



Legislation Details (With Text)

**File #:** 24-0410      **Version:** 1      **Name:** 1st Extension: E2023-13 Clinton Reservoir Dam Repairs  
**Type:** Resolution      **Status:** Adopted  
**File created:** 3/14/2024      **In control:** Administration  
**On agenda:** 4/20/2024      **Final action:** 4/10/2024

**Title:** Dept/ Agency: Administration/Division of Central Purchasing  
Action: (X) Ratifying (X) Authorizing (X) Amending  
Type of Service: Extension of Emergency Contract #E2023-13  
Purpose: To provide for the extension of the contract period of the Emergency Contract #E2023-13 to provide repairs at the Clinton Reservoir Dam - Downstream Spillway Discharge Channel.  
Entity Name: Hutton Construction, LLC  
Entity Address: 41 Village Park Road, Cedar Grove, New Jersey 07009  
Contract Amount: \$0.00  
Funding Source: 2023 Budget/Department of Water and Sewer Utilities/NW041-16W-94710-B22016  
Contract Period: Extended an additional six (6) months, from March 1 2024 through August 31, 2024  
Contract Basis: ( ) Bid ( ) State Vendor ( ) Prof. Ser. ( ) EUS  
( ) Fair & Open ( ) No Reportable Contributions ( ) RFP ( ) RFQ  
( ) Private Sale ( ) Grant ( ) Sub-recipient (x) n/a  
Additional Information:  
Contract #2023-13 was awarded to Hutton Construction, LLC, in an amount not exceeding \$367,419.00 for the period of December 1, 2023, through February 29, 2024, for the Department of Water and Sewer Utilities.

This Resolution provides for a 1st extension and amendment of Emergency Contract #E2023-13 extending the contract period through August 31, 2024 with no increase to the contract amount. All other terms of the original Emergency Declaration will remain the same.

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

| Date      | Ver. | Action By         | Action | Result |
|-----------|------|-------------------|--------|--------|
| 4/10/2024 | 1    | Municipal Council |        |        |

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This Resolution provides for a 1<sup>st</sup> extension and amendment of Emergency Contract #E2023-13 extending the contract period through August 31, 2024 with no increase to the contract amount. All other terms of the original Emergency Declaration will remain the same.

**WHEREAS**, on November 6, 2023, the Dam Inspector, GZA Geo Environmental, Inc. , informed the Department of Water and Sewer Utilities (“the Department”) of the need for immediate repairs to the concrete sill downstream of the spillway at the Clinton Reservoir Dam; and

**WHEREAS**, as a result of that letter, the Director of the Department requested a declaration of emergency for the repairs; and

**WHEREAS**, on December 1, 2023, pursuant to N.J.S.A. 40A:11-6 and N.J.A.C. 5:34-6.1(a), the Qualified Purchasing Agent, QPA, approved the aforementioned request and the Department of Water and Sewer Utilities entered into Emergency Contract #E2023-13 with Hutton Construction, LLC, 41 Village Park Road, Cedar Grove, New Jersey 07009 (“Hutton Construction”) for a period of December 1, 2023 through February 29, 2024, with an amount not to exceed Three Hundred Sixty-Seven Thousand Four Hundred Nineteen Dollars and Zero Cents (\$367,419.00). A copy of said Emergency Contract #2023-13 is attached hereto and made a part hereof; and

**WHEREAS**, due to the recent extreme weather conditions at the City of Newark’s Watershed, the Department is requesting an extension for the repairs to the Clinton Reservoir Dam downstream spillway; and

**WHEREAS**, N.J.S.A. 40A:11-6 provides that Emergency Contacts may be entered into when an emergency affecting public health, safety, or welfare requires the immediate delivery of goods or the performance of service; and

**WHEREAS**, the Department desires to amend and extend Emergency Contract #E2023-13 for the period commencing March 1, 2024 through August 31, 2024; and

**WHEREAS**, N.J.A.C. 5:34-6.1(a)(3) provides that the emergency purchasing procedure may be used when the need for such goods or services has arisen notwithstanding a good faith effort on the part of a municipality to plan for the purchase of any goods or services required by the municipality; and

**WHEREAS**, it is a matter of public health, safety, and welfare that the above-described emergency contract be extended because the existing conditions at the Clinton Reservoir Dam, if not addressed, present a danger to the residents of West Milford. Also, this will protect the health, safety, and welfare of city residents and water customers and will provide a safe and potable water source; and

**WHEREAS**, City Ordinance 6PSF-e adopted on April 6, 2011, Article 2:5-13.2 (E)(1)(b)(c) limits the period of Emergency Contracts to ninety (90) days and no extensions of Emergency

Contracts shall be permitted without authorization by the Municipal Council by Resolution; and

**WHEREAS**, the Municipal Council has the exclusive authority to extend an emergency; and

**WHEREAS**, the Department of Administration now seeks authorization by the Municipal Council to amend and extend the time period of the emergency to continue repairs until August 31, 2024.

**NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:**

1. The Mayor and/or his designees, the Business Administrator, and/or Interim Qualified Purchasing Agent, QPA, are authorized to execute an extension of Emergency Contract #E2023-13 with Hutton Construction, LLC, 41 Village Park Road, Cedar Grove, New Jersey 07009 to continue to provide repairs at the Clinton Reservoir Dam - Downstream Spillway Discharge Channel from March 1, 2024 through August 31, 2024.
2. The extension of Emergency Contract #E2023-13 is ratified from March 1, 2024 to the date of adoption of this authorizing Resolution until August 31, 2024.
3. Funds are available in the Department of Water and Sewer Utilities budget and will be charged to NW041-16W-94710-B22016.
4. The Interim Qualified Purchasing Agent for the City of Newark has filed a copy of Emergency Contract #E2023-13, attached, with the Office of the City Clerk.
5. If required by State Law, the City Clerk shall provide the appropriate notice of the award of the contract to the State Comptroller no later than twenty (20) business days following such award, in accordance with N.J.S.A. 52:15C-10 and the Notice of the Office of the State Comptroller dated May 7, 2008.

### **STATEMENT**

This Resolution amends and authorizes the Mayor and/or his designees, the Business Administrator and/or the Interim Qualified Purchasing Agent, QPA, to extend Emergency Contract #2023-13 with Hutton Construction, LLC, 41 Village Park Road, Cedar Grove, New Jersey 07009 to provide emergency repairs at the Clinton Reservoir Dam - Downstream Spillway Discharge Channel for a contract amount of Three Hundred Sixty-Seven Thousand Four Hundred Nineteen Dollars and Zero Cents (\$367,419.00) from March 1, 2024, through August 31, 2024.