



Legislation Text

File #: 20-1245, Version: 1

Dept/ Agency: Water and Sewer Utilities

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

Type of Service: Professional Services Contract

Purpose: To provide Design and Construction Administration for Dissolved Air Floatation (DAF) System at the Pequannock Water Treatment Plant.

Entity Name: CDM Smith, Inc.

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

Contract Amount: \$3,761,884.00

Funding Source: 2020 Budget/Department of Water and Sewer Utilities/NW037-750-7502-71280 B2020

Contract Period: Commencing upon the issuance of a Notice to Proceed until the completion of Project Construction pursuant to N.J.S.A. 40A:11-15(9)

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: Six (6)

Number of Packages Received: Six (6)

WHEREAS, on October 25, 2019, the City of Newark, (the "City"), issued a Request for Qualifications (RFQ) for Professional Engineering Services for Design and Construction Administration for Dissolved Air Floatation (DAF) System at the Pequannock Water Treatment Plant; and

WHEREAS, on December 27, 2019, the City's Department of Water and Sewer Utilities received six (6) qualification statements pursuant to the RFQ; and

WHEREAS, a Qualification Statement received from CDM Smith, Inc., 110 Fieldcrest Avenue, #8, 6th Floor, Edison, New Jersey 08837, for a contract amount not to exceed \$3,761,884.00, was found to be in the best interest of the City of Newark to accept; and

WHEREAS, the City wishes to enter into an agreement with CDM Smith, Inc., 110 Fieldcrest Avenue, #8, 6th Floor, Edison, New Jersey 08837, to provide engineering services for Design and Construction Administration for Dissolved Air Floatation (DAF) System at the Pequannock Water Treatment Plant, in an amount not to exceed \$3,761,884.00; and

WHEREAS, Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) requires that notice of the 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, 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 any political or candidates committee in the City of Newark in the previous one (1) year, and that the contract will prohibit CDM Smith, 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 CDM Smith, Inc., 110 Fieldcrest Avenue, #8, 6th Floor, Edison, New Jersey 08837, and enter into and execute an agreement, to provide professional engineering services to the City's Department of Water and Sewer Utilities, for Design and Construction Administration for Dissolved Air Floatation (DAF) System at the Pequannock Water Treatment Plant, in an amount not to exceed \$3,761,884.00, until completion of Project Construction per N.J.S.A. 40A:11-15(9).
2. Pursuant to N.J.A.C. 5:30-5.5, attached hereto is a partial Certification of Funds issued by the Director of the Department of Finance which states that funds in the amount of \$25,000.00 are available under Business Unit NW037, Department ID 750, Division 7502, Account 71280, Budget Year 2020. 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 2021 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. CDM Smith, Inc., has completed and submitted a Business Entity Disclosure Certificate, which shall be placed on file in the Office of the City Clerk by the Director of the Department of Water and Sewer Utilities, certifying 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 (1) year, and that the contract will prohibit CDM Smith, Inc., from making any reportable contributions through the term of the contract.
7. There shall be no amendment of this contract without prior approval of the Municipal Council.
8. There shall be no advance payment on this contract in accordance with N.J.S.A. 40A:5-16.
9. 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 CDM Smith, Inc., 110 Fieldcrest Avenue, #8, 6th Floor, Edison, New Jersey 08837, and enter into and execute an agreement to provide Professional Engineering Services to the City's Department of Water and Sewer Utilities, for Design and Construction Administration for Dissolved Air Flootation (DAF) System at the Pequannock Water Treatment Plant Facilities, for an amount not to exceed \$3,761,884.00, until completion of Project Construction per N.J.S.A. 40A:11-15(9).