



Legislation Details (With Text)

**File #:** 21-0004      **Version:** 1      **Name:** CDM Smith - Professional Engineering Services on an As Needed Basis (2021)

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

**File created:** 1/4/2021      **In control:** Water Sewer Utility

**On agenda:** 4/7/2021      **Final action:** 4/7/2021

**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, 6th Floor, Edison, New Jersey 08837  
 Contract Amount: Not to exceed \$250,000.00  
 Funding Source: 2021 Budget/Department of Water and Sewer Utilities Budget/037-750-7502-71240-B2021 and/or 038-800-8003-71240-B2021  
 Contract Period: One (1) year from the date of the issuance of a Notice to Proceed  
 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:  
 RFQ's Distributed: Eighteen (18)  
 Qualification Statements Received: Sixteen (16)

**Sponsors:**

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
4/7/2021	1	Municipal Council	Adopt	Pass

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**WHEREAS**, the City of Newark, Department of Water and Sewer Utilities, is in need of standby

Professional Engineering Services on an As-Needed Basis; and

**WHEREAS**, pursuant to the public bidding process of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., the City of Newark Department of Water and Sewer Utilities advertised a Request For Qualifications (RFQ) on October 19, 2020; and

**WHEREAS**, eighteen (18) prospective Respondents obtained Request for Qualifications (RFQ) Packages from the Department of Water and Sewer Utilities; and

**WHEREAS**, on November 4, 2020, the Department of Water and Sewer Utilities received sealed Statement of Qualifications from sixteen (16) firms for the Professional Engineering Services; and

**WHEREAS**, a qualification statement received from CDM Smith Inc., 110 Fieldcrest Avenue, #8, 6th Floor, Edison, New Jersey 08837, for Professional Engineering Services on an As-Needed Basis, was found to be in the best interest of the City of Newark to accept; and

**WHEREAS**, the City of Newark desires to enter into an agreement with CDM Smith Inc., 110 Fieldcrest Avenue, #8, 6th Floor, Edison, New Jersey 08837, to provide professional engineering services on an as-needed basis, in an amount not to exceed Two Hundred Fifty Thousand Dollars and Zero Cents (\$250,000.00); and

**WHEREAS**, for each project assigned to CDM Smith Inc. under this contract, the Department of Water and Sewer Utilities shall file a copy of the proposal, Notice to Proceed and fully executed agreement with the City Clerk; 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**, the award of this contract is necessary for the efficient operation of the City of Newark's Department of Water and Sewer Utilities and is in compliance with Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., and with the Fair and Open Process described in the New Jersey Local Unit Pay-to-Play Law, N.J.S.A. 19:44A-20.5, et seq.; and

**WHEREAS**, CDM Smith Inc., has completed and submitted a Business Entity Disclosure Certificate which certifies that CDM Smith 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 CDM Smith Inc., from making any reportable contributions through the term of the contract; and

**WHEREAS**, the Municipal Council adopted the Contractor Pay-to-Play Reform Ordinance, R. O. 2:4-22C, which forbids the award of a contract to a business entity, as defined therein, 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; candidate committees of the aforementioned candidates; and political and political party committees of the City of Newark or County of Essex.

**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 accept the qualification statement from CDM Smith Inc., and execute an agreement with CDM Smith Inc., 110 Fieldcrest Avenue, #8, 6th Floor, Edison, New Jersey 08837, to provide professional engineering services to the City of Newark, Department of Water and Sewer Utilities, on an as-needed basis, in an amount not to exceed Two Hundred Fifty Thousand Dollars and Zero Cents (\$250,000.00), for a period of one (1) year from issuance of Notice to Proceed.
2. This is an open-ended contract to be used as-needed during the term of the contract. Thus, for any and all expenditures against the contract, a Certification of Funds from Account Code Line 037-750-7502-71240-B2021 and/or 038-800-8003-71240-B2021, attesting to availability of sufficient funds, as required by and pursuant to N.J.A.C. 5:30-5.5(b), shall be executed before a contractual liability is incurred each time an order is placed covering the amount of the order. This contract shall not, in total, exceed Two Hundred Fifty Thousand Dollars and Zero Cents (\$250,000.00) for one (1) year.
3. For each project awarded to CDM Smith Inc. under this contract, the Director of the Department of Water and Sewer Utilities shall file a copy of the proposal, Notice to Proceed and fully executed agreement with the City Clerk.
4. It is the responsibility of the Director of the Department of Water and Sewer Utilities to ascertain the availability of sufficient funds before ordering professional engineering services; furthermore, the Director will provide the Municipal Council and the Business Administrator with appropriate monthly reports during the term of the contract.
5. There shall be no amendment or change to the contracts without prior approval by the Municipal Council.
6. There shall be no advance payments made against the contracts in accordance with *N.J.A.C. 40A:5-16*.
7. The Director of the Department of Water and Sewer Utilities shall forthwith file a duly executed copy of the contract in the Office of the City Clerk.
8. 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 advance type in a field of learning acquired by a prolonged formal course of specializing instruction and study, as distinguished from general academic instruction.
9. This contract is being awarded pursuant to the fair and open procedures of the State Pay-to-

Play Law (N.J.S.A. 40A:11-5(1)(a)(i)) and is in compliance with the City's Contractor Pay-to-Play Reform Ordinance, P.O. 2:4-22C.

### **STATEMENT**

This Resolution hereby authorizes the Mayor and/or his designee, the Director of Water and Sewer Utilities, to execute a contract with CDM Smith Inc., 110 Fieldcrest Avenue, #8, 6th Floor, 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 Two Hundred Fifty Thousand Dollars and Zero Cents (\$250,000.00), for a period of one (1) year from issuance of Notice to Proceed.