



Legislation Details (With Text)

File #: 21-0484 **Version:** 1 **Name:** Resolution: Arcadis - Amendment #1 to Feasibility Assessment of Joint Distribution System Water Storage project
Type: Resolution **Status:** Adopted
File created: 4/5/2021 **In control:** Water Sewer Utility
On agenda: 1/20/2022 **Final action:** 1/20/2022

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 Feasibility Assessment of a Joint Distribution System Water Storage Project.
Entity Name: Arcadis U.S., Inc.
Entity Address: 630 Plaza Drive, Suite 200, Highlands Ranch, Colorado 80129
Contract Amount: Not to exceed \$595,265.00
Funding Source: 2021 Budget/Department of Water and Sewer Utilities/ Business Unit NW037, Department 759, Division/Project 7502, Account No. 71240, Budget Ref: B2021
Contract Period: Extended until March 31, 2022
Contract Basis: () Bid () State Vendor (X) Prof. Ser. () EUS
(X) Fair & Open () No Reportable Contributions (X) RFP () RFQ
() Private Sale () Grant () Sub-recipient () n/a
Additional Information:
Original Resolution 7R12-a(S) adopted on July 18, 2018, awarded a contract in an amount not to exceed \$492,765.00 for a period of one (1) year from the date of the issuance of a Notice to Proceed.

The Passaic Valley Water Commission will fund \$246,382.50.

The City of Newark will fund \$246,382.50 for a total contract amount not to exceed \$492,765.00.

Amendment #1 increases the contract amount by \$102,500.00, for a new total contract amount not to exceed \$595,265.00 and will extend the contract period until March 31, 2022.

The Passaic Valley Water Commission will fund \$297,632.50.

The City of Newark will fund \$297,632.50 for a total contract amount not to exceed \$595,265.00.

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
1/20/2022	1	Municipal Council	Adopt	Pass

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WHEREAS, Resolution 7R12-a(S) adopted on July 18, 2018, authorized the City of Newark's Department of Water and Sewer Utilities (the "City") and the Passaic Valley Water Commission (PVWC), to enter and execute a contract with Arcadis U.S., Inc., 630 Plaza Drive, Suite 200, Highlands Ranch, Colorado 80129, to provide professional engineering services for Feasibility Assessment of a Joint Distribution System Water Storage Project, in an amount not to exceed Four Hundred Ninety-Two Thousand Seven Hundred Sixty-Five Dollars and Zero Cents (\$492,765.00), of which the City will fund Two Hundred Forty-Six Thousand Three Hundred Eighty-Two Dollars and Fifty Cents (\$246,382.50), for a contract period of one (1) year from the date of the issuance of a Notice to Proceed; and

WHEREAS, the City and PVWC, are currently in the process of conducting a feasibility assessment of a joint distribution water storage project with the managerial assistance of Arcadis U.S., Inc. The Project has expanded due to additional work requested and data provided by the City and PVWC, which will be overseen by Arcadis U.S., Inc.; and

WHEREAS, the Department of Water and Sewer Utilities wishes to execute an amendment with Arcadis U.S., Inc., 630 Plaza Drive, Suite 200, Highlands Ranch, Colorado 80129, to continue providing professional engineering services for Feasibility Assessment of a Joint Distribution System Water Storage Project, and extend the contract period until March 31, 2022. The amendment scope of services are detailed in the attached Arcadis letter dated March 26, 2021; 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, Arcadis U.S., Inc., has completed and submitted a Business Entity Disclosure Certificate, which certifies that Arcadis U.S., 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 Arcadis U.S., 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 of the City of Newark and/or his designee, the Director of the Department of Water and Sewer Utilities, to enter into and execute an Amendment #1, with Arcadis U.S., Inc., 630 Plaza Drive, Suite 200, Highlands Ranch, Colorado 80129, to continue to provide Professional Engineering Services for Feasibility Assessment of a Joint Distribution System Water Storage Project, for an additional One Hundred Two Thousand Five Hundred Dollars and Zero Cents (\$102,500.00), of which the City will fund Fifty-One Thousand Two Hundred Fifty Dollars and Zero Cents (\$51,250.00), for a total contract amount not to exceed Five Hundred Ninety-Five Dollars Two Hundred Sixty-Five Dollars and Zero Cents (\$595,265.00), of which the City will fund Two Hundred Ninety-Seven Thousand Six Hundred Thirty-Two Dollars and Fifty Cents (\$297,632.50), and extend the contract period until March 31, 2022.
2. Pursuant to N.J.A.C. 5:30-5.5, attached hereto is a partial certification of funds issued by the Director of the Department of Finance, which states that funds in the amount of Twenty-Five Thousand Dollars and Zero Cents (\$25,000.00), are available in the 2021 Department of Water and Sewer Utilities Budget under Business Unit NW037, Department 750, Division/Project 7502, Account #71240, Budget Ref: B2021. The certification shall be filed along with the original Resolution in the Office of the City Clerk. The remainder of the funding for the contract will be subject to appropriation in the 2022 Budget and included in a line item for the award of this contract and said funds will be certified prior to services being provided by the contractor. There will be no expenditure of funds authorized until a Certification of Funds is obtained and a copy filed with 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 file an executed copy of this contract in the Office of the City Clerk.
5. Arcadis U.S., 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 Arcadis U.S., 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 Arcadis U.S., 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 of the City of Newark and/or his designee, the Director of the Department of Water and Sewer Utilities, to enter into and execute Amendment #1, with Arcadis U.S., Inc., 630 Plaza Drive, Suite 200, Highlands Ranch, Colorado 80129, to continue to provide Professional Engineering Services for Feasibility Assessment of a Joint Distribution System Water Storage Project, for an additional \$102,500.00, of which the City will fund \$51,250.00, for a total contract amount not to exceed \$595,265.00, of which the City will fund \$297,632.50, and extend the contract period until March 31, 2022.