



## Legislation Text

File #: 19-1229, Version: 2

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

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

**Type of Service:** Professional Services Contract

**Purpose:** LiDAR, Ortho and Thermal Imagery Data Collection and Engineering Analysis Project to identify, investigate, and prioritize maintenance and rehabilitation improvement along the Pequannock Aqueduct.

**Entity Name:** HDR Engineering, Inc.

**Entity Address:** One Riverfront Plaza, 14<sup>th</sup> Floor, Newark, New Jersey 07102

**Contract Amount:** Not to exceed \$297,095.00

**Funding Source:** 2020 Budget/Department of Water and Sewer Utilities/NW037-750-7502-A-71240-B2020

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

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

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

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

**Additional Information:**

Number of RFQ Packages Distributed: Ten (10)

Number of Packages Received: One (1)

**WHEREAS**, the City of Newark, Department of Water and Sewer Utilities, requires Professional Engineering Services for LiDAR, Ortho and Thermal Imagery Data Collection and Engineering Analysis Project to identify, investigate, and prioritize maintenance and rehabilitation improvement along the Pequannock Aqueduct, and issued a Request for Qualifications (RFQ) on May 24, 2019; and

**WHEREAS**, the City received one (1) proposal on June 17, 2019 pursuant to the RFQ, which included a Qualification Statement from HDR Engineering, Inc., One Riverfront Plaza 14<sup>th</sup> Floor, Newark, New Jersey 07102, a subsidiary of parent company, HDR Engineering, Inc., 8404 Indian Hills Drive, Omaha, Nebraska 68114-4049, for this work for an amount not to exceed \$297,095.00, was found to be in the best interest of the City of Newark to accept; and

**WHEREAS**, the City of Newark wishes to enter into an agreement with HDR Engineering, Inc., One Riverfront Plaza 14<sup>th</sup> Floor, Newark, New Jersey 07102, to provide engineering services for LiDAR, Ortho and Thermal Imagery Data Collection and Engineering Analysis Project to identify, investigate, and prioritize maintenance and rehabilitation improvement along the Pequannock Aqueduct, in an amount not to exceed \$297,095.00; 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**, HDR Engineering, Inc., has completed and submitted a Business Entity Disclosure Certificate which certifies that HDR Engineering, Inc., has not made any reportable contributions to a political or candidates committee in the City of Newark in the previous one (1) year, and that the contract will prohibit HDR Engineering, 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 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 candidates 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 Qualification Statement from HDR Engineering, Inc., and to execute an agreement with HDR Engineering, Inc., One Riverfront Plaza 14<sup>th</sup> Floor, Newark, New Jersey 07102, a subsidiary of parent company, HDR Engineering, Inc., 8404 Indian Hills Drive, Omaha, Nebraska 68114-4049, to provide Professional Engineering Services to the City of Newark, Department of Water and Sewer Utilities, for LiDAR, Ortho and Thermal Imagery Data Collection and Engineering Analysis Project to identify, investigate, and prioritize maintenance and rehabilitation Improvement along the Pequannock Aqueduct, in an amount not to exceed \$297,095.00, for a period of one year from the issuance of Notice to Proceed.
2. Pursuant to N.J.A.C. 5:30-5.5, Temporary Budget, attached hereto is a partial Certification of Funds issued by the Director of Finance which states that funds in the amount of \$5,000.00 are available under Business Unit NW037, Department ID 750, Division 7502, Activity A, Account 71240, Budget Ref. B2020. The Certification shall be filed along with the original resolution in the Office of the City Clerk. The remainder of the funding for this contract will be subject to appropriation in the 2020 Budget and funds will be certified prior to services being provided by the contractor.
3. This contract is being awarded pursuant to the 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 Contract Law, N.J.S.A. 40A:11-5(1)(a)(i), and 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 Contract Law, because the performance of the service required must be performed by a person (or persons) licensed to practice a recognized profession (Engineering) 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 Director of the Department of Water and Sewer Utilities shall file a copy of the fully executed contract in the Office of the City Clerk and the same 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. HDR Engineering, Inc. has completed and submitted a Business Entity Disclosure Certificate, the Director of the Department of Water and Sewer Utilities, shall file this with the City Clerk's Office.
8. HDR Engineering, Inc. certifies that it 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 prohibits HDR Engineering, 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 under 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 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 accept the Qualification Statement from HDR Engineering, Inc, and to execute an agreement with HDR Engineering, Inc, One Riverfront Plaza 14<sup>th</sup> Floor, Newark, New Jersey 07102, to provide Professional Engineering Services to the City of Newark, Department of Water and Sewer Utilities, for the LiDAR, Ortho and Thermal Imagery Data Collection and Engineering Analysis Project to identify, investigate, and prioritize maintenance and rehabilitation improvement along the Pequannock Aqueduct, in an amount not to exceed \$297,095.00, for a period of one (1) year from the issuance of Notice to Proceed.