



## Legislation Details (With Text)

**File #:** 18-1403      **Version:** 1      **Name:** Amendment No. 1 to Full-Time Licensed Operator - Kleinfelder, Inc.  
**Type:** Resolution      **Status:** Adopted  
**File created:** 9/4/2018      **In control:** Water Sewer Utility  
**On agenda:** 9/19/2018      **Final action:** 9/19/2018

**Title:** Dept/ Agency: Water and Sewer Utilities  
Action: ( ) Ratifying (X) Authorizing (X) Amending  
Type of Service: Professional Services Contract  
Purpose: Amendment Number 1 to Full-Time Licensed Operator  
Entity Name: Kleinfelder, Inc.  
Entity Address: 321 Wall Street, Princeton, New Jersey 08540  
Contract Amount: Not to Exceed Amount of \$288,215.00  
Funding Source: Department of Water and Sewer Utilities Budget  
Contract Period: Extending contract by one-hundred two (102) days until December 31, 2018  
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:  
Resolution 7R12-d (AS) adopted on July 11, 2018, awarded contract in the amount of \$130,095.00.  
Amendment Number 1 increases the contract amount by \$158,120.00, for a new total contract amount of \$288,215.00.

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
9/19/2018	1	Municipal Council	Adopt	Pass

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Amendment Number 1 increases the contract amount by \$158,120.00, for a new total contract amount of \$288,215.00.

**WHEREAS**, Resolution 7R12-d (AS) July 11, 2018, authorized the Director of the Department of Water and Sewer Utilities to execute a contract with Kleinfelder, Inc., 321 Wall Street, Princeton, New Jersey 08540, to provide professional engineering services for a full-time New Jersey State Licensed T-4, W-4 operator and utility management support personnel for the contract amount of \$130,095.00; and

**WHEREAS**, the City of Newark is in need of additional professional engineering services of a Full-Time Licensed Operator as it fulfills mandated federal and state Safe Drinking Water Act regulatory compliance and to assist in the implementation of process, operation and maintenance improvements as defined in the City's Comprehensive Technical Assistance (CTA) report; and

**WHEREAS**, Jerry Notte through Kleinfelder, Inc., has been providing those services satisfactorily to the City; and

**WHEREAS**, the City of Newark wishes to enter into a contract Amendment Number 1 with Kleinfelder, Inc., 321 Wall Street, Princeton, New Jersey 08540, to continue providing professional engineering services for Full-Time Licensed Operator, for an additional \$158,120.00, for a total not to exceed contract amount of \$288,215.00, for an additional one-hundred two (102) days until December 31, 2018 from authorization of the Newark Municipal Council. The scope of services is detailed in the attached Kleinfelder's letter dated September 6, 2018; 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 for 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**, Kleinfelder, Inc. has completed and submitted a Business Entity Disclosure Certificate which certifies that Kleinfelder, 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 Kleinfelder, Inc., 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 and/or his designee, the Director of the Department of Water and Sewer Utilities, to enter into a contract Amendment Number 1 with Kleinfelder, Inc., 321 Wall Street, Princeton, New Jersey 08540, to continue to provide professional engineering services for Full-Time Licensed Operator, for an additional

\$158,120.00, for a total not to exceed contract amount of \$288,215.00, for an additional one-hundred two (102) days until December 31, 2018 from authorization of the Newark Municipal Council.

2. Attached hereto is a partial certification of funds issued by the Director of Finance of the City of Newark which states that there are available sufficient legally appropriated funds in the amount of \$100,000.00 for the purposes set forth herein, under the 2018 Budget, Business Unit NW037, Department ID 750, Division 7502, Account 71280. 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. The remainder of the funding for this contract will be subject to appropriation in the 2018 Budget and funds will be certified prior to services being provided by the contractor.
3. This contract 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 Contract Law N.J.S.A. 40A:11-5 (1) (a) (i), and is in compliance with the Revised Ordinance on Pay to Play.
4. 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.
5. A copy of the fully executed contract shall be filed in the Office of the City Clerk by the Director of the Department of Water and Sewer utilities and shall be made available for public inspection.
6. A copy of the Business Entity Disclosure Certification shall be placed on file in the Office of the City Clerk.
7. Kleinfelder, 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 Kleinfelder, 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 Kleinfelder, Inc., from making any reportable contributions through the term of the contract.
8. There shall be no amendment of this contract without prior approval of the Municipal Council.
9. There shall be no advance payment on this contract in accordance with N.J.S.A. 40A:5-16.
10. 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 enter into a contract Amendment Number 1 with Kleinfelder, Inc., 321 Wall Street, Princeton, New Jersey 08540, to continue to provide professional engineering services for Full-Time Licensed Operator, for an additional \$158,120.00, for a total not to exceed contract amount of \$288,215.00, for an additional one-hundred two (102) days until December 31, 2018.