



Legislation Text

File #: 16-1375, Version: 1

Dept/ Agency: Economic and Housing Development

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

Type of Service: Professional Services Contract

Purpose: Licensed Site Remediation Professional Services

Entity Name: Matrix New World Engineering, Inc.

Entity Address: 26 Columbia Turnpike, Florham Park, New Jersey 07932

Contract Amount: Amount not to exceed \$428,426.00

Funding Source: United States Environmental Protection Agency Brownfields Assessment and Cleanup Grant

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

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:

WHEREAS, the City of Newark, Department of Economic and Housing Development, caused to be published on the City of Newark's website a Request for Proposals on December 19, 2014 for Licensed Site Remediation Professional Services ("LSRP") for Three (3) EPA-Funded Cleanup Sites Located at 2078-2090 McCarter Highway (Block 827.01, Lots 11 & 12), 411-443 Wilson Avenue (Block 5020, Lot 98), and 441-459 Avenue P (Block 5020, Lot 132), Newark, New Jersey (the "Group 2 Sites"); and

WHEREAS, the City of Newark received a total of ten (10) proposals in response to its request; and

WHEREAS, Matrix New World Engineering, Inc., 26 Columbia Turnpike, Florham Park, New Jersey 07932, submitted a proposal and it was found, based upon an evaluation of the respondent's understanding of the requested work, knowledge, technical competence, management, experience, personnel qualifications, ability to complete the services in a timely manner and price, to be in the best interest of the City of Newark to accept the proposal for the purpose of providing LSRP Services for two of the Group 2 Sites located at 411-443 Wilson Avenue (Block 5020, Lot 98), and 441-459 Avenue P (Block 5020, Lot 132), Newark, New Jersey (the "Properties"); and

WHEREAS, the City of Newark Municipal Council adopted Resolution 7R3-i on June 17, 2015, authorizing the execution of a contract with Matrix New World Engineering, Inc.; and

WHEREAS, the City of Newark entered into the attached Professional Services Agreement with Matrix New World Engineering, Inc., to provide LSRP Services for the Properties in an amount not to exceed Three Hundred Twenty Thousand Thirty One Dollars and Zero Cents (\$320,031.00), for the period of one year from the date of issuance of a Notice to Proceed by the Deputy

Mayor/Director of the Department of Economic and Housing Development; and

WHEREAS, Matrix New World Engineering, Inc. has been providing LSRP Services for the Properties to facilitate the remediation of the Properties; and

WHEREAS, with respect to the Former Synfax Site, located at 441-459 Avenue P (Block 5020, Lot 132), additional permitting from the New Jersey Department of Environmental Protection was required relative to landfill disruption in order to perform this work. A landfill disruption permit was submitted to DEP and work could not begin until this was approved, causing a delay in the completion of the scope of work set forth in the attached Professional Services Agreement; and

WHEREAS, with respect to the Scientific Chemical Processing site located at 411-443 Wilson Avenue (Block 5020, Lot 98), as a result of demolition which is to be conducted at the site, Matrix New World Engineering, Inc. has not been able to complete the scope of work contained in the attached Professional Services Agreement; and

WHEREAS, upon the completion of the demolition work, Matrix New World Engineering, Inc. will be able to complete the scope of work contained in the attached Professional Services Agreement; and

WHEREAS, based upon the additional requirements from the New Jersey Department of Environmental Protection, the City of Newark wishes to expand the scope of the work set forth in the attached contract with Matrix New World Engineering, Inc., to include additional soil investigation, groundwater monitoring, laboratory analysis of soil and groundwater samples, and the creation of a remedial investigation report, for a new total cost of \$428,426.00, for the provision of LSRP Services for the Properties located at 411-443 Wilson Avenue (Block 5020, Lot 98), and 441-459 Avenue P (Block 5020, Lot 132), Newark, New Jersey; and

WHEREAS, given the need to timely remediate the properties, there is a need to procure the services of licensed site remediation professionals to perform the necessary environmental services for the Department of Economic and Housing Development; and

