



## Legislation Text

File #: 19-0042, Version: 1

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

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

**Type of Service:** Professional Services Contract

**Purpose:** 1st Amendment to Professional Engineering Services Contract on an As-Needed Basis

**Entity Name:** Michael Baker International, Inc.

**Entity Address:** 100 Airside Drive, Moon Township, Pennsylvania 15108

**Contract Amount:** Not to exceed \$100,000.00

**Funding Source:** 2017 Budget/Department of Water and Sewer Utilities

**Contract Period:** Extending the contract term from June 30, 2018 through June 30, 2019

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

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

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

**Additional Information:**

Original Resolution 7R12-a (S/AS) adopted on January 30, 2018, awarded the contract in an amount not to exceed \$100,000.00.

The 1<sup>st</sup> Amendment will extend the term of the contract through June 30, 2019.

**WHEREAS**, Resolution 7R12-a (S/AS) January 30, 2018, authorized the Director of the Department of Water and Sewer Utilities to execute and award contracts for Professional Engineering Services on an As-Needed Basis to twelve (12) vendors; and

**WHEREAS**, the Department of Water and Sewer Utilities (“Department”) awarded a contract to one of the twelve vendors, Michael Baker International, Inc., 100 Airside Drive, Moon Township, Pennsylvania 15108 (“Michael Baker”), to provide Professional Engineering Services on an As-Needed Basis for the contract amount of One Hundred Thousand Dollars and Zero Cents (\$100,000.00); and

**WHEREAS**, the Department has been made aware that there are various encroachments on the boundaries of City’s Pequannock Watershed property; and

**WHEREAS**, the Department needed Professional Engineering Services to efficiently and effectively carry out the City of Newark’s Watershed Encroachment Property Study; and

**WHEREAS**, the Watershed Encroachment Property Study (“the Project”) utilizes Unmanned Aerial Systems (UAS), Real-time Kinematic (RTK) GPS, and Geographic Information System (GIS) to produce high-resolution, georeferenced aerial image mosaics that can be used in conjunction with field-collected property boundary data to identify encroachments from adjacent private properties into the City’s watershed property boundary; and

**WHEREAS**, UAS Flights and GIS field survey must be conducted in the winter/spring of 2019 during “leaf-off” conditions to increase the capture of ground conditions along watershed boundaries;

and

**WHEREAS**, the requested increase in contract time to June 30, 2019 is deemed reasonable and necessary for the Professional Engineering Services being performed; and

**WHEREAS**, on January 25, 2019, the Department issued a Notice to Proceed to Michael Baker to commence work on the Project; and

**WHEREAS**, the Department wishes to enter into a First Amendment to the Contract with Michael Baker (“Amendment Number 1”) to extend the term of the contract to t

**WHEREAS**, the provision of the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(i) authorizes the award of professional services agreements without public advertising for bids and bidding and requires that the contract be made available for public inspection; and

**WHEREAS**, the contract was awarded pursuant to fair and open procedures of the State Pay-to-Pay Law, N.J.S.A. 19:44A-20.5 and pursuant to the provisions of Local Public Contract Law, N.J.S.A. 40A:11-5(1)(a)(i); and

**WHEREAS**, the Municipal Council adopted the Contractor Pay-to-Pay Reform Ordinance R.O. 2:4-22 C, which forbids the award of a contract of 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; candidates committees of the aforementioned candidates, and political or political party 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 Acting Director of the Department of Water and Sewer Utilities, to enter into a First Amendment to the contract (“Amendment Number 1”) with Michael Baker International, Inc., 100 Airside Drive, Moon Township, Pennsylvania 15108, to provide Professional Engineering Services to efficiently and effectively carry out the City of Newark’s Watershed Encroachment Property Study, for an amount not to exceed \$100,000.00, for an additional contract term to June 30, 2019.
2. The Municipal Council hereby ratifies Amendment Number 1 from the date of the Notice to Proceed to the date of the adoption of this resolution.
3. All other terms and conditions of the contract shall remain the same
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 Contract 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. The Acting Director of the Department of Water and Sewer Utilities shall file a copy of the fully executed Amendment Number 1 in the Office of the City Clerk, and the same shall be made available for public inspection

### **STATEMENT**

This resolution ratifies, amends and authorizes the Mayor and/or his designee, the Acting Director of the Department of Water and Sewer Utilities, to enter into a First Amendment to the contract with Michael Baker International, Inc., 100 Airside Drive, Moon Township, Pennsylvania 15108, to provide Professional Engineering Services, namely to efficiently and effectively carry out the City's Watershed Encroachment Property Study, and extend the term of the contract until June 30, 2019, for an amount not to exceed \$100,000.00.