



Legislation Details (With Text)

**File #:** 21-0378      **Version:** 1      **Name:** Mott MacDonald Amendment 1 Replacement of Water Distribution Mains  
**Type:** Resolution      **Status:** Adopted  
**File created:** 3/16/2021      **In control:** Water Sewer Utility  
**On agenda:** 7/8/2021      **Final action:** 7/8/2021

**Title:** Dept/ Agency: Water and Sewer Utilities  
Action:  Ratifying    Authorizing    Amending  
Type of Service: Professional Services Contract  
Purpose: Amendment #1 to Replacement of Water Distribution Mains.  
Entity Name: Mott MacDonald, LLC  
Entity Address: 111 Wood Avenue South, Iselin, New Jersey 08830  
Contract Amount: Not to exceed \$413,000.00  
Funding Source: 2017 Budget/Department of Water and Sewer Utilities Budget/ NW041-17W-17W00-94710-B2017  
Contract Period: Until project completion pursuant to N.J.S.A. 40A:11-15(9)  
Contract Basis:  Bid    State Vendor    Prof. Ser.    EUS  
 Fair & Open    No Reportable Contributions    RFP    RFQ  
 Private Sale    Grant    Sub-recipient    n/a  
**Additional Information:**  
Resolution 7R12-b adopted on February 3, 2016, for a contract amount not to exceed \$315,000.00, to commence upon written authorization of the Municipal Council up to completion of construction.  
Amendment #1 will increase the original contract amount by \$98,000.00 for a total contract amount not to exceed \$413,000.00.

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
7/8/2021	1	Municipal Council	Adopt	Pass

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Amendment #1 will increase the original contract amount by \$98,000.00 for a total contract amount

not to exceed \$413,000.00.

**WHEREAS**, Resolution 7R12-b adopted on February 3, 2016, authorized the Director of the Department of Water and Sewer Utilities, to enter into and execute a contract with Mott MacDonald, LLC, 111 Wood Avenue, South Iselin, New Jersey 08830 to provide Professional Engineering Services for the Replacement of Water Distribution Mains for a contract amount not to exceed Three Hundred Fifteen Thousand Dollars and Zero Cents (\$315,000.00) for a term until project completion pursuant to N.J.S.A. 40A:11-15(9); and

**WHEREAS**, during the course of the project, it was determined that additional services were required to be performed by Mott MacDonald, LLC, to assist the City of Newark (the "City") with its Replacement of Water Distribution Mains in the amount of Ninety-Eight Thousand Dollars and Zero Cents (\$98,000.00); and

**WHEREAS**, the City and Mott MacDonald, LLC, desire to include the amended services as Amendment #1 to Replacement of Water Distribution Mains; and

**WHEREAS**, the Department of Water and Sewer Utilities, wishes to enter into and execute Amendment #1 with Mott MacDonald, LLC, 111 Wood Avenue, South Iselin, New Jersey 08830, to continue providing Professional Engineering Services for the Replacement of Water Distribution Mains, until the project completion as pursuant to N.J.S.A. 40A:11-15(9).

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

**WHEREAS**, Mott MacDonald, LLC, has completed and submitted a Business Entity Disclosure Certificate, which certifies that Mott MacDonald, LLC, has not made any reportable contributions to a political or candidates committee in the City of Newark in the previous one (1) year, and that the contract will prohibit Mott MacDonald, LLC, from making any reportable contributions through the term of the contract; and

**WHEREAS**, the Municipal Council adopted the Contractor Pay-to-Pay Reform Ordinance R.O. 2:4-22 C, 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; candidates committees of the aforementioned candidates, and political or political party 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 enter into and execute Amendment #1 with Mott MacDonald, LLC, 111 Wood Avenue, South Iselin, New Jersey 08830, to continue to provide Professional Engineering Services for the Replacement of Water Distribution Mains, for an additional Ninety-Eight Thousand Dollars and Zero Cents (\$98,000.00), for a total contract amount not to exceed Four Hundred Thirteen Thousand and

Zero Cents (\$413,000.00), until project completion as pursuant to N.J.S.A. 40A: 11-15(9).

2. Attached hereto is a 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 Ninety-Eight Thousand Dollars and Zero Cents (\$98,000.00) for the purposes set forth herein, under the Department of Water and Sewer Utilities' Budget NW041-17W-17W00-94710-B2017. 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 Clerk.
3. 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 Contracts Law, N.J.S.A. 40A:11-5 (l)(a)(i), and is in compliance with the City's Contractor Pay-to-Play Reform Ordinance, R.O. 2:4-22C.
4. This Amendment #1 is ratified from February 3, 2016 to the date of adoption of this authorizing resolution.
5. The Director of the Department of Water and Sewer Utilities shall file a duly executed copy of this Amendment in the Office of the City Clerk.
6. Mott MacDonald, LLC, 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 Mott MacDonald, LLC, 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 Mott MacDonald, LLC, from making any reportable contributions through the term of the contract
7. There shall be no amendment or change to the contract without approval by the Municipal Council.
8. There shall be no advance payments made against this contract in accordance with N.J.A.C. 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 ratifies, amends and authorizes the Mayor of the City of Newark and/or his designee, the Director of the Department of Water and Sewer Utilities, to enter into and execute Amendment #1, with Mott MacDonald, LLC, 111 Wood Avenue, South Iselin, New Jersey 08830, to continue to provide Professional Engineering Services for Process and Operational Improvements for the Replacement of Water Distribution Mains, for an additional \$98,000.00, for a total contract amount not to exceed \$413,000.00, until project completion pursuant to N.J.S.A. 40A: 11-15(9).

