



# City of Newark

City Hall  
920 Mayor Kenneth A.  
Gibson Boulevard  
Newark, New Jersey 07102

## Legislation Details (With Text)

**File #:** 19-0514      **Version:** 1      **Name:** CDM Smith, Inc. - Professional Engineering Services on an as Needed Basis (2019)  
**Type:** Resolution      **Status:** Adopted  
**File created:** 3/20/2019      **In control:** Water Sewer Utility  
**On agenda:** 11/18/2019      **Final action:** 11/18/2019

**Title:** Dept/ Agency: Water and Sewer Utilities  
Action: ☐ Ratifying ☒ 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 \$150,000.00  
Funding Source: 2019 Budget/Department of Water and Sewer Utilities  
Contract Period: One (1) year from the date of Municipal Council approval  
Contract Basis: ☐ Bid ☐ State Vendor ☒ Prof. Ser. ☐ EUS  
☒ Fair & Open ☐ No Reportable Contributions ☐ RFP ☒ RFQ  
☐ Private Sale ☐ Grant ☐ Sub-recipient ☐ N/A  
Additional Information:  
RFQ's Distributed: Sixteen (16)  
Qualification Statements Received: Twelve (12)

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| Date       | Ver. | Action By         | Action | Result |
|------------|------|-------------------|--------|--------|
| 11/18/2019 | 1    | Municipal Council | Adopt  | Pass   |

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**WHEREAS**, the City of Newark, Department of Water and Sewer Utilities, is in need of stand-by 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 November 2, 2018; and

**WHEREAS**, Sixteen (16) prospective respondents obtained Request For Qualifications (RFQ) Packages from the Department of Water and Sewer Utilities; and

**WHEREAS**, on November 29, 2018, the Department of Water and Sewer Utilities received sealed Statement of Qualifications from twelve (12) firms for the Professional Engineering Services; and

**WHEREAS**, a Qualification Statement received from CDM Smith, Inc., 110 Fieldcrest Avenue, #8, 6<sup>th</sup> Floor, Edison, New Jersey 08837, for 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, 6<sup>th</sup> Floor, Edison, New Jersey 08837, to provide Professional Engineering Services on an As-Needed Basis, in an amount not to exceed \$150,000.00, was found in the best interest for the City of Newark to accept; and

**WHEREAS**, for each project assigned to CDM Smith 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 a 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 Acting 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, 6<sup>th</sup> 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 \$150,000.00, for a period of one (1) year from the date that the contract is authorized by the Newark Municipal Council.

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 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 \$150,000.00 for one (1) year.
3. For each project awarded to CDM Smith under this contract, the Acting 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 Acting Director of the Department of Water and Sewer Utilities to ascertain the availability of sufficient funds before ordering professional engineering services; furthermore, the Acting 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 this contract without prior approval by the Municipal Council.
6. There shall be no advance payments made against this contract in accordance with *N.J.A.C. 40A:5-16*.
7. The Acting 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 Acting Director of Water and Sewer Utilities, to execute a contract with CDM Smith, Inc., 110 Fieldcrest Avenue, #8 6<sup>th</sup> 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 \$150,000.00, for a period of one (1) year from the date that the contract is authorized by the Newark

Municipal Council.