



Legislation Details (With Text)

**File #:** 16-0956      **Version:** 1      **Name:** Small Diameter Sewer Evaluation & Rehabilitation - CDM Smith  
**Type:** Resolution      **Status:** Adopted  
**File created:** 5/31/2016      **In control:** Water Sewer Utility  
**On agenda:** 8/3/2016      **Final action:** 8/3/2016

**Title:** Dept/ Agency: Water and Sewer Utilities  
Action: ( ) Ratifying (X) Authorizing ( ) Amending  
Type of Service: Professional Services Contract  
Purpose: Engineering Services for Small Sewer Evaluation and Rehabilitation  
Entity Name: CDM Smith, Inc.  
Entity Address: 110 Fieldcrest Avenue, No. 8, 6th Floor, Edison, New Jersey 08837  
Contract Amount: Not to exceed amount of \$8,410,096.00  
Funding Source: Department of Water and Sewer Utilities Budget  
Contract Period: From issuance of Notice to Proceed to construction completion.  
Contract Basis: ( ) Bid ( ) State Vendor (X) Prof. Ser. ( ) EUS  
(X) Fair & Open ( ) No Reportable Contributions ( ) RFP (X) RFQ  
( ) Private Sale ( ) Grant ( ) Sub-recipient ( ) n/a  
Additional Information:  
Proposal Solicited: Eleven (11)  
Proposal Received: Six (6)

**Sponsors:**

**Indexes:**

**Code sections:**

| Date     | Ver. | Action By         | Action | Result |
|----------|------|-------------------|--------|--------|
| 8/3/2016 | 1    | Municipal Council | Adopt  | Pass   |

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**WHEREAS,** the City of Newark has experienced various failures and collapses in its vast underground network of small diameter sewers city wide, due to age and deterioration which has

necessitated the City to undertake a comprehensive structural evaluation and rehabilitation program to identify and rehabilitate severely deteriorated sewers; and

**WHEREAS**, the City of Newark requires professional engineering services for the Small Sewer Evaluation and Rehabilitation program, and a Request for Qualifications (RFQ) was issued on September 20, 2015; and

**WHEREAS**, the Department of Water and Sewer Utilities (“Department”) distributed eleven (11) RFQ packages to prospective vendors following the date of advertisement; and

**WHEREAS**, the Department received six (6) proposals on October 8, 2015, pursuant to the RFQ. The Department evaluated and ranked the proposals received, and a proposal received from CDM Smith, Inc., 110 Fieldcrest Avenue, No. 8, 6<sup>th</sup> Floor, Edison, New Jersey 08837, for a total amount not to exceed \$8,410,096.00, with work to be performed in multiple phases: Phase 1 \$2,563,267.04; Phase 2 \$2,923,414.48; and Phase 3 \$2,923,414.48 was found to be in the best interest of the City; and

**WHEREAS**, the City of Newark wishes to enter into an agreement with CDM Smith, Inc., to provide engineering services for Small Sewer Evaluation and Rehabilitation, in multiple phases: Phase 1 for \$2,563,267.04; Phase 2 for \$2,923,414.48; and Phase 3 for \$2,923,414.48 for a combined total contract amount not to exceed \$8,410,096.00; and

**WHEREAS**, the Local Public Contracts Law N.J.S.A. 40A:11-5(1)(a) requires that notice of the award of contracts for “Professional Services” without competitive 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**, CDM Smith Inc, has completed and submitted a Business Entity Disclosure Certificate which certifies that CDM Smith Inc, has not made any reportable contributions to a political or candidates committee in the City of Newark in the previous one year, and that the contract will prohibit CDM Smith Inc, from making any reportable contributions through the term of the contract; 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 responsibility for the award of a contract; candidate committees of the aforementioned candidates; and political or 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 authorizes the Mayor and/or his designee, the Director of the

Department of Water and Sewer utilities, to accept the proposal from CDM Smith Inc, 110 Fieldcrest Avenue, No. 8, 6th Floor, Edison, New Jersey 08837, and execute an agreement with CDM Smith, Inc., , to provide professional engineering services to the City of Newark, Department of Water and Sewer Utilities, for Evaluation and Rehabilitation of Small Sewers, in a total contract amount not to exceed \$8,410,096.00, with work to be performed in multiple phases: Phase 1 for \$2,563,267.04; Phase 2 for \$2,923,414.48; and Phase 3 for \$2,923,414.48 with a contract term from the issuance of Notice to Proceed through the construction completion.

2. This contract is being awarded under a Temporary Budget. Attached hereto is a partial Certification of Funds issued by the Director of Finance of the City of Newark which states that funds in an amount of \$323,937.00 are available under, Business Unit NW038, Department ID 806, Division/Project 8063, and Account # 71280. The remainder of the funding, in the amount of \$8,086,159.00, will be provided under a low interest loan from the New Jersey Environmental Infrastructure Trust.
3. The Director of the Department of Water and Sewer Utilities shall file a copy of the Certification of Funds along with the original Resolution and the executed Contract in the Office of the City Cler which shall be placed on file and made available for public inspection.
4. This contract was solicited and 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 the City's Pay-to-Play Reform Ordinance, R.O. 2:4-22C.
5. This contract is awarded without competitive 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 engineering profession by the State of New Jersey, whose performance required 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.
6. CDM Smith Inc, has completed and submitted a Business Entity Disclosure Certificate, which shall be placed on file in the City Clerk's Office by the Director of the Department of Water and Sewer Utilities, certifying that CDM Smith 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 CDM Smith, 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 10 days of its passage.

**STATEMENT**

This resolution authorizes the Mayor and/or his designee, the Director of the Department of Water and Sewer Utilities, to accept the proposal from CDM Smith Inc, 110 Fieldcrest Avenue, No. 8, 6th Floor, Edison, New Jersey 08837, and execute an agreement to provide professional engineering services to the City of Newark, Department of Water and Sewer Utilities, for Evaluation and Rehabilitation of Small Sewers, for an amount not to exceed \$8,410,096.00, for a contract term from the issuance of Notice to Proceed, until construction completion.