



Legislation Details (With Text)

File #: 19-0042 **Version:** 1 **Name:** Michael Baker - Amendment #1 to Professional Engineering Services on an as needed basis

Type: Resolution **Status:** Adopted

File created: 1/9/2019 **In control:** Water Sewer Utility

On agenda: 4/17/2019 **Final action:** 4/17/2019

Title: Dept/ Agency: Water and Sewer Utilities
 Action: Ratifying Authorizing Amending
 Type of Service: Professional Services Contract
 Purpose: 1st Amendment to Professional Engineering Services Contract on an As-Needed Basis
 Entity Name: Michael Baker International, Inc.
 Entity Address: 100 Airside Drive, Moon Township, Pennsylvania 15108
 Contract Amount: Not to exceed \$100,000.00
 Funding Source: 2017 Budget/Department of Water and Sewer Utilities
 Contract Period: Extending the contract term from June 30, 2018 through June 30, 2019
 Contract Basis: Bid State Vendor Prof. Ser. EUS
 Fair & Open No Reportable Contributions RFP RFQ
 Private Sale Grant Sub-recipient n/a
 Additional Information:
 Original Resolution 7R12-a (S/AS) adopted on January 30, 2018, awarded the contract in an amount not to exceed \$100,000.00.
 The 1st Amendment will extend the term of the contract through June 30, 2019.

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
4/17/2019	1	Municipal Council	Adopt	Pass

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Additional Information:
 Original Resolution 7R12-a (S/AS) adopted on January 30, 2018, awarded the contract in an amount not to exceed \$100,000.00.
 The 1st Amendment will extend the term of the contract through June 30, 2019.

WHEREAS, Resolution 7R12-a (S/AS) January 30, 2018, authorized the Director of the

Department of Water and Sewer Utilities to execute and award contracts for Professional Engineering Services on an As-Needed Basis to twelve (12) vendors; and

WHEREAS, the Department of Water and Sewer Utilities (“Department”) awarded a contract to one of the twelve vendors, Michael Baker International, Inc., 100 Airside Drive, Moon Township, Pennsylvania 15108 (“Michael Baker”), to provide Professional Engineering Services on an As-Needed Basis for the contract amount of One Hundred Thousand Dollars and Zero Cents (\$100,000.00); and

WHEREAS, the Department has been made aware that there are various encroachments on the boundaries of City’s Pequannock Watershed property; and

WHEREAS, the Department needed Professional Engineering Services to efficiently and effectively carry out the City of Newark’s Watershed Encroachment Property Study; and

WHEREAS, the Watershed Encroachment Property Study (“the Project”) utilizes Unmanned Aerial Systems (UAS), Real-time Kinematic (RTK) GPS, and Geographic Information System (GIS) to produce high-resolution, georeferenced aerial image mosaics that can be used in conjunction with field-collected property boundary data to identify encroachments from adjacent private properties into the City’s watershed property boundary; and

WHEREAS, UAS Flights and GIS field survey must be conducted in the winter/spring of 2019 during “leaf-off” conditions to increase the capture of ground conditions along watershed boundaries; and

WHEREAS, the requested increase in contract time to June 30, 2019 is deemed reasonable and necessary for the Professional Engineering Services being performed; and

WHEREAS, on January 25, 2019, the Department issued a Notice to Proceed to Michael Baker to commence work on the Project; and

WHEREAS, the Department wishes to enter into a First Amendment to the Contract with Michael Baker (“Amendment Number 1”) to extend the term of the contract to t

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, the contract was awarded pursuant to fair and open procedures of the State Pay-to-Play Law, N.J.S.A. 19:44A-20.5 and pursuant to the provisions of Local Public Contract Law, N.J.S.A. 40A:11-5(1)(a)(i); 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 hereby authorizes the Mayor and/or his designee, the Acting Director of the Department of Water and Sewer Utilities, to enter into a First Amendment to the contract ("Amendment Number 1") with Michael Baker International, Inc., 100 Airside Drive, Moon Township, Pennsylvania 15108, to provide Professional Engineering Services to efficiently and effectively carry out the City of Newark's Watershed Encroachment Property Study, for an amount not to exceed \$100,000.00, for an additional contract term to June 30, 2019.
2. The Municipal Council hereby ratifies Amendment Number 1 from the date of the Notice to Proceed to the date of the adoption of this resolution.
3. All other terms and conditions of the contract shall remain the same
4. 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 Contract 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 advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study, as distinguished from general academic instruction.
5. The Acting Director of the Department of Water and Sewer Utilities shall file a copy of the fully executed Amendment Number 1 in the Office of the City Clerk, and the same shall be made available for public inspection

STATEMENT

This resolution ratifies, amends and authorizes the Mayor and/or his designee, the Acting Director of the Department of Water and Sewer Utilities, to enter into a First Amendment to the contract with Michael Baker International, Inc., 100 Airside Drive, Moon Township, Pennsylvania 15108, to provide Professional Engineering Services, namely to efficiently and effectively carry out the City's Watershed Encroachment Property Study, and extend the term of the contract until June 30, 2019, for an amount not to exceed \$100,000.00.