



# City of Newark

City Hall  
920 Broad Street  
Newark, New Jersey 07102

## Legislation Text

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File #: 22-1433, Version: 1

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**Dept/ Agency:** Engineering

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

**Type of Service:** Professional Services Contract

**Purpose:** To provide Engineering Design Assistance Services for Central Avenue Bridge over NJ Transit City Subway.

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

**Entity Address:** One Gateway Center, Suite 2330, Newark, New Jersey 07102

**Contract Amount:** \$1,422,445.34

**Funding Source:** Federal Highway Administration (FHWA)/New Jersey Department of Transportation (NJDOT)

**Contract Period:** One (1) year from the date of a written Notice to Proceed

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

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

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

**Addition Information:**

**WHEREAS**, the Department of Engineering, Division of Traffic and Signals, is in need of the rehabilitation of the Central Avenue Bridge over NJ Transit City Subway; and

**WHEREAS**, the Federal Highway Administration (FHWA) provides opportunities for Local Agencies, such as the City of Newark, to receive Federal Aid Highway Program (FAHP or Federal Aid) through New Jersey Department of Transportation (NJDOT) and North Jersey Transportation Planning Authority (NJTPA); and

**WHEREAS**, the City of Newark, "Local Public Agency", which receives federal aid funds, are responsible for administering their projects and meeting all federal aid requirements; and

**WHEREAS**, all contracts for engineering and design services related to construction projects will comply with the requirements of 23 U.S.C. § 112 and 23 CFR 172, which allows for competitive negotiations; and

**WHEREAS**, consultant services, funded wholly or partially with FHWA funds, are procured and administered by the City in accordance with 49 CFR part 18 - Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Government and the City follows the competitive negotiation/qualification requirements defined by the Brooks Act 40 U.S.C. § 1101 et seq.; and

**WHEREAS**, applicable Federal laws and regulations do not permit any State or Local requirements that limit competition, except those related directly to the qualifications of consulting firms to perform the work in competent and responsible manner; and

**WHEREAS**, the City, publicly advertised a Request for Proposal (RFP) on May 5, 2022, for the Central Avenue Bridge over NJ Transit City Subway, Local Preliminary Design; and

**WHEREAS**, on June 9, 2022, two (2) firms, Colliers Engineering and Design (CED), and Michael Baker International, Inc., submitted their responses to the Request for Proposal (RFP); and

**WHEREAS**, the Selection Committee, consisting of personnel from the Department of Engineering, Division of Traffic and Signals and North Jersey Transportation Planning Authority (NJTPA), carefully reviewed the two (2) Proposals and selected Michael Baker International, Inc., One Gateway Center, Suite 2330, Newark, New Jersey 07102, for the Central Avenue Bridge over NJ Transit City Subway-Local Preliminary Engineering, because their Proposal was found to fulfill the requirements of the Request for Proposal (RFP), showed project understanding and meets all project team experience requirements; and

**WHEREAS**, on August 4, 2022, the City sent a letter of recommendation to New Jersey Department of Transportation for the Central Avenue Bridge over NJ Transit City Subway-Local Preliminary Engineering, explaining the engineering estimate was less than the Consultant Proposal; and

**WHEREAS**, the City received a letter dated October 3, 2022, from the New Jersey Department of Transportation informing the City that on September 8, 2022 the FHWA authorized funding in the amount of One Million, Four Hundred Twenty-Two Thousand, Four Hundred Forty-Five and Thirty-Four Cents (\$1,422,445.34), for Design Assistance Program for consultant engineering services for the CR 508 Central Avenue Bridge over City Subway Replacement Structure Project, with no municipal funds required; 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**, the actions contemplated by this Resolution shall result in the award of the Contract in accordance with N.J.S.A. 19:44A-20.5; and

**WHEREAS**, Michael Baker International, Inc., One Gateway Center, Suite 2330, Newark, New Jersey 07102, has completed and submitted a Business Entity Disclosure Certification, which certifies that Michael Baker International, 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 the contract will prohibit Michael Baker International, Inc., from making any reportable contributions through the term of the contract; and

**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 Acting Director of the Department of Engineering are hereby authorized on behalf of the City of Newark, to accept the technical proposal and cost proposal, submitted by Michael Baker International, Inc., located at One Gateway Center, Suite 2330, Newark, New Jersey 07102 and enter into and execute Contract

2022-12PS, for Central Avenue Bridge over NJ Transit City Subway, Local Preliminary Engineering project services, with a total amount not to exceed \$1,422,445.34.

2. Attached hereto is Certification of Funds issued by the City's Acting Chief Financial Officer, which states that there are available sufficient legally appropriated funds for the purpose set forth hereinabove.
3. Funds for this contract in the amount of One Million, Four Hundred Twenty-Two Thousand, Four Hundred Forty-Five and Thirty-Four Cents (\$1,422,445.34) is provided as below: Fund 051, Dept. G22, Project E22F0, Account# 71280, Budget Year B2022.
4. A copy of the Certification of Funds issued shall be filed in the Office of the City Clerk by the Acting Director of the Department of Engineering.
5. No changes to this contract are allowed without prior Municipal Council approval.
6. A fully executed copy of the contract shall be filed in the Office of the City Clerk by the Acting Director of the Department of Engineering and made available for inspection.
7. The term of this contract shall be for a period of (365) consecutive calendar days from the date of a Notice to Proceed issued by the Acting Director of the Department of Engineering and/or his designee. A copy of the Notice to Proceed shall be filed with the Office of the City Clerk.
8. Federal Highway Administration funds are procured and administered by the City in accordance with 49 CFR Part 18 - Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Government, and the City follows the competitive negotiation/qualification requirements defined by the Brooks Act 40 U.S.C. § 1101 et seq.
9. There shall be no amendments or changes to this contract without prior approval of the Municipal Council.
10. There shall be no advance payments made against this contract in accordance with N.J.S.A. 40A:5-16.
11. A copy of the executed contract shall be filed in the Office of the City Clerk by the Acting Director of the Department of Engineering and shall be made available for public inspection.

### **STATEMENT**

This Resolution authorizes the Mayor of the City of Newark and/or his designee, and the Acting Director of the Department of Engineering to enter into and execute a Contract 2022-12PS with Michael Baker International, Inc., One Gateway Center, Suite 2330, Newark, New Jersey 07102, for the Central Avenue Bridge over NJ Transit City Subway, Local Preliminary Engineering Project with a total contract amount not to exceed \$1,422,445.34, for the period of one (1) year from the date of a written Notice to Proceed.