WHEREAS, Matrix New World Engineering, Inc., 26 Columbia Turnpike, Florham Park, New Jersey 07932, has the specific expertise, understanding of the requested work, knowledge, technical competence, management, experience, personnel qualifications, ability to complete the services, previously, set forth, in a timely manner and price, the company has provided these services in the past, it is in the best interest of the City of Newark to contract the company for the purpose of providing LSRP Services for two of the Group 2 Sites located at 411-443 Wilson Avenue (Block 5020, Lot 98), and 441-459 Avenue P (Block 5020, Lot 132), Newark, New Jersey (the "Properties"); and

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

WHEREAS, the Mayor and the Deputy Mayor/Director of the Department of Economic and Housing Development wish to enter into a contract with Matrix New World Engineering, Inc. to provide LSRP services in an amount not to exceed Four Hundred Twenty-Eight Thousand Four Hundred Twenty-Six Dollars and Zero Cents (\$428,426.00), for the period of one (1) year from the issuance of a Notice to Proceed; and

WHEREAS, the Deputy Mayor/Director of Economic and Housing Development has determined and certified in writing that the value of this contract will exceed \$17,500.00; 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 the actions contemplated by this Resolution shall result in the award of a non-fair and open contract in accordance with *N.J.S.A. 19:44A-20.5*; 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, Matrix New World Engineering, Inc., has completed and submitted a Business Entity Disclosure Certification which certifies that Matrix New World Engineering, Inc. has not made any reportable contributions to a political or candidate committee in the City of Newark in the previous one year, and the contract will prohibit Matrix New World Engineering, Inc. from making any reportable contributions through the term of the contract; and

WHEREAS, the 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 Municipal Council adopted the Contractor Pay-to-Play Reform Ordinance 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 aforementioned candidates; and political or political party 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 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 Mayor of the City of Newark and/or his designee, the Deputy Mayor/ Director of the Department of Economic and Housing Development, are authorized to execute and enter into a contract with Matrix New World Engineering, Inc., 26 Columbia Turnpike, Florham Park, New Jersey 07932,, to provide LSRP Services for two of the Group 2 Sites located at 411-443 Wilson Avenue (Block 5020, Lot 98), and 441-459 Avenue P (Block 5020, Lot 132), Newark, New Jersey in an amount not to exceed Four Hundred Twenty-Eight Thousand Four Hundred Twenty-Six Dollars and Zero Cents (\$428,426.00), for the period of one (1) year from the issuance of a Notice to Proceed.
2. 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)*), professional services, 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.

3. Attached hereto is a Certification of Funds from the Finance Director of the City of Newark, which states (1) that there are sufficient funds in the amount of \$428,426.00 for the purpose set forth herein above and (2) that the line appropriations which shall be charged are as follows:

| <u>Bus. Unit</u> | <u>Dept. ID</u> | <u>Div./Proj.</u> | <u>Activity</u> | <u>Acct. #</u> | <u>Budget Ref.</u> |
|------------------|-----------------|-------------------|-----------------|----------------|--------------------|
| NW051 | G11 | D11R0 | A | 72090 | B2011 |
| NW051 | G12 | D12Y0 | A | 72090 | B2012 |
| NW051 | G11 | D1160 | A | 72090 | B2011 |
| NW051 | G14 | E1410 | A | 72090 | B2014 |

4. There shall be no advance payment on this contract and there shall be no amendment or changes to this contract without approval of the Municipal Council of the City of Newark.
5. The Determination of Value and Business Entity Disclosure Certification are attached and will be filed with the Office of the City Clerk.
6. The Deputy Mayor/Director of the Department of Economic and Housing Development shall file a copy of the executed agreement herein authorized in the Office of the City Clerk and 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.

STATEMENT

This resolution authorizes the Mayor of the City of Newark and/or his designee, the Deputy Mayor/Director of the Department of Economic Development, to enter into a contract with Matrix New World Engineering, Inc., 26 Columbia Turnpike, Florham Park, New Jersey 07932,, to provide LSRP Services for two of the Group 2 Sites located at 411-443 Wilson Avenue (Block 5020, Lot 98), and 441-459 Avenue P (Block 5020, Lot 132), Newark, New Jersey in an amount not to exceed Four Hundred Twenty-Eight Thousand Four Hundred Twenty-Six Dollars and Zero Cents (\$428,426.00), for the period of one (1) year from the issuance of a Notice to Proceed.