



Legislation Details (With Text)

**File #:** 23-0878      **Version:** 1      **Name:** Southside Interceptor Condition Assessment (CDM Smith)  
**Type:** Resolution      **Status:** Adopted  
**File created:** 5/30/2023      **In control:** Water Sewer Utility  
**On agenda:** 6/7/2023      **Final action:** 6/7/2023

**Title:** Dept/ Agency: Water and Sewer Utilities  
Action: ( ) Ratifying (X) Authorizing ( ) Amending  
Type of Service: Professional Services Contract  
Purpose: To provide Professional Engineering Services for the Southside Interceptor Condition Assessment.  
Entity Name: CDM Smith, Inc.  
Entity Address: 110 Fieldcrest Avenue, #8, Edison, New Jersey 08837  
Contract Amount: Not to exceed \$297,900.00  
Funding Source: 2023 Budget/Department of Water and Sewer Utilities/NW038-800-8003-A-71240-B2023  
Contract Period: Commencing from the date of the issuance of a Notice to Proceed to the completion of construction, pursuant to N.J.S.A. 40(A):11-15(9)  
Contract Basis: ( ) Bid ( ) State Vendor (X) Prof. Ser. ( ) EUS  
( ) Fair & Open (X) No Reportable Contributions ( ) RFP ( ) RFQ  
( ) Private Sale ( ) Grant ( ) Sub-recipient ( ) N/A  
Additional Information:

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
6/7/2023	1	Municipal Council	Adopt	Pass

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**Additional Information:**

**WHEREAS,** the City of Newark’s Department of Water and Sewer Utilities (the Department), wishes

to perform repairs and rehabilitation along the Southside Interceptor to repair structural defect and reduce infiltration along this combined sewer interceptor; and

**WHEREAS**, a proposal, dated May 30, 2023, was received by the City from CDM Smith, Inc., outlining a scope of work to provide Professional Engineering Services for the Southside Interceptor Condition Assessment; and

**WHEREAS**, the Department wishes to execute a Professional Engineering Services Contract with CDM Smith, Inc., 110 Fieldcrest Ave., #8, Edison, New Jersey 08837, to provide professional engineering services for the Southside Interceptor Condition Assessment, for a total contract amount not to exceed \$297,900.00, and a contract period commencing from the issuance of Notice to Proceed through the completion of construction, pursuant to N.J.S.A. 40(A) 11-15(9); and

**WHEREAS**, 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(s) licensed to practice a recognized profession (Engineering) by the State of New Jersey, whose performance required knowledge of an advance type in a field of learning acquired by a prolonged formal course of specialized instruction and study, as distinguished from general academic instruction; and

**WHEREAS**, the provision of the Local Public Contracts Law N.J.S.A. 40A:11-5(1)(a) authorizes the award of professional services agreement without public advertising of bids and bidding and requires that the contract be made available for public inspection; and

**WHEREAS**, this contract is for an amount over \$17,500.00 and is being awarded as a Non-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 candidate committee in the City of Newark in the previous one (1) year, and that the contract will prohibit CDM Smith, Inc., from making any reportable contributions through the term of the contract; and

**WHEREAS**, the award is in compliance with Ordinance §2:4-22C.1, which adopted the State of New Jersey's Pay-to-Play statutory requirements, pursuant to N.J.S.A. 19:44A-20.5, as may be amended and supplemented, governing eligibility for municipal contracts.

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

1. The Mayor and/or his designee, the Director of the Department of Water and Sewer Utilities, are authorized to accept the proposal from CDM Smith, Inc., and execute an agreement with CDM Smith, Inc., 110 Fieldcrest Ave., #8, Edison, New Jersey 08837, to provide Professional Engineering Services for the Southside Interceptor Condition Assessment, in a total contract amount not to exceed \$297,900.00, with a contract term commencing from the issuance of a Notice to Proceed through completion of construction, pursuant to N.J.S.A. 40(A):11-15(9).
2. Pursuant to N.J.A.C. 5:30-5.5, Temporary Budget, attached hereto is a partial Certification of Funds issued by the Director of the Department of Finance, which states that there are available

sufficient legally appropriated funds in the amount of \$1,000.00 for the purposes set forth herein, under NW038-800-8003-A-71240-B2023. The certification shall be filed along with the original resolution in the Office of the City Clerk. The remainder of the funding for this contract will be subject to appropriation in the 2023 Budget and funds will be certified prior to services being provided by the contractor.

3. The Director of the Department of Water and Sewer Utilities shall file a duly executed copy of the contract, Determination of Value and Business Entity Disclosure Certification in the office of the City Clerk.
4. 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.
5. There shall be no amendment or change to the contract without approval by the Municipal Council.
6. There shall be no advance payment made against this contract in accordance with N.J.A.C. 40A:5-16.
7. 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 Ave., #8, Edison, New Jersey 08837, and enter into and execute an agreement to provide Professional Engineering Services for the Southside Interceptor Condition Assessment, for an amount not to exceed \$297,900.00, for a contract term commencing from issuance of Notice to Proceed, until construction completion, pursuant to N.J.S.A. 40(A): 11-15(9).