



Legislation Details (With Text)

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**Title:** Dept/ Agency: Water and Sewer Utilities  
 Action: ( ) Ratifying (X) Authorizing ( ) Amending  
 Type of Service: Exception to Public Bidding - Extraordinary Unspecifiable Services  
 Purpose: Special Rate and Fee Structure Studies and Development and the Study of Intergovernmental Contract Implementation  
 Entity Name: Public Works Management LLC  
 Entity Address: 35 Janeway Place, Morris Plains, New Jersey 07950  
 Contract Amount: Not to exceed \$542,700.00  
 Funding Source: Water and Sewer Utilities Budget  
 Contract Period: 365 Days from date of Contract's Execution  
 Contract Basis: ( ) Bid ( ) State Vendor ( ) Prof. Ser. (X) EUS  
 (X) Fair & Open ( ) No Reportable Contributions (X) 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
1/8/2014	1	Municipal Council	Adopt	Pass

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**Additional Information:**

**WHEREAS**, the City of Newark, Department of Water and Sewer Utilities, advertised on May 10, 2013, a Request for Proposal for "Special Rate and Fee Structure Studies and Development and the Study of Intergovernmental Contract Implementation" (hereinafter referred to as the "RFP"), a

copy of which is attached hereto and made a part hereof; and

**WHEREAS**, the work to be performed is consulting services to review, study, develop recommendations, assist in the implementation of recommendations and provide expert testimony regarding the Newark/East Orange Sewer Flow Agreement, private fire service rates, water connection fee rates, sewer connection fee rates, meters/metering procedures and the operations of certain governmental commissions and agencies; and

**WHEREAS**, the nature of the services described above are such that the award of a contract for them is excepted from public bidding requirements as “Extraordinary Unspecifiable Services” under N.J.S.A. 40A:11-5(1)(a)(ii) (hereinafter referred to as “EUS”) (a copy of a certification from the Acting Director of the Department of Water and Sewer Utilities, indicating that the proposed contract may be considered as an EUS in accordance with the requirements of the relevant rules and regulations, is attached hereto and made a part hereof); and

**WHEREAS**, on May 14, 2013, one (1) proposal was received in response to the RFP, said response being from Public Works Management LLC, 35 Janeway Place, Morris Plains, New Jersey, 07950 (hereinafter referred to as “Public Works Management”); and

**WHEREAS**, the Department of Water and Sewer Utilities evaluated the proposal and concluded that Public Works Management, with its subcontractor Sankofa Public Works LLC, have the requisite experience, expertise and qualifications to provide the services relating to Tasks 1 through 6 of the RFP, price and other factors considered; and

**WHEREAS**, the City of Newark, Department of Water and Sewer Utilities, recommends that a contract be entered into with Public Works Management LLC for “Special Rate and Fee Structure Studies and Development and the Study of Intergovernmental Contract Implementation” services, for a total contract amount not to exceed \$542,700.00, and with services to be completed within 365 days of the date of the contract’s execution, provided that any tasks to be completed under the contract be reviewed and approved in writing by the City’s Acting Director of the Department of Water and Sewer Utilities and the City’s Business Administrator prior to Public Works Management LLC beginning the tasks, said review to include the impact the additional costs will have on the self-liquidation status of the City’s Department of Water and Sewer Utilities; and

**WHEREAS**, the State of New Jersey, Department of Community Affairs, has approved said contract, subject to the conditions set forth in the paragraph immediately above (a copy of the State’s approval is attached hereto and made a part hereof); and

**WHEREAS**, while Public Works Management LLC was the only respondent to the RFP, that fact, in and of itself, was not the basis upon which the EUS determination is being made; and

**WHEREAS**, while Public Works Management LLC has been previously contractually retained by the City of Newark to provide similar or related services, the award of this contract is not being based on any intimate or specialized knowledge that Public Works Management LLC may have acquired as a result thereof; and

