



## Legislation Details (With Text)

**File #:** 22-0344      **Version:** 1      **Name:** Resolution: Pennoni Associates, Inc., - Construction Management and Inspection Services:  
**Type:** Resolution      **Status:** Adopted  
**File created:** 3/11/2022      **In control:** Engineering  
**On agenda:** 9/8/2022      **Final action:** 9/8/2022

**Title:** Dept/ Agency: Engineering  
Action: ( ) Ratifying (X) Authorizing ( ) Amending  
Type of Service: Professional Services Contract  
Purpose: To provide Construction Management and Inspection Services.  
Entity Name: Pennoni Associates, Inc.,  
Entity Address: 24 Commerce Street, Suite 300, Newark, New Jersey 07102  
Contract Amount: Not to exceed \$390,196.50  
Funding Source: 2022 Budget/FHWA/NJDOT/Department of Engineering, Division of Traffic and Signals/NW051-G22-E22B0-A-71280-B2022  
Contract Period: 365 consecutive calendar days from the issuance of a formal written Notice to Proceed  
Contract Basis: ( ) Bid ( ) State Vendor (X) Prof. Ser. ( ) EUS  
( ) Fair & Open ( ) No Reportable Contributions (X) RFP ( ) RFQ  
( ) Private Sale ( ) Grant ( ) Sub-recipient ( ) n/a  
**Addition Information:**  
Federal Highway Administration funds are procured and administered by the City of Newark in accordance with 49 CFR-Part 18-Uniform Administrative Requirements for Grants and Cooperative Agreements; to State and Local Government, and the City of Newark follows the competitive negotiation/qualification requirements defined by the Brooks Act 40 U.S.C.

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
9/8/2022	1	Municipal Council	Motion to amend	Pass
9/8/2022	1	Municipal Council	Amend	Pass

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**WHEREAS**, the City's Department of Engineering, Division of Traffic and Signals (the "City") is in need of Construction Management and Inspection Services relating to the Bergen Street Pedestrian Safety Corridor Improvements; and

**WHEREAS**, the Federal Highway Administration (FHWA) provides opportunities for Local Agencies, such as the City of Newark, to receive Federal Aid Highway Program (FAHP or federal aid) through New Jersey Department of Transportation (NJDOT) and North Jersey Transportation Planning Authority (NJTPA); and

**WHEREAS**, the City was notified on October 27, 2014, by the North Jersey Transportation Planning Authority (NJTPA) that the City was eligible to use Federal Highway Safety Improvement Program (HSIP) funds for construction management and inspection services for the Bergen Street Pedestrian Safety Corridor Improvements; and

**WHEREAS**, the City applied for grant funding to the North Jersey Transportation Planning Authority (NJTPA) from the FY 2015 Local Safety Program and the FY 2016 Local Safety Program; which applications were authorized and ratified and the grant awards accepted and ratified by Resolution 7R4-a adopted on April 20, 2016 (Bergen Street Pedestrian Safety Corridor Improvements); and

**WHEREAS**, the "City of Newark, "Local Public Agency" which receives federal aid funds, are responsible for administering their projects and meeting all federal aid requirements; and

**WHEREAS**, all contracts for engineering and design services related to construction projects will comply with the requirements of 23 U.S.C. 112 and 23 CFR 172, which allows for competitive negotiations; and

**WHEREAS**, consultant services funded wholly or partially with FHWA funds are procured and administered by the City in accordance with 49 CFR-Part 18- Uniform Administrative Requirements for Grants and Cooperative Agreements; to State and Local Government, and the City follows the competitive negotiation/qualification requirements defined by the Brooks Act 40 U.S.C.; and

**WHEREAS**, applicable Federal laws and regulations do not permit any State or local requirements that limit competition, except those related directly to the qualifications of consulting firms to perform the work in a competent and responsible manner; and

**WHEREAS**, the City publicly advertised a Request for Proposal (RFP) on March 1, 2021, for the Bergen Street Pedestrian Safety Corridor Improvements, Construction Management and Inspection Services; and

**WHEREAS**, on April 13, 2021, two (2) firms (Pennoni Associates, Inc., and KS Engineers P.C.,) submitted their responses to the Request for Proposal (RFP); and

