



Legislation Details (With Text)

**File #:** 12-1097      **Version:** 1      **Name:** \$53,793.81 Birdsall Enviro 5 locations 16 Sale Lease Back  
**Type:** Resolution      **Status:** Filed  
**File created:** 5/7/2012      **In control:** Engineering  
**On agenda:** 8/1/2012      **Final action:** 8/1/2012

**Title:** Dept/ Agency: Engineering  
Action: ( ) Ratifying (X) Authorizing ( ) Amending  
Type of Service: Professional Services Contract  
Purpose: Environmental Professional Services by LSRP for Remediation - Renovations and Improvements to Sale-Lease Back Public Buildings for five (5) locations in the City of Newark  
Entity Name: Birdsall Services Group, Inc.  
Entity Address: 550 Broad Street, 11th Floor, Newark, New Jersey 07102  
Contract Amount: \$53,793.81  
Funding Source: Essex County Improvement Authority ("ECIA")  
Contract Period: One year (1) from the issuance of a Notice to Proceed  
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  
Addition Information:  
Contract #05-2012PS

**Sponsors:**

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
8/1/2012	1	Municipal Council	Adopt	Pass

**Dept/ Agency:** Engineering  
**Action:** ( ) Ratifying (X) Authorizing ( ) Amending  
**Type of Service:** Professional Services Contract  
**Purpose:** Environmental Professional Services by LSRP for Remediation - Renovations and Improvements to Sale-Lease Back Public Buildings for five (5) locations in the City of Newark  
**Entity Name:** Birdsall Services Group, Inc.  
**Entity Address:** 550 Broad Street, 11<sup>th</sup> Floor, Newark, New Jersey 07102  
**Contract Amount:** \$53,793.81  
**Funding Source:** Essex County Improvement Authority ("ECIA")  
**Contract Period:** One year (1) from the issuance of a Notice to Proceed  
**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  
**Addition Information:**  
Contract #05-2012PS

**WHEREAS,** the Department of Engineering is in need of Environmental Professional Services by a Licensed Site Remediation Professional ("LSRP") relating to the planned renovation to sixteen (16) buildings, formally owned by the City of Newark, subsequently sold to the Essex County

Improvement Authority (“ECIA”) and leased back to the City of Newark (hereinafter, the “Sale-Lease Back Project”); and

**WHEREAS**, the services of engineers and architects are professional services and are exempt from the requirements for public bidding pursuant to the Local Public Contracts Law, more specifically, N.J.S.A. 40A:11-5(1)(a)(i); and

**WHEREAS**, the environmental services phase of the Sale-Lease Back Project was divided by the Department of Engineering into three (3) groups of buildings at separate addresses; and

**WHEREAS**, Group #2 was composed of the following locations:

360 Clinton Avenue  
345 South 9<sup>th</sup> Street  
714 Mount Prospect Avenue  
395-399 Avon Avenue  
10-90 17<sup>th</sup> Avenue

**WHEREAS**, on February 27, 2012, the Department of Engineering advertised for the receipt of responses to a Request for Qualifications/Request for Proposals (“RFQ/RFP”), from qualified engineers and/or architects to provide those professional services; more specifically, environmental services by Licensed Site Remediation Professionals ; and

**WHEREAS**, twenty-one (21) firms picked-up the RFQ/RFP Packages; and

**WHEREAS**, on or about March 13, 2012 six (6) firms and individuals submitted qualification statements and bid proposal amounts, which were reviewed and evaluated by a Technical Review Team, which qualified of the individuals and firms to participate in interview process; and

**WHEREAS**, the consultants/firms were invited to visit and inspected the buildings on February 27 through March 13, 2012; and

**WHEREAS**, the Department of Engineering invited the qualified individuals and firms to submit revised bid proposal amounts; and

**WHEREAS**, three (3) firms submitted revised proposal amounts; and

**WHEREAS**, it was the recommendation of the Technical Review Team that Birdsall Services Group, Inc., 550 Broad Street, 11<sup>th</sup> Floor, Newark, New Jersey 07102, was the most qualified individual or firm to perform the professional services, price and other factors considered for Providing Environmental Services for the five (5) locations in Group #2:

360 Clinton Avenue  
345 South 9<sup>th</sup> Street  
714 Mount Prospect Avenue  
395-399 Avon Avenue  
10-90 17<sup>th</sup> Avenue

; and

**WHEREAS**, the Director of Engineering hereby recommends to the Municipal Council that a contract for Environmental Professional Services be awarded to Birdsall Services Group, Inc., 550 Broad Street, 11<sup>th</sup> Floor, Newark, NJ 07102, for a term of one year from the issuance of a formal Notice to Proceed for the Group 2 locations for a total amount not to exceed \$53,793.81; and

**WHEREAS**, the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(i), requires that notice of the award of a professional services contract must be published in a newspaper; and

**WHEREAS**, the award of this contract through an RFQ/RFP process, constitutes a fair and open process pursuant to the Local Unit Pay-to-Play Law, N.J.S.A. 19:44A-10.5 et seq.; and

**WHEREAS**, the Mayor of the City of Newark signed into law Executive Order Number MEO-07-0001, which requires reporting of political contributions to Newark Municipal Candidates and prohibits political contributions during the duration of the contract for any contract not publicly bid.

**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, is hereby authorized on behalf of the City of Newark to execute a professional services (Contract
2. #05-2012PS) for Environmental Professional Services for five (5) locations (Group #2) in the City of Newark, New Jersey, with Birdsall Services Group, Inc., 550 Broad Street, 11<sup>th</sup> Floor, Newark, New Jersey 07102, for a total amount not to exceed \$53,793.81.
3. Birdsall Services Group Inc. has completed and submitted a City of Newark Political Contribution Disclosure From which certifies that, the Business Entity has not made any prohibited contributions to a political or candidate committee in the City of Newark in the previous one year, and that the contract will prohibit the Business Entity from making or soliciting any contributions through the term of the contract.
4. The term of this contract shall be one (1) year from the date of issuance of a formal "Notice to Proceed by the Director of Engineering.
5. No changes to this contract shall be allowed or authorized without prior Municipal Council approval.
6. There shall be no advance payments made against this contract in accordance with N.J.S.A. 40A:5-16.
7. A fully executed copy of the contract shall be filed in the Office of the City Clerk by the Director of Engineering.
8. This contract is awarded in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. and pursuant to a fair and open process in accordance with the Local Unit Pay-to-Play Law, N.J.S.A. 19:44A-20.5 and in compliance with the Mayor's

Executive Order on Pay-to-Play Reform (MEO-07-0001).

9. A copy of this action shall be printed in a local newspaper as required by law.
10. There is no need for City of Newark funding for this project.
11. Funds for this contract in the amount of \$53,793.81 shall be provided by the Essex County Improvement Authority ("ECIA") through the Bank of New York Mellon and payments made for this project shall be monitored by the City of Newark, Department of Finance.

### **STATEMENT**

This resolution authorizes the Mayor and/or his designee, the Director of the Department of Engineering, on behalf of the City of Newark, to accept the proposal and to execute Contract #05-2012PS for Environmental Services for five (5) locations (Group #2) in the City of Newark, New Jersey with Birdsall Services Group, Inc., 550 Broad Street, 11<sup>th</sup> Floor, Newark, New Jersey 07102, for a total amount not to exceed \$53,793.81. The term of this contract shall be one (1) year from the issuance of a formal "Notice to Proceed" by the Director of Engineering.