Information:
Bids Solicited: One (1)
Bids Received: One (1)

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
1/5/2022	1	Municipal Council	Adopt	Pass

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WHEREAS, on December 23, 2020, the City of Newark (the “City”) advertised Contract #12-WS2020 to Service and Maintain the Control System at the City of Newark’s Pequannock Water Treatment Plant, located in West Milford, New Jersey; and

WHEREAS, on January 29, 2021, the Department of Water and Sewer Utilities received a bid proposal from ABB, Inc., 23000 Harvard Road, Cleveland, Ohio 44122, for contract services to Service and Maintain the Control System at Newark’s Pequannock Water Treatment Plant; and

WHEREAS, the contract to Service and Maintain the Control System at Newark’s Pequannock Water Treatment Plant pertains to the support and maintenance of proprietary computer hardware and/or service; and

WHEREAS, under Local Public Contracts Law, N.J.S.A.40A:11-5(1)(dd), the performance of goods or services for the support and maintenance of propriety computer hardware or software, is an exception to public bidding, provided that this provision is not utilized to acquire or upgrade non-proprietary hardware or to acquire or update non-proprietary software; and

WHEREAS, ABB, Inc., 23000 Harvard Road, Cleveland, Ohio 44122, submitted the lowest responsive and responsible bid in the amounts of:

- \$92,863.00 for year one (1) of service
- \$92,863.00 for year two (2) of service
- For a total contract amount not to exceed of \$185,726.00

WHEREAS, the City of Newark wishes to accept the bid submitted by ABB, Inc., on January 29, 2021, and enter into and execute Contract #12-WS2020 to Service and Maintain the Control System at City of Newark’s Pequannock Water Treatment Plant, with ABB, Inc., 23000 Harvard Road, Cleveland, Ohio 44122, for a total amount not to exceed of One Hundred Eighty-Five Thousand Seven Hundred Twenty-Six Dollars and Zero Cents (\$185,726.00) for a period of two (2) years from the date of issuance of a written Notice to Proceed; and

WHEREAS, the Municipal Council adopted the Contractor Pay-to-Play Reform Ordinance, R.O. 2:4-22C, which forbids the award of a contract of a Business Entity, as defined therein, which has made or solicited political contributions to Newark Municipal Candidates, office holders having ultimate responsibilities for the award of a contract; candidate committees of the aforementioned candidates, and political and 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 Municipal Council hereby authorizes the Mayor of the City of Newark and/or his designee, the Director of the Department of Water and Sewer Utilities, to accept the lowest responsive and responsible bid submitted on January 29, 2021 by ABB, Inc., to enter into and execute Contract #12-WS2020 to Service and Maintain Control System at City of Newark’s Pequannock Water Treatment Plant, West Milford, New Jersey, with ABB, Inc., 23000 Harvard Road, Cleveland, Ohio 44122, for a total amount not to exceed of One Hundred Eighty-Five

Thousand Seven Hundred Twenty-Six Dollars and Zero Cents (\$185,726.00) for a period of two (2) years from the date of issuance of a written Notice to Proceed.

2. Pursuant to N.J.A.C. 5:30-5.5, attached hereto is a partial certification of funds issued by the Director of the Department of Finance, which states that funds in the amount of Ninety-Two Thousand, Eight Hundred Sixty-Three Dollars and Zero Cents (\$92,863.00), are available in the 2021 Water and Sewer Utilities Budget under Business Unit NW037, Department 750, Division/Project 7502, Account #71770 Budget Ref: B2021. The Certification shall be filed along with the original Resolution in the Office of the City Clerk. The remainder of the funding for the contract will be subject to appropriation in the 2022 Budget and included in a line item for the award of this contract and said funds will be certified prior to services being provided by the contractor. There will be no expenditure of funds authorized until a Certification of Funds is obtained and a copy filed with the City Clerk.
3. There shall be no amendment or change to the contract without approval by the Municipal Council.
4. There shall be no advance payment on this contract in accordance with N.J.S.A. 40A:5-16.
5. A fully executed copy of the contract shall be filed in the Office of the City Clerk by the Director of the Department of Water and Sewer Utilities.
6. This contract was solicited and awarded pursuant to the non-fair and open procedures under N.J.S.A. 40A:11-5(1)(dd), for performance of good or services for the support or maintenance of proprietary computer hardware or software, which is an exception to public bidding, provided that this provision is not utilized to acquire or upgrade non-proprietary hardware or to acquire or update non-proprietary software and is in compliance with the City's Contractor Pay-to-Play Reform Ordinance, R.O. 2:-22C.
7. If required by State Law, the City Clerk shall provide the appropriate Notice of the Award of this contract to the State Comptroller, no later than twenty (20) business days following such award, in accordance with N.J.S.A. 52:15C-10 and the Notice of the Office of the State Comptroller dated May 7, 2008.

STATEMENT

This Resolution authorizes the Mayor of the City of Newark and/or his designee, the Director of the Department of Water and Sewer Utilities, to accept the proposal submitted by ABB, Inc. and enter into and execute Contract #12-WS2020 to Service and Maintain the Control System at City of Newark's Pequannock Water Treatment Plant with ABB, Inc., 23000 Harvard Road, Cleveland, Ohio 44122, for a total amount not to exceed of \$185,726.00, for a period of two (2) years from the date of issuance of a written Notice to Proceed.