



Legislation Details (With Text)

File #: 13-1604 **Version:** 1 **Name:** 2nd Amendment to Arcadis Professional Services Contract for design and construction administration of CSO's

Type: Resolution **Status:** Filed

File created: 8/9/2013 **In control:** Water Sewer Utility

On agenda: 12/18/2013 **Final action:** 12/18/2013

Title: Dept/ Agency: Water and Sewer Utilities
 Action: () Ratifying (X) Authorizing (X) Amending
 Type of Service: Professional Services Contract
 Purpose: Extending the period and amount of contract to design and/or Administer Construction at Several CSO Sites (Jackson/Polk Streets, Clay Street, Freeman Street, Roanoke Avenue, Fourth Avenue and Delavan Avenue)
 Entity Name: ARCADIS U.S., Inc.
 Entity Address: 630 Plaza drive, Suite 200, Highlands Ranch, Colorado 80129
 Contract Amount: Increase contract amount by \$1,004,000.00 for a total amount not to exceed \$3,229,000.00
 Funding Source: Department of Water and Sewer Utilities NJEIT Loans
 Contract Period: One year upon execution of the contract amendment
 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:
 Amending Resolution 7R12-c, authorized on September 6, 2012

Sponsors:

Indexes:

Code sections:

| Date | Ver. | Action By | Action | Result |
|------------|------|-------------------|--------|--------|
| 12/18/2013 | 1 | Municipal Council | Adopt | Pass |

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WHEREAS, the City of Newark is in need of additional professional environmental services to satisfy the Combined Sewer Overflows (“CSO”) Abatement Project (“Project”) which is mandated by an Administrative Consent Order (“ACO”) between the City and the State of New Jersey; and

WHEREAS, the Municipal Council through Resolution 7R12-c, authorized on September 6, 2012, authorized the Acting Director of the Department of Water and Sewer Utilities to execute a professional service contract with ARCADIS U.S., Inc., 630 Plaza Drive, Suite 200, Highlands Ranch, Colorado 80129, to provided Professional Engineering Services for the Project and is satisfied with the professional engineering services provided to date; and

WHEREAS, the City of Newark wishes to enter into a contact amendment with ARCADIS U.S., Inc., 630 Plaza Drive, Suite 200, Highlands Ranch, Colorado 80129, to continue and/or administer construction at several CSO sites for the City of Newark (Jackson/Polk Streets, Clay Street, Freeman Street, Roanoke Avenue, Fourth Avenue and Delavan Avenue), in an additional amount of One Million Four Thousand Dollars (\$1,004,000.00), for a total not to exceed Three Million Two Hundred Twenty Nine Thousand Dollars (\$3,229,000.00) for the period commencing upon execution of the contract amendment and terminating (1) year thereafter. The scope of services is detailed in Exhibit A; and

WHEREAS, the Local Public Contract Law (N.J.S.A. 40A:11-1 et seq.) requires that notice of the award of contract for “Professional Services” without competitive bidding must be publish in a local newspaper; and

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

WHEREAS, ARCADIS U.S. INC. has completed and submitted a Business Entity Disclosure Certificate which certifies that ARCADIS U.S. Inc. has not made any reportable contributions to a political or candidate committee in the City of Newark in the previous one year, and the contract will prohibit ARCADIS U.S. Inc. from making any contributions through the term of the Amended Contract; and

WHEREAS, the Mayor of the City of Newark signed into law Executive Order Number MEO-07-000 (hereinafter “Pay-to-Play Executive Order”), which requires reporting of political contributions to Newark Municipal Candidates and prohibits certain political contributions during the duration of the 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 Assistant Business Administrator, the Acting or Assistant Director of Water and Sewer Utilities is hereby authorized on behalf of the City of Newark to execute a contract amendment with ARCADIS U.S., Inc., 630 Plaza Drive, Suite 200, Highlands Ranch, Colorado 80129, to continue to provide professional engineering services concerning designing and/or administer construction at several CSO sites for the City of Newark (Jackson/Polk Streets, Clay Street, Freeman Street, Roanoke Avenue, Fourth Avenue and Delavan Avenue), in an additional amount of One Million Four Thousand Dollars (\$1,004,000.00), for a total amount not to exceed Three Million Two Hundred Twenty Nine thousand Dollars

(\$3,229,000.00), for the period commencing upon execution of the contract amendment and terminating (1) year thereafter.

2. Attached hereto is a certification of funds for ARCADIS U.S., Inc. in the amount of One Million Four Thousand Dollars (\$1,004,000.00), which states (1) that there are sufficient funds for the purpose set forth hereinabove and (2) that the funds have been provided under the Department of Water and Sewer Utilities capital budget as Fund 044, Agency 507, Division 0750B, Account 94710 and B2013.
3. This contract was awarded without competitive bidding as a “Professional Service” in accordance with N.J.S.A 40A:11-5(A)(i) of the Local Public Contracts Law because the performance of the service required must be performed by someone who is licensed to practice engineering in the State of New Jersey.
4. This contract was awarded pursuant to the non-fair and open procedures of the State Pay-to-Play Law (N.J.S.A. 40:44A-20.5) and pursuant to the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-5(a)(i)) and is in compliance with Pay-to-Play Executive Order.
5. A copy of the Business Disclosure Entity Certification and the Determination of Value letter shall be placed on file with the Resolution in the Office of the City Clerk.
6. ARCADIS U.S., Inc. has completed and submitted a Business Entity Disclosure Certificate, which shall be placed on file with the Resolution in the City Clerk’s Office, certifying that ARCADIS U.S., Inc. has not made any contribution to a political or candidate committee in the City of Newark in the previous one year, and the contract with prohibit ARCADIS U.S., Inc. from making contributions through the term of the contract.
7. A copy of the executed contract amendment herein authorized shall be filed in the Office of the City Clerk by the Department of Water and Sewer Utilities and shall be made available for public inspection.
8. No changes to this contract are allowed without prior Municipal Council approval.
9. There shall be no advance payments made against this contract in accordance with N.J.A.C. 40A:5-16.
10. 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 the adoption of this Resolution.
11. Since this is a public works project, the Assistant Business Administrator or the Assistant Director of the Department of Water and Sewer Utilities may extend the contract for an additional year with the approval of the Newark Municipal Council, pursuant to N.J.S.A. 40A:11-15(9).
12. The City Clerk shall provide the appropriate notice of the award of this contract to the State Comptroller no later than 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 authorizes the Mayor and/or his designee, the Assistant Business Administrator, Acting or Assistant Director of the Department of Water and Sewer Utilities to enter into a Professional Service contract amendment with the engineering firm of ARCADIS U.S. Inc., 630 Plaza drive, Suite 200, Highlands Ranch, Colorado 80129 to provide additional Professional Engineering Services Related to design and /or administer construction at several CSO sites for the City of Newark (Jackson/Polk Streets, Clay Street, Freeman Street, Roanoke Avenue, Fourth Avenue and Delavan Avenue), for an additional amount of One Million Four Thousand Dollars (\$1,004,000.00), for a total amount not to exceed Three Million Two Hundred Twenty Nine thousand Dollars (\$3,229,000.00), for the period commencing upon execution of the contract amendment and terminating one (1) year thereafter.