



Legislation Details (With Text)

**File #:** 17-1899      **Version:** 1      **Name:** Formal Dam Safety Inspections - Civil Dynamics Inc.  
**Type:** Resolution      **Status:** Adopted  
**File created:** 10/25/2017      **In control:** Water Sewer Utility  
**On agenda:** 12/12/2017      **Final action:** 12/12/2017

**Title:** Dept/ Agency: Water and Sewer Utilities  
Action: ( ) Ratifying (X) Authorizing ( ) Amending  
Type of Service: Professional Services Contract  
Purpose: Formal Dam Safety Inspections  
Entity Name: Civil Dynamics, Inc.  
Entity Address: 109A County Route 515, P.O. Box 760, Stockholm, New Jersey 07460-0760  
Contract Amount: Not to exceed \$44,000.00  
Funding Source: Department of Water and Sewer Utilities Budget  
Contract Period: One (1) Year from Contract Authorization by Municipal Council.  
Contract Basis: ( ) Bid ( ) State Vendor (X) Prof. Ser. ( ) EUS  
(X) Fair & Open ( ) No Reportable Contributions ( ) RFP (X) RFQ  
( ) Private Sale ( ) Grant ( ) Sub-recipient ( ) N/A  
Additional Information:  
Proposal Solicited: Three (3)  
Proposal Received: Two (2)

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
12/12/2017	1	Municipal Council	Adopt	Pass

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**WHEREAS,** the City of Newark requires professional engineering services for Formal Dam Safety Inspections for its water supply dams, and the Department of Water and Sewer Utilities issued a

Request for Qualifications (RFQ) on September 18, 2017; and

**WHEREAS**, the Department of Water and Sewer Utilities distributed three (3) RFQ packages to prospective vendors following the date of advertisement; and

**WHEREAS**, on October 5, 2017, the Department of Water and Sewer Utilities received two (2) proposals, and a proposal received from Civil Dynamics, Inc., 109A County Route 515, P.O. Box 760, Stockholm, New Jersey 07460-0760, for a total amount not to exceed \$44,000.00, was found to be in the best interest of the City of Newark to accept; and

**WHEREAS**, the City of Newark wishes to enter into an agreement with Civil Dynamics, Inc., 109A County Route 515, P.O. Box 760, Stockholm, New Jersey 07460-0760, to provide engineering services for Formal Dam Safety Inspections, in an amount not to exceed \$44,000.00; and

**WHEREAS**, Local Public Contracts Law N.J.S.A. 40A:11-5(1)(a) requires that notice of award of contracts for "Professional Services" without competitive bidding be published in a local newspaper; and

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

**WHEREAS**, Civil Dynamics, Inc. has completed and submitted a Business Entity Disclosure Certificate which certifies that Civil Dynamics, 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 Civil Dynamics, 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 of a Business Entity, 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 or political party committees of the City of Newark or County of Essex; and continuing political committees or political action committees regularly engaged in the support of the City of Newark municipal or County of Essex elections; and certain other political party or candidate committees, in excess of certain thresholds.

**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 Director of the Department of Water and Sewer Utilities, to accept the proposal from Civil Dynamics, Inc., and to execute an agreement with Civil Dynamics, Inc., 109A County Route 515, P.O. Box 760, Stockholm, New Jersey 07460-0760, to provide professional engineering services to the City of Newark, Department of Water and Sewer Utilities, for Formal Dam Safety Inspections for its water supply dams, in an amount not to exceed \$44,000.00, for a period of one (1) year from the date that the contract is authorized by the Newark Municipal Council.
2. Pursuant to N.J.A.C. 5:30-5.5, attached hereto is a partial Certification of Funds issued by the Director of Finance of the City of Newark which states that funds in an amount of \$20,000.00

are available in the 2017 Budget, Business Unit NW037, Department ID 750, Division/Project 7502, Account # 71280. The Director of the Department of Water and Sewer Utilities shall file a copy of the Certificate of Funds along with the original Resolution and the executed Contract in the Office of the City Clerk. The remainder of \$24,000.00 in funding for this contract will be subject to appropriation in the 2018 Municipal Budget and funds will be certified prior to services being provided by the Contractor and the contract shall be subject to the availability and appropriation of sufficient funds in accordance with N.J.A.C. 5:30-5.5(c) and N.J.A.C. 5:30-5.5(d).

3. This contract was solicited and awarded pursuant to the fair and open procedures of the Pay-to-Play Law (N.J.S.A. 19:44A-20.5), and pursuant to the provisions of the Local Public Contracts 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, R.O. 2:4-22C.
4. 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, 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 advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study, as distinguished from general academic instruction.
5. The Director of the Department of Water and Sewer Utilities shall file a copy of the fully executed contract in the Office of the City Clerk.
6. Civil Dynamics, Inc., has completed and submitted a Business Entity Disclosure Certificate, which shall be placed on file in the City Clerk's Office by the Director of the Department of Water and Sewer Utilities, certifying that Civil Dynamics, Inc., has not made any reportable contributions to a political or candidate committee in the City of Newark in the previous one year, and that the contract will prohibit Civil Dynamics, Inc., from making any reportable contributions through the term of the contract.
7. There shall be no amendment of this contract without prior approval of the Municipal Council.
8. There shall be no advance payment on this contract in accordance with N.J.S.A. 40A:5-16.
9. 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 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 Civil Dynamics, Inc., and to execute an agreement with Civil Dynamics, Inc., 109A County Route 515, P.O. Box 760, Stockholm, New Jersey 07460-0760, to provide professional engineering services to the City of Newark, Department of Water and Sewer Utilities, for Formal Dam Safety Inspections for its water supply dams, for an amount not to exceed \$44,000.00, for a period of one (1) year from the date that the contract is authorized by the Newark Municipal Council.

