



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 23-0864, Version: 1

Dept/ Agency: Engineering

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

Type of Service: Professional Services Contract

Purpose: To provide Professional Engineering Services for the Newark Bike Plan Project.

Entity Name: Michael Baker International, Inc.

Entity Address: One Gateway Center, Suite 1601, Newark, New Jersey 07102

Contract Amount: Not to exceed \$300,000.00

Funding Source: Federal/NJTPA - 051-G23-E23E0-71280-B2023

Contract Period: 365 consecutive calendar days from the date of the issuance of a formal 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

Addition Information:

This Resolution authorizes the City of Newark to enter into a Professional Engineering Services Contract #2023-07 PS with Michael Baker International, Inc., for the planning and development of the Newark Bike Plan Project.

WHEREAS, the City of Newark, Department of Engineering, Division of Traffic and Signals, is in need of professional services relating to the Newark Bike Plan, including but not limited to, the planning and development of a safe bicycle infrastructure network within the City of Newark, assistance with increasing bicycle mode share, and the expansion of the integration of transit and bicycle mobility; and

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

WHEREAS, pursuant to the Fair and Open process of the State of New Jersey Pay to Play Law, N.J.S.A. 19:44A-20.5, the City of Newark, Department of Engineering, Division of Traffic and Signals, publicly advertised a Request for Proposals (RFP) on March 14, 2023, March 21, 2023 and March 28, 2023, for the Newark Bike Plan Professional Services Project; and

WHEREAS, on April 20, 2023, three (3) firms submitted their responses to the Request for Proposals (RFP); and

WHEREAS, a selection committee of personnel from the Department of Engineering and the North Jersey Transportation Planning Authority, evaluated the three (3) proposals received, and selected Michael Baker International, Inc., One Gateway Center, Suite 1601, Newark, New Jersey 07102, for the Newark Bike Plan Professional Services Project, because their proposal was unanimously selected by the selection committee for Quality and Presentation of the Proposal, Project Understanding, Overall Project Team Experience and deemed in the best interests of the

City; and

WHEREAS, the Acting Director of the Department of Engineering desires to accept the proposal submitted by Michael Baker International, Inc., One Gateway Center, Suite 1601, Newark, New Jersey 07102, for the Newark Bike Plan Professional Services Project in the amount not to exceed **Three Hundred Thousand Dollars and Zero Cents (\$300,000.00)**; and

WHEREAS, 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 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 as a Fair and Open contract pursuant to N.J.S.A. 19:44A-20.5; and

WHEREAS, this contract is being awarded pursuant to 49 CFR Part 18 - Uniform Administrative Requirements for Grants and Cooperative Agreements, to State and Local Governments, and the City follows the competitive negotiation/qualification requirements defined by the Brooks Act 40 U.S.C. § 1101 et seq.; and

WHEREAS, the Municipal Council adopted the Contractor Pay-to-Play Reform Ordinance, R.O. 2:4-22C.1, 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 and/or his designee, the Acting Director of the Department of Engineering, are hereby authorized on behalf of the City of Newark to enter into and execute a Professional Service Contract with Michael Baker International, Inc., One Gateway Center, Suite 1601, Newark, New Jersey 07102 to prepare the Newark Bike Plan Project, Contract #2023-07 PS, for the total amount not to exceed **Three Hundred Thousand Dollars and Zero Cents (\$300,000.00)**.
2. The term of this contract shall be for a period of one (1) year from the date of a written Notice to Proceed issued by the Acting Director of the Department of Engineering and/or her designee.
3. This contract is being awarded pursuant to 49 CFR Part 18 - Uniform Administrative Requirements for Grants and Cooperative Agreements, to State and Local Governments, and the City follows the competitive negotiation/qualification requirements defined by the Brooks Act 40 U.S.C. § 1101 et seq.
4. Attached hereto is a Certification of Funds, issued by the City's Chief Financial Officer, which

states: (1) that there are available sufficient legally appropriated funds in the amount of **Three Hundred Thousand Dollars and Zero Cents (\$300,000.00)** for the purposes set forth herein, and the line appropriation of the Official Budget, which shall be charged is as follows:

Business Unit	Dept.	Div./Proj.	Account#	Budget Yr.	Amount
051	G23	E23E0	71280	B2023	\$300,000.00

5. There shall be no amendments or changes to this contract without prior approval of the Municipal Council and there shall be no advance payments made against this contract in accordance with N.J.S.A. 40A:5-16.
6. The Municipal Council ratifies the use of competitive contracting for awarding the Newark Bike Plan Project from March 13, 2023, to the date of adoption of this Resolution and authorizes its use in the future.
7. A copy of the executed agreement herein authorized 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.
8. 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. No changes to this contract are allowed without prior Municipal Council approval.

STATEMENT

This Resolution ratifies and authorizes the Mayor of City of Newark and/or his designee, the Acting Director of the Department of Engineering, to enter into and execute a Professional Service Contract with Michael Baker International, Inc., One Gateway Center, Suite 1601, Newark, New Jersey 07102 to prepare the Newark Bike Plan Project, Contract #2023-07 PS, for the total amount not to **exceed Three Hundred Thousand Dollars and Zero Cents (\$300,000.00)**, for the period of one (1) year from the date of a written Notice to Proceed issued by the Acting Director of the Department of Engineering and/or her designee.