



Legislation Details (With Text)

File #: 18-0188 **Version:** 1 **Name:** Phase 2: Small Dams Safety Compliance - Civil Dynamics
Type: Resolution **Status:** Adopted
File created: 2/6/2018 **In control:** Water Sewer Utility
On agenda: 4/18/2018 **Final action:** 4/24/2018
Title: Dept/ Agency: Water and Sewer Utilities
Action: () Ratifying (X) Authorizing () Amending
Type of Service: Professional Services Contract
Purpose: Phase 2: Small Dams Safety Compliance Engineering
Entity Name: Civil Dynamics, Inc.
Entity Address: 109A County Route 515, Post Office Box 760, Stockholm, New Jersey 07460-0760
Contract Amount: Amount not to exceed \$34,835.00
Funding Source: 2017 Budget/Department of Water and Sewer Utilities
Contract Period: One (1) Year from authorization by Municipal Council
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
4/24/2018	1	Municipal Council	Adopt	Pass
4/18/2018	1	Municipal Council	No Action Taken	

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Additional Information:

WHEREAS, Civil Dynamics, Inc., has been providing efficient and quality services to the Department of Water and Sewer Utilities for the Small Dams Safety Compliance Engineering since August 5, 2015; and

WHEREAS, the previous contract was authorized pursuant to Resolution 7R12-a August 5, 2015 and

expired on August 4, 2016 (“2015 Contract”); and

WHEREAS, when the 2015 Contract expired on August 4, 2016, the deliverables had not been completed due to delays in obtaining historical maps as well as New Jersey Department of Environmental Protection (NJDEP) reviews and approvals; and

WHEREAS, said delays left Civil Dynamics, Inc., with less time than originally planned to complete the project; and

WHEREAS, the remaining time under the 2015 Contract was insufficient, and the contract expired prior to the completion of the project deliverables; and

WHEREAS, the City would like to successfully complete the Small Dams Safety Compliance Engineering project; and

WHEREAS, under the 2015 Contract, Civil Dynamics, Inc., successfully completed eighty percent (80%) of the project pursuant to the original proposal; and

WHEREAS, \$34,835.00 remains from the 2015 Contract as unused due to Civil Dynamics, Inc., being unable to complete the project within one year due to delays; and

WHEREAS, the remainder of the project and deliverables can be completed, using the \$34,835.00 balance from the 2015 Contract, and without need for additional funding; and

WHEREAS, on December 4, 2017, Civil Dynamics, Inc., 109A County Route 515, Post Office Box 760, Stockholm, New Jersey 07460-0760, submitted a proposal to the City to continue Phase 2 of the above referenced professional services, and submitted the necessary deliverables for an amount not to exceed \$34,835.00; and

WHEREAS, this Professional Services Agreement is for an amount over \$17,500.00 and is being awarded through the “non-fair and open process” pursuant to N.J.S.A. 19:44A-20.5; and

WHEREAS, the Director of the Department of Water and Sewer Utilities has determined and certified, in writing, that the value of the contract exceed \$17,500.00; and

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 bids and bidding and requires that the contract be made available for public inspections; 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 to 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 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; certain other political party or candidate committees, in excess of certain thresholds; 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 committees 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 contract.

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 hereby on behalf of the City of Newark authorized to enter into and execute a professional service agreement with Civil Dynamics, Inc., 109A County Route 515, Post Office Box 760, Stockholm, New Jersey 07460-0760, to provide Phase 2 of the Small Dams Safety Compliance Engineering for the amount not to exceed \$34,835.00.
2. The Term of this Professional Services Agreement shall be for a period of one (1) year from authorization by Municipal Council.
3. Attached hereto is a Certification of Funds from the Director of Finance of the City of Newark which states that there are legally appropriated funds in the amount of \$34,835.00, for the purposes set forth hereinabove, which shall be provided from the following line of appropriations of the official 2017 Budget, Business Unit NW037, Department ID 0756, Division/Project 7562, Account #71280. The Director of the Department of Water and Sewer Utility 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.
4. No changes to this Professional Services Agreement are allowed or authorized without prior Municipal Council approval.
5. There shall be no advance payments made against this Professional Services Agreement in accordance with N.J.A.C. 40A:5-16.
6. The Director of the Department of Water and Sewer Utilities shall file a fully executed copy of the Professional Services Agreement and the Certification of the Funds in the Office of the City Clerk.
7. This Professional Services Agreement is being awarded without public bidding pursuant to the provisions of the Local Public Contracts Law, N.J.S.A. 40A-5(1)(a)(i) because the services are to be performed by a person or persons whose performance requires knowledge of an advanced type in a field of learning acquired by prolonged formal course of specialized study.
8. This Professional Services Agreement is being awarded pursuant to the non-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(1)(a)(i), and in compliance with the Contractor Pay-to-Play Reform Ordinance R.O. 2:4-22C.
9. 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 terms of the contract.

10. The Determination of Value is attached hereto and shall be filed with the Office of the City Clerk with this resolution.
11. A notice of this action will be published in the newspaper as required by law within ten (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 execute a Professional Services Agreement with Civil Dynamics, Inc., 109A County Route 515, Post Office Box 760, Stockholm, New Jersey 07460-0760, to provide and complete Phase 2 of the Small Dams Safety Compliance Engineering, for the amount not to exceed \$34,835.00, for a period of one (1) year from authorization by Municipal Council.