



Legislation Details (With Text)

**File #:** 23-0850      **Version:** 1      **Name:** HDR - flooding investigation in the City of Newark areas off Ivy Hill Park, Woodbine Avenue and Seton Hall University.  
**Type:** Resolution      **Status:** Adopted  
**File created:** 5/25/2023      **In control:** Water Sewer Utility  
**On agenda:** 6/7/2023      **Final action:** 6/7/2023

**Title:** Dept/ Agency: Water and Sewer Utilities  
Action: ( ) Ratifying (X) Authorizing ( ) Amending  
Type of Service: Professional Services Contract  
Purpose: To provide flooding investigation in the City of Newark areas off Ivy Hill Park, Woodbine Avenue and Seton Hall University.  
Entity Name: HDR Engineering, Inc.  
Entity Address: One Riverfront Plaza, 14th Floor, Newark, New Jersey 07102  
Contract Amount: Not to exceed \$253,500.00  
Funding Source: 2023 Budget/Department of Water and Sewer Utilities/Business Unit: NW038, Dept.: 800, Div./Proj. 8003, Account #71240, Budget Ref.: B2023  
Contract Period: Commencing upon the date of the issuance of a written Notice to Proceed and terminates upon project completion, pursuant to N.J.S.A. 40A:11-5(9), which is estimated to be twenty-eight (28) weeks  
Contract Basis: ( ) Bid ( ) State Vendor (X) Prof. Ser. ( ) EUS  
( ) Fair & Open (X) No Reportable Contributions ( ) RFP ( ) RFQ  
( ) Private Sale ( ) Grant ( ) Sub-recipient ( ) n/a  
Additional Information:

**Sponsors:**

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
6/7/2023	1	Municipal Council	Adopt	Pass

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**Additional Information:**

**WHEREAS**, the City Newark’s Department of Water and Sewer Utilities (the Department), requires professional engineering services for flooding investigation in the City of Newark areas off Ivy Hill Park, Woodbine Avenue and Seton Hall University; and

**WHEREAS**, a proposal was received by the Department from HDR Engineering, Inc. outlining a scope of work and budget estimate to provide Flooding investigation in the City of Newark areas off Ivy Hill Park, Woodbine Avenue and Seton Hall University; and

**WHEREAS**, the Department wishes to execute Professional Engineering Services Contract with HDR Engineering, Inc., One Riverfront Plaza, 14<sup>th</sup> Floor, Newark, New Jersey 07102, to provide flooding investigation in the City of Newark areas off Ivy Hill Park, Woodbine Avenue and Seton Hall University, for a contract amount not to exceed \$253,500.00 for a period from the issuance of Notice to Proceed through the completion of construction pursuant to N.J.S.A. 40(A) 11-15(9); 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**, 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; and

**WHEREAS**, this contract is for an amount over \$17,500.00 and is being awarded as a Non-Fair and Open Contract, pursuant to N.J.S.A. 19:44A-20.5; and

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

**WHEREAS**, the award is in compliance with Ordinance 2:4-22C.1, which adopted the State of New Jersey’s Pay-to-Play statutory requirements, pursuant to N.J.S.A. 19:44A-20.5, as may be amended and supplemented, governing eligibility for municipal contracts.

**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 Water and Sewer Utilities, are authorized to accept the proposal from HDR Engineering, Inc., and execute an agreement with HDR Engineering, Inc., One Riverfront Plaza, 14<sup>th</sup> Floor, Newark, New Jersey 07102, to provide Professional Engineering Services for flooding mitigation investigation and development of a basis of design report for the City of Newark in various locations, for a total contract amount not to exceed \$253,500.00, for a period from the issuance of Notice to Proceed through the completion of construction pursuant to N.J.S.A. 40(A) 11-15(9) which is estimated to be Twenty Eight (28) weeks.
2. Pursuant to N.J.A.C. 5:30-5.5(a), Temporary Budget, attached hereto is a partial Certification

of Funds issued by the Director of the Department of Finance, which state that there are available sufficient legally appropriated funds in the amount of \$5,000.00 for the purposes set forth herein, under NW038-800-A-71240-B2023. The certification shall be filed along with the original resolution in the Office of the City Clerk. The remainder of the funding for this contract will be subject to appropriation in the 2023 Budget and funds will be certified prior to services being provided by the contractor.

3. The Director of the Department of Water and Sewer Utilities shall file a duly executed copy of the contract, Determination of Value and Business Entity Disclosure Certification in the Office of the City Clerk.
4. HDR Engineering, 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 HDR Engineering, 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 HDR Engineering, Inc., from making any reportable contributions through the term of the contract
5. There shall be no amendment or change to the contract without 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. 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 authorizes the Mayor and/or his designee, the Director of the Department of Water and Sewer Utilities, to accept the proposal from HDR Engineering, Inc., One Riverfront Plaza, 14<sup>th</sup> Floor, Newark, New Jersey 07102, to provide Professional Engineering Services to provide flooding investigation in the City of Newark areas off Ivy Hill Park, Woodbine Avenue and Seton Hall University, for a total contract amount not to exceed of \$253,500.00, the term of the contract shall commence upon the issuance of a written Notice to Proceed and terminates upon project completion pursuant to N.J.S.A. 40A:11-5(9), which is estimated to be twenty-eight (28) weeks.