



Legislation Details (With Text)

**File #:** 20-1084      **Version:** 1      **Name:** Kleinfelder, Inc. - Amendment #1 to Process and Operational Improvements at the Pequannock Water Treatment Plant

**Type:** Resolution      **Status:** Adopted

**File created:** 9/2/2020      **In control:** Water Sewer Utility

**On agenda:** 3/17/2021      **Final action:** 3/17/2021

**Title:** Dept/ Agency: Water and Sewer Utilities  
Action: ( ) Ratifying (X) Authorizing (X) Amending  
Type of Service: Professional Services Contract  
Purpose: Amendment #1 to provide professional engineering services for Process/Operational Improvements at the Pequannock Water Treatment Plant.  
Entity Name: Kleinfelder, Inc.  
Entity Address: 550 West C Street, Suite 1200, San Diego, California 92101  
Contract Amount: Not to exceed \$1,311,710.00  
Funding Source: 2020 Budget/Department of Water and Sewer Utilities/NW037-750-7502-71280 B2020  
Contract Period: Until project completion pursuant to N.J.S.A. 40A:11-15(9)  
Contract Basis: ( ) Bid ( ) State Vendor (X) Prof. Ser. ( ) EUS  
(X) Fair & Open ( ) No Reportable Contributions ( ) RFP (X) RFQ  
( ) Private Sale ( ) Grant ( ) Sub-recipient ( ) n/a  
Additional Information:  
Original Resolution 7R12-a(S/AS) adopted on October 8, 2019, awarded the contract in an amount not to exceed \$1,212,050.00 for a period until project completion pursuant to N.J.S.A. 40A:11-15(9). Amendment #1 increases the contract amount by \$99,660.00 for a new total contract amount not to exceed \$1,311,710.00.

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
3/17/2021	1	Municipal Council	Adopt	Pass

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**WHEREAS**, Resolution 7R12-a(S/AS) adopted on October 8, 2019, authorized the Director of the Department of Water and Sewer Utilities, to enter and execute a contract with Kleinfelder, Inc., 550 West C Street, Suite 1200, San Diego, California 92101, to provide Professional Engineering Services for Process and Operational Improvements at the Pequannock Water Treatment Plant, in an amount not to exceed \$1,212,050.00, until project completion as per N.J.S.A. 40A:11-15(9); and

**WHEREAS**, the City of Newark, is currently in the process of conducting process and operational improvements at the Pequannock Water Treatment Plant with the managerial assistance of Kleinfelder, Inc. The project has expanded two (2) components: the electrical and instrumentation design of the central control system and the architectural design for control room and office space, which will be overseen by Kleinfelder, Inc.; and

**WHEREAS**, the Department of Water and Sewer Utilities wishes to execute an amendment with Kleinfelder, Inc., 550 West C Street, Suite 1200, San Diego, California 92101, to continue providing Professional Engineering Services for Process/Operational Improvements at the Pequannock Water Treatment Plant, until project completion per N.J.S.A. 40A:11-15(9). The amendment scope of services are detailed in the attached Kleinfelder letter dated July 16, 2020; 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**, 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 (1) 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 authorizes the Mayor and/or his designee, the Director of the Department of Water and Sewer Utilities, to enter into and execute an Amendment #1, with Kleinfelder, Inc., 550 West C Street, Suite 1200, San Diego, California 92101, to continue to provide Professional Engineering Services for Process and Operational Improvements at the Pequannock Water Treatment Plant, for an additional \$99,660.00, for a total contract amount

not to exceed \$1,311,710.00, until project completion per 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 \$99,660.00 for the purposes set forth herein, under the: 2020 Budget 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.
3. This contract was solicited and awarded pursuant to the Fair and Open Procedures in accordance with the State Pay-to-Play Law (N.J.S.A. 19:44A-20.5), and pursuant to the provisions of the Local Public Contracts Law.
4. The Director of the Department of Water and Sewer Utilities shall forthwith file a duly executed copy of this contract in the Office of the City Clerk.
5. Kleinfelder, Inc., has completed and submitted a Business Entity Disclosure Certificate, which shall be placed on file in the Office of the City Clerk 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 (1) year, and that the contract will prohibit Kleinfelder, Inc., from making any reportable contributions through the term of the contract
6. There shall be no amendment or change to the contract without approval by the Municipal Council.
7. There shall be no advance payments made against this contract in accordance with N.J.A.C. 40A:5-16.
8. 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 amends and authorizes the Mayor and/or his designee, the Director of the Department of Water and Sewer Utilities, to enter into and execute Amendment #1, with Kleinfelder, Inc., 550 West C Street, Suite 1200, San Diego, California 92101, to continue to provide Professional Engineering Services for Process and Operational Improvements at the Pequannock Water Treatment Plant, for an additional \$99,660.00, for a total contract amount not to exceed \$1,311,710.00, until project completion pursuant to N.J.S.A. 40A:11-15(9).