



Legislation Details (With Text)

File #: 23-1892 **Version:** 1 **Name:** CDM Smith - Prof. Svc-As Needed Basis
Type: Resolution **Status:** Adopted
File created: 12/7/2023 **In control:** Water Sewer Utility
On agenda: 12/20/2023 **Final action:** 12/20/2023

Title: Dept/ Agency: Water and Sewer Utilities
Action: () Ratifying (X) Authorizing () Amending
Type of Service: Professional Services Contract
Purpose: To provide Professional Engineering Services on an As Needed Basis.
Entity Name: CDM Smith, Inc.
Entity Address: 110 Fieldcrest Avenue, #8, Edison, New Jersey 08837
Contract Amount: Not to exceed \$350,000.00
Funding Source: 2024 Budget/Department of Water and Sewer Utilities
Contract Period: January 1, 2024 through December 31, 2024, Project assignments may extend beyond December 31, 2024, as authorized by 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:

Sponsors:

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
12/20/2023	1	Municipal Council		

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Additional Information:

WHEREAS, the City of Newark, Department of Water and Sewer Utilities (“the City and/or the Department”), is in need of Professional Engineering Services on an As-Needed Basis; and

WHEREAS, Engineering Services are Professional Services, exempt from the requirement for public bidding, pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, on November 16, 2023, the Director caused to be published on the Department's website and the Newark Star Ledger, a Notice of Request For Qualifications (RFQ) for Professional Engineering Services on an As-Needed Basis; and

WHEREAS, thirty-eight (38) prospective Respondents obtained (RFQ) Packages from the Department; and

WHEREAS, on December 5, 2023, the Department received sealed responses from thirty-two (32) firms in response to the RFQ; and

WHEREAS, CDM Smith, Inc., 110 Fieldcrest Avenue, #8, Edison, New Jersey 08837 ("CDM Smith") submitted a response that was found to be in the best interest of the City to accept for Engineering Services on an As-Needed Basis; and

WHEREAS, the City desires to enter into a contract with CDM Smith to provide Professional Engineering Services on an As-Needed Basis, in an amount not to exceed Three Hundred Fifty Thousand Dollars and Zero Cents (\$350,000.00); and

WHEREAS, for each project assigned to CDM Smith under this contract, the Department shall file, with the City Clerk, a copy of the proposal, Notice to Proceed and, if applicable, a fully executed agreement; and

WHEREAS, Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) requires that notice of award of contracts for "Professional Services" without competitive bidding be published in a local newspaper; and

WHEREAS, this contract is for an amount over \$17,500.00 and is being awarded as a fair and open contract pursuant to N.J.S.A. 19:44A-20.5 and is in compliance with State Pay-to-Play Statute and the City's Pay-to-Play Ordinance, 2:4-22C.1.

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

1. The Mayor of the City of Newark and/or his designee, the Director of the Department of Water and Sewer Utilities, are authorized to enter into and execute a contract with, CDM Smith, Inc., 110 Fieldcrest Avenue, #8, Edison, New Jersey 08837 to provide Professional Engineering Services to the Department of Water and Sewer Utilities, on an As-Needed Basis, in an amount not to exceed Three Hundred Fifty Thousand Dollars and Zero Cents (\$350,000.00), for contract period commencing on January 1, 2024 and terminating December 31, 2024. Individual project assignments, when applicable, may be awarded by the Director for the length of time authorized and necessary for the completion of the actual construction pursuant to N.J.S.A. 40A:11-15(9.)
2. This is a contract which shall be awarded in one fiscal year although the date on which it properly takes effect falls in the next fiscal year. Accordingly, this contract is subject to the availability and appropriation of sufficient funds in the year in which it takes effect pursuant to N.J.A.C. 5:30-5.5(e). Funds for this contract in the amount not to exceed Three Hundred Fifty Thousand Dollars and Zero Cents (\$350,000.00) shall be provided from the City of Newark 2024 Budget, Department of Water and Sewer Utilities. Further, this is an open-end contract, thus, for expenditures against the contract, a Certification of Funds attesting to availability of sufficient

funds, as required by N.J.A.C. 5:30-5.5(b) shall be executed before a contractual liability is incurred.

3. For each individual project assignment awarded under this contract, the Director of the Department of Water and Sewer Utilities shall file with the City Clerk a copy of the Proposal, Notice to Proceed and fully executed Agreement, if applicable.
4. The Director of the Department of Water and Sewer Utilities shall file a duly executed copy of the contract in the Office of the City Clerk.
5. 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 the adoption of this Resolution.

STATEMENT

This Resolution authorizes the Mayor of the City of Newark and/or his designee, the Director of Water and Sewer Utilities, to enter into and execute a contract with, CDM Smith, Inc., 110 Fieldcrest Avenue, #8, Edison, New Jersey 08837 to provide the City of Newark, Department of Water and Sewer Utilities with Professional Engineering Services on an as-needed basis, in an amount not to exceed \$350,000.00, for a period of one (1) year commencing on January 1, 2024 through December 31, 2024. Project assignments may extend beyond December 31, 2024, as authorized by N.J.S.A. 40A:11-15(9).