



Legislation Text

File #: 17-1686, Version: 1

Dept/ Agency: Water and Sewer Utilities

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

Type of Service: Professional Services Contract

Purpose: Amendment No. 1 to Professional Services for Restoration of Queen Ditch

Entity Name: CDM Smith, Inc.

Entity Address: 75 State Street, Boston, Massachusetts 02109

Contract Amount: \$698,998.95

Funding Source: Department of Water and Sewer Utilities Budget

Contract Period: Upon Contract Adoption through completion of Construction Pursuant to N.J.S.A. 40(A):11-15(9)

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

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

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

Additional Information:

Resolution 7R12-d adopted on December 21, 2010, awarded contract in the amount of \$479,900.00. Amendment No. 1 increases the contract amount by \$219,098.95, for a new total contract amount of \$698,998.95.

WHEREAS, Resolution 7R12-d December 21, 2010, authorized the Director of the Department of Water and Sewer Utilities to execute a contract with CDM Smith, Inc., 75 State Street, Boston, Massachusetts 02109, with local offices at 110 Fieldcrest Avenue, #8, Edison, New Jersey 08837, to provide Professional Engineering Services for the Restoration of Queen Ditch Project for the replacement of the combined storm/sanitary sewer piping and outfall located downstream of the Queen Ditch Regulatory Chamber for the contract amount of \$479,900.00; and

WHEREAS, the City of Newark is in need of additional Professional Engineering Services related to the Resident Inspection phase of Restoration of Queen Ditch Project due to significant scope changes and delays associated with extensive coordination with obtaining easements; and

WHEREAS, the City of Newark wishes to enter into a contact Amendment No. 1 with CDM Smith, Inc., 75 State Street, Boston, Massachusetts 02109, to continue to design and/or administer construction for restoration of Queen Ditch, for an additional \$219,098.95, for a total not to exceed contract amount of \$698,998.95, for a period from contract adoption through completion of construction, pursuant to N.J.S.A. 40(A):11-15(9). The scope of services is detailed in attached CDM Smith's letter dated March 20, 2017; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that notice of the award of contract for "Professional Services" without competitive bidding must be published in a local newspaper; and

WHEREAS, this contract is for an amount over \$17,500.00 and is being awarded pursuant to

a “non-fair and open process” 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 a political or candidate committee in the City of Newark in the previous one year, and the contract will prohibit CDM Smith, Inc. from making any contributions through the term of the Amended 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 of a Business Entity, as defined therein, which has made or solicited political contributions to Newark Municipal Candidates, officeholders 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 the 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 and/or his designee, the Director of Water and Sewer Utilities is hereby authorized, on behalf of the City of Newark, to execute contract Amendment No. 1 with CDM Smith, Inc., 75 State Street, Boston, Massachusetts 02109, with local offices at 110 Fieldcrest Avenue, #8, Edison, New Jersey 08837, to continue to provide professional engineering services concerning designing and/or administering construction for restoration of Queen Ditch, for an additional amount of \$219,098.95, for a total not to exceed contract amount of \$698,998.95, from contract adoption through completion of construction, pursuant to N.J.S.A. 40(A):11-15(9).
2. Attached hereto is a certification of funds for CDM Smith, Inc. in the amount \$219,098.95, which states (1) that there are sufficient funds for the purpose set forth hereinabove and (2) that the funds have been provided under the Department of Water and Sewer Utilities capital budget as Fund 044, Department 13S, Division/Project 13SA0 Account # 94710 Budget Ref: 2013.
3. This contract was awarded without competitive bidding as a “Professional Service” in accordance with N.J.S.A 40A:11-5(A)(i) of the Local Public Contracts Law because the performance of the service required must be performed by someone who is licensed to practice engineering in the State of New Jersey.
4. This contract was awarded pursuant to the non-fair and open procedures of the State Pay-to-Play Law (N.J.S.A. 40:44A-20.5) and pursuant to the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-5(a)(i) and is in compliance with the City’s contractor Pay-to-Play Reform Ordinance, R.O. 2:4-22C.
5. A copy of the Business Disclosure Entity Certification and the Determination of Value letter shall be placed on file with the Resolution in the Office of the City Clerk.
6. CDM Smith, Inc. has completed and submitted a Business Entity Disclosure Certificate, which shall be placed on file with the Resolution in the City Clerk’s Office, certifying that CDM Smith, Inc.

has not made any contribution to a political or candidate committee in the City of Newark in the previous one year, and the contract will prohibit CDM Smith, Inc. from making contributions through the term of the contract.

7. The Director of the Department of Water and Sewer Utilities shall file a copy of the executed contract amendment herein authorized in the Office of the City Clerk and it shall be made available for public inspection.
8. No amendments to this contract shall be made without Municipal Council approval.
9. There shall be no advance payments made against this contract in accordance with N.J.A.C. 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 the adoption of this Resolution.

STATEMENT

This resolution authorizes the Mayor and/or his designee, the Director of the Department of Water and Sewer Utilities, to enter into a contract Amendment No. 1 with the engineering firm of CDM Smith, Inc., 75 State Street, Boston, Massachusetts 02109, with local offices at 110 Fieldcrest Avenue, #8, Edison, New Jersey 08837, to provide additional Professional Engineering Services related to design and/or administer construction for restoration of Queen Ditch, for an additional amount of \$219,098.95, for a total not to exceed contract amount of \$698,998.95, from contract adoption through completion of construction, pursuant to N.J.S.A. 40(A):11-15(9).