



Legislation Text

File #: 23-0817, Version: 1

Dept/ Agency: Law

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

Type of Service: Professional Services Contract

Purpose: To provide Professional Public Utility Management Services.

Entity Name: Anthony J. Scillia, LLC

Entity Address: Venice, Florida 34293

Contract Amount: Not to exceed \$200,000.00

Funding Source: 2023 Budget/Department of Water and Sewer Utilities/Business Unit: NW037, Dept. 750, Div./Proj. 7502, Activity A, Account #71260, Budget Ref. B2023

Contract Period: June 1, 2023 through May 31, 2024

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:

This is a contract to provide expert Professional Utility Management Services, to assist the City of Newark in an appeal of 2018 Passaic Valley Sewer Commission User Charges.

WHEREAS, the City of Newark (the “City”), has a need to acquire expert Professional Public Utility Management Services as those services relate to the development and application of Utility User Charge Systems; and

WHEREAS, Professional Public Utility Management Services, are exempt from the requirement for public bidding, pursuant to Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, the Department of Law is in the midst of an appeal of the sewer charges assessed against it by the Passaic Valley Sewer Commission (the “PVSC”), specifically the Third and Fourth Quarter 2018 User Charges; and

WHEREAS, Anthony J. Scillia, LLC 417 Devonshire Lane, Venice, Florida 34293, is managed by Anthony J. Scillia, a retired Professional Engineer with over forty (40) years’ experience in the industry and in Municipal Utilities Management, submitted a proposal wherein he is uniquely qualified to provide the expertise required to support this appeal; he has local institutional knowledge of PVSC, with many years of hands on utility operating and management experience (“Scillia”). Moreover, he has provided other municipalities with specialized services in analyzing and developing utility system rate structures, and has extensive experience in evaluating and remediating, utility operations, including billing and customer service systems throughout the United States and internationally; and

WHEREAS, in order to meet statutory deadlines by which to file its appeal of the PVSC charges, the City retained Scillia’s services under a Non-Fair and Open Contract that was under the

contract threshold; and

WHEREAS, the Department of Law, in consultation with the Department of Water and Sewer Utilities, seeks to retain Anthony J. Scillia, LLC to provide Expert Professional Public Utility Management Services to assist the City with its appeal of the 2018 Third and Fourth Quarter Sewer User Charges that PVSC assessed against the City; and

WHEREAS, the Mayor and/or his designee, the Corporation Counsel wish to enter into and execute a contract with Anthony J. Scillia, LLC, to provide Professional Expert Public Utility Management Services, in an amount not to exceed Two Hundred Thousand Dollars and Zero Cents (\$200,000.00), for the period of June 1, 2023 through May 31, 2024; and

WHEREAS, this contract is awarded without competitive bidding as an exception to public bidding pursuant to N.J.S.A. 40A:11-5(1)(a)(i), Professional Services; and

WHEREAS, Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) requires a resolution of the Governing Body authorizing the award of contracts for Professional Services and further requires that the contract itself must be available for public inspection; and

WHEREAS, Anthony J. Scillia, LLC, has completed and submitted a Business Entity Disclosure Certification, which certifies that he has not made any reportable contributions to a political or candidate committee in the City of Newark in the prior year, and that the contract will prohibit Anthony J. Scillia, LLC, from making any reportable contributions through the term of the contract; and

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

WHEREAS, the actions contemplated by this Resolution shall result in the award of a contract for an amount over \$17,500.00, is in compliance with the State Pay-to-Play Law, the City Pay-to-Play Ordinance and is being awarded as a Non-Fair and Open Contract pursuant to N.J.S.A. 19:44A-20.5.

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 Corporation Counsel are authorized to enter into and execute a contract with Anthony J. Scillia, LLC, 417 Devonshire Lane, Venice, Florida 34293, to provide expert Professional Engineering Services, specifically Public Utility Management Consulting Services as those services relate to the development and application of Utility User Charge Systems, to assist the City in its appeal of its 2018 Third and Fourth Quarter Sewer User Charges by Passaic Valley Sewerage Commission (“PVSC”). The contract amount shall not exceed Two Hundred Thousand Dollars and Zero Cents (\$200,000.00), for the period of June 1, 2023 through May 31, 2024.
2. The Municipal Council ratifies this contract from June 1, 2023, to the date of the adoption

of this authorizing resolution.

3. This contract is awarded without competitive bidding as an exception to public bidding pursuant to the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(i); pursuant to the Non-Fair and Open Procedures of the State Pay-to-Play Law, N.J.S.A. 19:44A-20.5, and the Business Entity has certified that it has not made or solicited a contribution in violation of the Contractor Pay-to-Play Reform Ordinance 2:4-22C.

4. Attached hereto is a Partial Certification of Funds from the Municipal Comptroller of the City of Newark, which states: (1) that there are sufficient funds, in the amount of Fifty-Three Thousand Dollars and Zero Cents (\$53,000.00), for the purpose set forth herein. The Certification of Funds shall be filed along with the original Resolution in the Office of the City Clerk.

5. The Business Disclosure Entity Certification and the Determination of Value shall be placed on file with this resolution.

6. The Corporation Counsel shall file a copy of the executed agreement herein authorized, in the Office of the City Clerk and the same shall be made available for public inspection.

7. 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.

8. There shall be no amendments or changes of this contract without approval of the Municipal Council and there shall be no advance payments on this contract in accordance with N.J.S.A. 40A:5-16.

STATEMENT

This Resolution ratifies and authorizes the Mayor and/or his designee, the Corporation Counsel, to enter into and execute a contract with Anthony J. Scillia, LLC, 417 Devonshire Lane, Venice, Florida 34293, to provide expert Professional Public Utility Management Services as those services relate to the development and application of Utility User Charge Systems, to assist the City in its appeal of its 2018 Third and Fourth Quarter Sewer User Charges by the Passaic Valley Sewerage Commission. The contract amount shall not exceed Two Hundred Thousand Dollars and Zero Cents (\$200,000.00), for the period of June 1, 2023 through May 31, 2024.