



Legislation Text

File #: 15-0047, Version: 1

..Title

Dept/ Agency: Water and Sewer Utilities

Action: () Ratifying (X) Authorizing () Amending

Type of Service: Professional Services Contract

Purpose: To provide Corrective Technical Assistance (CTA) for the Newark Pequannock Water Treatment Plant

Entity Name: H2M Associates, Inc.

Entity Address: 119 Cherry Hill Road, Suite 200, Parsippany, New Jersey 07054

Contract Amount: Amount not to exceed \$182,000.00

Funding Source: Department of Water and Sewer Utilities Budget

Contract Period: Eighteen (18) Months from Execution of the Contract

Contract Basis: () Bid () State Vendor (X) Prof. Ser. () EUS

(X) Fair & Open () No Reportable Contributions (X) RFP () RFQ

() Private Sale () Grant () Sub-recipient () n/a

Additional Information:

Proposal Solicited: Ten (10)

Proposal Received: Four (4)

WHEREAS, the City of Newark, Department of Water and Sewer Utilities requires professional engineering services for a detailed evaluation of the treatment process and operating practices (more commonly referred to as Corrective Technical Assistance) at its Pequannock Water Treatment Plant, in the context of the Environmental Protection Agency's Composite Correction Program, and as a result of the New Jersey Department of Environmental Protection's mandate for the same; and

WHEREAS, on December 2, 2014, the Department of Water and Sewer Utilities (City) issued a Request for Proposals (RFP) and distributed ten (10) RFP packages to prospective vendors following the date of advertisement; and

WHEREAS, on December 19, 2014, the City received four (4) proposals in response to the RFP; and

WHEREAS, H2M Associates, Inc., 119 Cherry Hill Road, Suite 200, Parsippany, New Jersey 07054, submitted a proposal for this work which the City found to be in its best interest; and

WHEREAS, H2M Associates, Inc. specializes in the area of water resources and the requirements of potable water systems, and is familiar with the needs of public water suppliers; and

WHEREAS, the City wishes to enter into an agreement with H2M Associates, Inc., 119 Cherry Hill Road, Suite 200, Parsippany, New Jersey 07054, to provide engineering services in the form of Corrective Technical Assistance (CTA) for the City's Pequannock Water Treatment Plant, in an amount not to exceed One Hundred, Eighty-Two Thousand Dollars and Zero Cents (\$182,000.00);

and

WHEREAS, the 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, H2M Associates, Inc. has completed and submitted a Business Entity Disclosure Certificate which certifies that H2M Associates, 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 H2M Associates, 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 to 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 H2M Associates, Inc., and to execute an agreement with H2M Associates, Inc., 119 Cherry Hill Road, Parsippany, New Jersey 07054, to provide professional engineering services to the City of Newark, Department of Water and Sewer Utilities, for Corrective Technical Assistance (CTA) for Pequannock Water Treatment Plant, in an amount not to exceed One Hundred, Eighty-Two Thousand Dollars and Zero Cents (\$182,000.00), for a period of eighteen (18) months from execution of the contract
2. Pursuant to N.J.A.C. 5:30-5.5, attached hereto is a partial Certification of Funds issued by the Acting Director of Finance of the City of Newark which states that funds in an amount of \$50,000.00 are available in the 2015 Preliminary Budget, Business Unit NW037, Department ID: 750, Division 7502, Account#: 71280. The Director of the Department of Water and Sewer Utilities shall file a copy of the Certification of Funds along with the original resolution and the executed contract in the Office of the City Clerk. The remainder of \$132,000.00 in funding for this contract will be subject to appropriation in the 2015 and 2016 Municipal Budgets 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 is being awarded pursuant to the fair and open procedures of the State 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)); 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 Contracts 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. A copy of the fully executed contract shall be filed in the Office of the City Clerk by the Director of the Department of Water and Sewer Utilities and shall be made available for public inspection.
6. A copy of the Business Entity Disclosure Certification shall be placed on file in the Office of the City Clerk.
7. H2M Associates, 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 H2M Associates, 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 H2M Associates, Inc., from making any reportable contributions through the term of the contract.
8. There shall be no amendment of this contract without prior approval of the Municipal Council.
9. There shall be no advance payment on 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 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 and execute an agreement with H2M Associates, Inc., 119 Cherry Hill Road, Suite 200, Parsippany, New Jersey 07054, to provide professional engineering services to the City of Newark, Department of Water and Sewer Utilities, for a detailed evaluation of the treatment process and operating practices (known as Corrective Technical Assistance (CTA)) at its Pequannock Water Treatment Plant, for a total amount not to exceed One Hundred, Eighty-Two Thousand Dollars and Zero Cents (\$182,000.00), for a period of eighteen (18) months from execution of the contract.