**WHEREAS**, the Local Public Contracts Law, as per N.J.S.A. 40A:11-5(1)(a), requires that notice of the award of contracts for EUS without public bidding be published and the contracts be made available for public inspection; and

**WHEREAS**, a competitive contracting process (RFP) having been utilized, this contract is being awarded pursuant to a fair and open process under New Jersey's Pay-to-Play Law, N.J.S.A. 19:44A-20.4 et seq.; and

**WHEREAS**, Public Works Management LLC has not made, and has agreed not to make during the term of the contract, any political contributions that would violate (1) New Jersey's Pay-to-Play Law, N.J.S.A. 19:44A-20.4 et seq., (2) the City of Newark's Executive Order Number MEO-07-0001 or (3) the City of Newark's Pay-to-Play Reform Ordinance.

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

1. The City of Newark hereby authorizes the Mayor and/or either of his designees, the Business Administrator or the Acting Director of the Department of Water and Sewer Utilities, to execute a contract with Public Works Management LLC, 35 Janeway Place, Morris Plains, New Jersey, 07950, for "Special Rate and Fee Structure Studies and Development and the Study of Intergovernmental Contract Implementation" services, for an amount not to exceed \$542,700.00, with services to be completed within 365 days of the date of the contract's execution, provided that any tasks to be completed under the contract must be reviewed and approved in writing by the City's Acting Director of the Department of Water and Sewer Utilities and the City's Business Administrator prior to Public Works Management LLC beginning the tasks, and said review shall include the impact the additional costs will have on the self-liquidation status of the City's Department of Water and Sewer Utilities.
2. Attached hereto are the following two (2) Certifications of Funds from the City of Newark's Director of Finance: \$41,567.00 from the Water Utility 2013 Temporary Budget, under Business Unit NW037, Department ID 750, Division 7501, Account 71280; and \$34,805.00 from the Sewer Utility 2013 Temporary Budget, under Business Unit NW038, Department ID 800, Division 8001, Account 71280. Funds for the balance of the contract amount (the balance in no event to exceed \$466,328, for a total contract amount not to exceed \$542,700.00) are contingent upon appropriation, and the contract shall be subject to the availability and appropriation of sufficient funds, in accordance with N.J.A.C. 5:30-5.5(c) and N.J.A.C. 5:30-5.5(d).
3. The Acting Director of the Department of Water and Sewer Utilities shall file the Certifications of Funds, the original resolution and the executed contract in the Office of the City Clerk, and said documents shall be made available for public inspection.
4. This contract is being awarded pursuant to a fair and open process under New Jersey's Pay-to-Play Law, N.J.S.A. 19:44A-20.4 et seq., and is in compliance with the City of Newark's Executive Order Number MEO-07-0001 and the City of Newark's Pay-to-Play Reform Ordinance.
5. This contract is being awarded without public bidding under the "Extraordinary Unspecifiable Services" exception, as set forth in N.J.S.A. 40A:11-5(1)(a)(ii), to the general requirement of public bidding found in New Jersey's Local Public Contracts Law.

6. The contract will contain language prohibiting the making of, or solicitation of, any contributions during the term of the contract that would violate New Jersey's Pay-to-Play Law, N.J.S.A. 19:44A-20.4 et seq.; the City of Newark's Executive Order Number MEO-07-0001; or the City of Newark's Pay-to-Play Reform Ordinance.
7. A notice of this action, as required by law, shall be published in the newspaper authorized to publish legal advertisements within ten (10) days of this resolution's passage.

#### STATEMENT

This resolution authorizes the Mayor and/or either of his designees, the Business Administrator or the Acting Director of the Department of Water and Sewer Utilities, to execute a contract with Public Works Management LLC, 35 Janeway Place, Morris Plains, New Jersey, 07950, to provide "Special Rate and Fee Structure Studies and Development and the Study of Intergovernmental Contract Implementation" services, for an amount not to exceed \$542,700.00, for a period of 365 days from the date of contract execution.