



## Legislation Text

File #: 21-0868, Version: 1

**Dept/ Agency:** Water and Sewer Utilities

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

**Type of Service:** A Contract as required by State of New Jersey Department of Environmental Protection Bureau of Water Allocation

**Purpose:** To meet minimum passing flows at USGS stream gages located at Oak Ridge and Green Pond Junction, and maintain average water temperature at Oak Ridge Stream gages.

**Entity Name:** US Geological Survey New Jersey Water Science Center

**Entity Address:** 3450 Princeton Pike, Suite 110, Lawrenceville, New Jersey 08648

**Contract Amount:** Not to exceed \$188,830.00

**Funding Source:** 2021 Budget/Department of Water and Sewer Utilities Budget /NW037-750-7502-71770-B2021

**Contract Period:** November 1, 2019 through October 31, 2024

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

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

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

**Additional Information:**

This is a resolution ratifying and authorizing the Director of the Department of Water and Sewer Utilities to enter into and execute contract as required by the State of New Jersey Department of Environmental Protection Bureau of Water Allocation - Water Allocation Permit #WAP140001.

**WHEREAS**, the New Jersey Department of Environmental Protection (NJDEP) Water Allocation Permit requires the City of Newark, Department of Water and Sewer Utilities (The City) to meet minimum passing flows at US Geological Survey (USGS) Stream gages 01382210 Pequannock River at Oak Ridge and 01382385 Pequannock River at Green Pond Junction; and

**WHEREAS**, the NJDEP also requires The City to maintain an average water temperature at the Pequannock River at Oak Ridge Stream gage between May 1<sup>st</sup> and October 31<sup>st</sup>; and

**WHEREAS**, the State of New Jersey Department of Environmental Protection Bureau of Water Allocation has issued The City a Water Allocation Permit under Permit No. WAP140001; and

**WHEREAS**, pursuant to Water Allocation Permit No. WAP140001, the State of New Jersey Department of Environmental Protection Bureau of Water Allocation has required The City, as permittee, to enter into a contract with USGS for the operation and maintenance of the gage on the Pequannock River at Oak Ridge, Station No. 01382210 for the parameters of flow and temperature and for the operation and maintenance of the gage at the Pequannock River at Green Pond Junction, Station No. 01382385 for the parameter of flow; and

**WHEREAS**, the previous contract with US Geological Survey (USGS), expired on October 31, 2019 and Year 1 services were completed, and now we have to undertake Year 2 services, therefore a continuation of service until October 31, 2024; and

**WHEREAS**, US Geological Survey New Jersey Water Science Center, 3450 Princeton Pike, Suite 110, Lawrenceville, New Jersey 08648, submitted a proposal and an agreement where they will maintain and

operate the Stream gages at Oak Ridge and Green Pond Junction from November 1, 2019 through October 31, 2024, and they will use a seasonal water-temperature monitor at Oak Ridge, from May 1<sup>st</sup> to October 31<sup>st</sup>, with the cooperation of the City of Newark, Department of Water and Sewer Utilities.

**NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:**

1. The Municipal Council hereby ratifies and authorizes the Mayor and/or his designee, the Director of the Department of Water and Sewer Utilities, to accept the proposal from US Geological Survey New Jersey Water Science Center, and to execute an agreement with US Geological Survey New Jersey Water Science Center, 3450 Princeton Pike, Suite 110, Lawrenceville, New Jersey 08648, to maintain and operate Stream gages 01382210 Pequannock River at Oak Ridge and 01382385 Pequannock River at Green Pond Junction and maintain an average water temperature at the Pequannock River at Oak Ridge Stream gage, in an amount not to exceed One Hundred Eighty Eight Thousand, Eight Hundred Thirty Dollars and Zero Cents (\$188,830.00), from November 1, 2019 through October 31, 2024.
2. The contract is ratified from November 1, 2019 to the date of adoption of this resolution.
3. Pursuant to N.J.A.C. 5:30-5.5, attached hereto is two partial Certifications of Funds issued for 2020 and 2021 by the Director of Finance of the City of Newark which states that funds in an amount of \$37,020.00 were available in the 2020 Preliminary Budget, Business Unit 037 Department ID: 755, Division 7555, Account: 94530 B2020 an amount of \$37,390.00 is available in the 2021 Preliminary Budget, Business Unit 037, Department ID: 750, Division 7502, Account: 71770 B2021. 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 \$114,420.00 in funding for this contract will be subject to appropriation in the 2022, 2023 and 2024 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).
4. 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.
5. There shall be no amendment of this contract without prior approval of the Municipal Council.
6. There shall be no advance payment on this contract in accordance with N.J.S.A. 40A:5-16.
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 10 days of its passage.

**STATEMENT**

This resolution ratifies and 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, US Geological Survey New Jersey Water Science Center, 3450 Princeton Pike, Suite 110, Lawrenceville, New Jersey 08648, to maintain and operate Stream gages 01382210 Pequannock River at Oak Ridge and 01382385 Pequannock River at Green Pond Junction and to maintain an average water temperature at the Pequannock River at Oak Ridge Stream gage, for a total amount not to exceed \$188,830.00, from November 1, 2019 to October 31, 2024.