



Legislation Text

File #: 16-1668, Version: 1

Dept/ Agency: Water and Sewer Utilities

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

Type of Service: Professional Services Contract

Purpose: Phase 2: Citywide Geographic Information System (GIS)

Entity Name: CDM Smith, Inc.

Entity Address: 110 Fieldcrest Avenue, # 8, 6th Floor, Edison, New Jersey 08837

Contract Amount: Amount not to exceed \$167,664.55

Funding Source: Department of Water and Sewer Utilities

Contract Period: One (1) year from the date of the Notice to Proceed

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:

Original contract amount: \$264,000.00, termination date of Original Contract: September 4, 2015 but project was not completed and monies remained. New contract is to complete project. No additional funds are required

WHEREAS, CDM Smith Inc., has been providing efficient and quality services to the Department of Water and Sewer Utilities for the Water and Sewer Infrastructure Geographic Information System since September 4, 2014; and

WHEREAS, the previous contract was authorized pursuant to Resolution 7R12-b September 4, 2014 and expired on September 4, 2015 ("2014 Contract"); and

WHEREAS, when the 2014 Contract expired on September 4, 2015, the deliverables had not been completed due to confusion between the Parties as to the contract's commencement and ending dates; and

WHEREAS, CDM Smith, Inc., believed the contract commenced on the date of the Notice to Proceed (March 18, 2015), when it in fact commenced on the date it was adopted by the Municipal Council (September 4, 2014); and

WHEREAS, this error in the commencement date caused CDM Smith, Inc., to begin the project approximately six months late; therefore, leaving them with significantly less time than originally planned to complete the project; and

WHEREAS, the remaining time under the 2014 Contract was insufficient, and the contract expired prior to the completion of the project deliverables; and

WHEREAS, the City would like to successfully complete the GIS project; and

WHEREAS, under the 2014 Contract, CDM Smith, Inc., successfully completed 80% of the project pursuant to the original proposal; and

WHEREAS, \$167,664.55 remains from the 2014 Contract as unused due to CDM Smith, Inc., being unable to complete the project within one year due to its error in the start date; and

WHEREAS, the remainder of the project and deliverables can be completed using the \$167,664.55 balance from the 2014 Contract and without need for additional funding; and

WHEREAS, on May 31, 2016, CDM Smith, Inc., 110 Fieldcrest Avenue # 8, 6th Floor, Edison, New Jersey 08837, submitted a proposal letter to the City to continue Phase 2 of the above referenced professional services, and submitted the necessary deliverables for an amount not to exceed \$167,664.55; and

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

WHEREAS, the Director of the Department of Water and Sewer Utilities has determined and certified, in writing, that the value of this contract will exceed \$17,500.00; and

WHEREAS, the Determination of Value is attached and shall be filed with the Office of City Clerk; and

WHEREAS, the provision of the Local Public Contracts Law N.J.S.A. 40A:11-5(1)(a)(i) authorizes the award of professional service agreements without public advertising bids and bidding and requires that the contract be made available for public inspection; 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 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; certain other political party or candidate committees, in excess of certain thresholds: and

WHEREAS, CDM Smith, Inc., has completed and submitted a Business Entity Disclosure Certificate which certifies that CD Smith, 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 CD Smith, Inc., from making any reportable contributions through the term of the contract.

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 Director of the Department of Water and Sewer Utilities, are hereby authorized on behalf of the City of Newark to enter into and execute a professional service agreement with CDM Smith, Inc., 110 Fieldcrest Avenue # 8, 6th Floor, Edison, New

Jersey 08837 to provide Phase-2 for the Water and Sewer Utilities Geographic Information System Infrastructure, for the amount not to exceed \$167,664.55.

2. The term of this professional services agreement shall be for a period of one (1) year from the date of the Notice to Proceed.
3. Pursuant to N.J.A.C. 5:30-5.5(a), attached hereto is a partial certification of Funds from the Director of Finance of the City of Newark which states that there are legally appropriated funds in the amount of \$167,664.55, for the purposes set forth hereinabove, which shall be provided from the following line of appropriations of the official 2016 Budget, Business Unit NW037, Department 750, Division/Project 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.
4. No changes to this professional services agreement are allowed or authorized without prior Municipal Council approval.
5. There shall be no advance payments made against this professional services agreement in accordance with N.J.A.C. 40A:5-16.
6. The Director of the Department of Water and Sewer Utilities shall file a fully executed copy of the professional services agreement and the Certification of Funds in the Office of the City Clerk.
7. This Professional Services Agreement is being awarded without public bidding pursuant to the provisions of the Local Public Contracts Law, N.J.S.A. 40A-5(1)(a)(i) because the services are to be performed by a person or persons whose performance requires knowledge of an advanced type in a field of learning acquired by prolonged formal course of specialized study.
8. This Professional Services Agreement is being awarded pursuant to the non-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 in compliance with the Contractor Pay-to-Play Reform Ordinance R.O. 2:4-22C
9. CDM Smith, Inc., has completed and submitted a Business Entity Disclosure Certificate which certifies that CDM Smith, 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 CD Smith, Inc., from making any reportable contributions through the term of the contract.
10. The Determination of Value is attached hereto and shall be filed with the Office of the City Clerk with this resolution
11. A notice of this action will be published in the newspaper as required by law within ten (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 execute a Professional Services Agreement with CDM Smith, Inc., 110

Fieldcrest Avenue, # 8, 6th Floor, Edison, New Jersey 08837 to provide Phase-2 for the Water and Sewer Utilities Geographic Information System Infrastructure, for the amount not to exceed \$167,664.55, for a period of one (1) year from the date of the Notice to Proceed.