



## Legislation Details (With Text)

**File #:** 15-1208      **Version:** 1      **Name:** Construction Management - Broad St  
**Type:** Resolution      **Status:** Filed  
**File created:** 6/17/2015      **In control:** Engineering  
**On agenda:** 10/21/2015      **Final action:** 10/21/2015

**Title:** Dept/ Agency: Engineering  
Action: ( ) Ratifying (X) Authorizing ( ) Amending  
Type of Service: Professional Services Contract  
Purpose: Construction Management and Inspection Services  
Entity Name: KS Engineers, P.C.  
Entity Address: 494 Broad Street, 4th Floor, Newark, New Jersey 07102  
Contract Amount: \$157,736.00  
Funding Source: FHWA/NJDOT  
Contract Period: 365 consecutive calendar days from issue of a formal Notice to Proceed by the Director of the Department of Engineering  
Contract Basis: ( ) Bid ( ) State Vendor (X) Prof. Ser. ( ) EUS  
( ) Fair & Open ( ) No Reportable Contributions (X) RFP ( ) RFQ  
( ) Private Sale ( ) Grant ( ) Sub-recipient ( ) n/a  
**Addition Information:**  
Federal Highway Administration funds are procured and administered by the City in accordance with 49 CFR-Part 18- Uniform Administrative Requirements for Grants and Cooperative Agreements; to State and Local Government, and the City follows the competitive negotiation/qualification requirements defined by the Brooks Act 40 U.S.C.  
Invitation: Engineering Director

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
10/21/2015	1	Municipal Council	Adopt	Pass

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**Invitation:** Engineering Director

**WHEREAS**, the Division of Traffic and Signals, Department of Engineering, City of Newark, is in need of Construction Management and Inspection Services relating to the Broad Street and South Street, Broad Street and Tichenor Street/Lincoln Park Local Safety Program; and

**WHEREAS**, Federal Highway Administration (FHWA) provides opportunities for Local Agencies, such as City of Newark, to receive Federal Aid Highway Program (FAHP or federal aid) through New Jersey Department of Transportation (NJDOT) and North Jersey Transportation Planning Authority (NJTPA); and

**WHEREAS**, the City of Newark applied for grant funding to the North Jersey Transportation Planning Authority (NJTPA) from the FY 2013 Local Safety Program and the FY 2014 Local Safety Program; which applications were authorized and ratified and the grant awards accepted and ratified by Municipal Resolutions 7R4-A, adopted February 6, 2013 (Broad Street and South Street Pedestrian Safety Project) and 7R4-B, adopted October 29, 2013 (Broad Street and Tichenor Street/Lincoln Park and Dr. Martin Luther King, Jr. Boulevard and 7<sup>th</sup> Avenue/Crane Street Project) , respectively; and

**WHEREAS**, the City of Newark was notified on May 22, 2014 by the North Jersey Transportation Planning Authority (NJTPA) that the City of Newark was eligible to use Federal Highway Safety Improvement Program (HSIP) funds for construction management and inspection services for the Broad Street and South Street, and Broad Street and Tichenor Street/Lincoln Park, and Dr. Martin Luther King, Jr. Boulevard and 7<sup>th</sup> Avenue/Crane Street Projects; and

**WHEREAS**, "City of Newark, "Local Public Agency" which receives federal aid funds, are responsible for administering their projects and meeting all federal aid requirements; and

**WHEREAS**, all contracts for engineering and design services related to construction projects will comply with the requirements of 23 U.S.C. 112 and 23 CFR 172, which allows for competitive negotiations; and

**WHEREAS**, consultant services funded wholly or partially with FHWA funds are procured and administered by the City in accordance with 49 CFR-Part 18- Uniform Administrative Requirements for Grants and Cooperative Agreements; to State and Local Government, and the City follows the competitive negotiation/qualification requirements defined by the Brooks Act 40 U.S.C.; and

**WHEREAS**, applicable Federal laws and regulations do not permit any State or local requirements that limit competition except those related directly to the qualifications of consulting firms to perform the work in a competent and responsible manner; and

**WHEREAS**, the City of Newark, publicly advertised a Request for Proposal (RFP) on September 10, 2014, for the Broad Street and South Street, Broad Street and Tichenor Street/Lincoln Park Local Safety Program, Construction Management and Inspection Services; and

**WHEREAS**, on September 30, 2014, one (1) firm submitted their responses to the Request for Proposal (RFP); and

**WHEREAS**, the Department of Engineering accepts the one (1) proposal received from KS Engineers, P.C., 494 Broad Street, 4th Floor, Newark, New Jersey 07102, for the Broad Street and South Street, Broad Street and Tichenor Street/Lincoln Park Local Safety Program, Construction Management and Inspection Services, because their proposal was found to fulfill the requirements of the Request for Proposal (RFP) showed project understanding and meets all project team experience requirements; and

**WHEREAS**, the Director of the Department of Engineering desires to accept the proposal submitted by KS Engineers, P.C., 494 Broad Street, 4th Floor, Newark, New Jersey 07102, for the Broad Street and South Street, Broad Street and Tichenor Street/Lincoln Park Local Safety Program, Construction Management and Inspection Services, in the amount not to exceed \$157,736.00.

**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 Engineering are hereby authorized on behalf of the City of Newark to accept the technical proposal dated September 30, 2014 and, Cost Proposal dated September 30, 2014 and revised October 31, 2014 submitted by KS Engineers, P.C., 494 Broad Street, 4th Floor, Newark, New Jersey 07102, and execute Contract No. 03-2015PS, for the Broad Street and South Street, Broad Street and Tichenor Street/Lincoln Park Local Safety Program, Construction Management and Inspection Services, in the amount not to exceed \$157,736.00.
2. Attached hereto is a Certification of Funds issued by the Acting Chief Financial Officer, City of Newark, which states that there are available sufficient legally appropriated funds for the purpose set forth hereinabove. A copy of the Certification of Funds issued shall be filed in the Office of the City Clerk by the Director of the Department of Engineering.
3. No changes to this contract are allowed without prior Municipal Council approval.
4. A fully executed copy of the contract shall be filed in the Office of the City Clerk by the Director of the Department of Engineering and made available for inspection.
5. This contract is to be completed within a period of 365 consecutive calendar days from issue of a formal Notice to Proceed by the Director of the Department of Engineering. A copy of the Notice to Proceed shall be filed with the Office of the City Clerk.
6. Federal Highway Administration funds are procured and administered by the City in accordance with 49 CFR-Part 18- Uniform Administrative Requirements for Grants and Cooperative Agreements; to State and Local Government, and the City follows the competitive negotiation/qualification requirements defined by the Brooks Act 40 U.S.C.
7. There shall be no advance payments made against this contract in accordance with N.J.S.A 40A:5-16.

8. Funds for this contract in the amount of \$157,736.00 are provided as below:  
Fund 051, Dept. G14, Project E1450, Account 71280, Budget Year B2014.
  
9. A Notice of this action shall be published in the newspaper authorized by law to publish legal advertisements and as required by law within ten (10) days of adoption of this Resolution.

### **STATEMENT**

This resolution authorizes the Mayor and/or his designees, the Director of the Department of Engineering, on behalf of the City of Newark to accept the technical proposal dated September 30, 2014 and, Cost Proposal dated September 30, 2014 and revised October 31, 2014 submitted by KS Engineers, P.C., 494 Broad Street, 4th Floor, Newark, New Jersey 07102, and execute Contract No. 03-2015PS, for the Broad Street and South Street, Broad Street and Tichenor Street/Lincoln Park Local Safety Program, Construction Management and Inspection Services, in the amount not to exceed \$157,736.00.