**WHEREAS**, the selection committee, consisting of personnel from the Department of

Engineering, Division of Traffic and Signals and the North Jersey Transportation Planning Authority (NJTPA), carefully reviewed the two (2) proposals and selected Pennoni Associates, Inc., 24 Commerce Street, Suite 300, Newark, New Jersey 07102, for the Bergen Street Pedestrian Safety Corridor Improvements Construction Management and Inspection Services, because their proposal was found to fulfill the requirements of the Request for Proposal (RFP) showed project understanding and meets all project team experience requirements; and

**WHEREAS** the City was notified by the Federal Highway Administration (FHWA) on September 21, 2021, that it has authorized funding for the Bergen Street Pedestrian Safety Corridor Improvements Construction Management and Inspection Services, in the amount not to exceed Three Hundred Ninety Thousand One Hundred Ninety-Six Dollars and Fifty Cents (\$390,196.50); and

**WHEREAS**, the Acting Director of the Department of Engineering desires to accept the proposal submitted by Pennoni Associates, Inc., 24 Commerce Street, Suite 300, Newark, New Jersey 07102, for the Bergen Street Pedestrian Safety Corridor Improvements Construction Management and Inspection Services, in the amount not to exceed Three Hundred Ninety Thousand One Hundred Ninety-Six Dollars and Fifty Cents (\$390,196.50).

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

1. The Mayor of the City of Newark and/or his designee, the Acting Director of the Department of Engineering, are hereby authorized on behalf of the City of Newark to accept the technical proposal dated April 13, 2021 and Cost Proposal dated April 13, 2021, submitted by Pennoni Associates, Inc., 24 Commerce Street, Suite 300, Newark, New Jersey 07102, and to enter into and execute Contract #2022-01PS, for the Bergen Street Pedestrian Safety Corridor Improvements Construction Management and Inspection Services, in the amount not to exceed Three Hundred Ninety Thousand One Hundred Ninety-Six Dollars and Fifty Cents (\$390,196.50).
2. Attached hereto is a Certification of Funds issued by the City's Chief Financial Officer, which states that there are available sufficient legally appropriated funds for the purpose set forth hereinabove.
3. Funds for this contract in the amount of Three Hundred Ninety Thousand One Hundred Ninety -Six Dollars and Fifty Cents (\$390,196.50) is provided as below: Fund 051, Dept. G22, Project E22B0, Account# 71280, Budget Year B2022.
4. A copy of the Certification of Funds issued shall be filed in the Office of the City Clerk by the Acting Director of the Department of Engineering.
5. No changes to this contract are allowed without prior Municipal Council approval.
6. A fully executed copy of the contract shall be filed in the Office of the City Clerk by the Acting Director of the Department of Engineering and made available for inspection.
7. This contract is to be completed within a period of (365) consecutive calendar days from the issuance of a formal Notice to Proceed by the Acting Director of the Department of Engineering. A copy of the Notice to Proceed shall be filed with the Office of the City Clerk.

8. Federal Highway Administration funds are procured and administered by the City in accordance with 49 CFR-Part 18-Uniform Administrative Requirements for Grants and Cooperative Agreements; to State and Local Government, and the City follows the competitive negotiation/qualification requirements defined by the Brooks Act 40 U.S.C.
9. There shall be no advance payments made against this contract in accordance with N.J.S.A. 40A:5-16.
10. A Notice of this action shall be published in the newspaper authorized by law to publish legal advertisements and as required by law within ten (10) days of adoption of this Resolution.

### **STATEMENT**

This Resolution authorizes the Mayor of the City of Newark and/or his designee, the Acting Director of the Department of Engineering, on behalf of the City of Newark, to accept the technical proposal dated April 13, 2021 and Cost Proposal dated April 13, 2021, submitted by Pennoni Associates, Inc., 24 Commerce Street, Suite 300, Newark, New Jersey 07102, and to enter into and execute Contract #2022-01PS, for Bergen Street Pedestrian Safety Corridor Improvements Construction Management and Inspection Services, in the amount not to exceed \$390,196.50, for a period of (365) consecutive calendar days from the issuance of a formal Notice to Proceed by the Acting Director of the Department of Engineering.