



Legislation Text

File #: 17-1608, Version: 1

Dept/ Agency: Administration/Office of the Business Administrator

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

Type of Service: EUS Contract

Purpose: To assist, manage, supervise and direct the daily operations of the Department of Public Works ("DPW") and conduct a comprehensive assessment of existing staffing, resources, and program effectiveness of the DPW

Entity Name: Mott MacDonald, LLC.

Entity Address: 111 Wood Avenue South, Iselin, New Jersey 08830-4112

Contract Amount: \$87,600.00 for the first six (6) months, if extended, and additional six (6) months at a total amount not to exceed \$90,198.00

Funding Source: 2017 City Budget/Department of Administration/Budget, NW011-030-030, Account# 71280, Budget Ref: B2017

Contract Period: Six (6) months upon a Notice to Proceed with an option to extend an additional six (6) months.

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

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

() Private Sale () Grant () Sub-recipient () N/A

Additional Information:

WHEREAS, the City of Newark (the "City") is in need of services from a firm to assist, manage, supervise and direct the daily operations of the City's Department of Public Works (the "DPW") with the additional goal to conduct a comprehensive assessment of existing staffing, resources and program effectiveness, and assist the Mayor and the Business Administrator with the identification, recruitment and retention of a Director, and management for the DPW; and

WHEREAS, the services solicited are considered Extraordinary Unspecifiable Services, which are specialized and qualitative in nature requiring expertise, extensive training, and proven reputation in the field and are exempt from the requirements of public bidding pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(ii); and

WHEREAS, the Business Administrator of the City of Newark caused to be published on the City's website, a Notice for Request for Proposal (RFP) on August 9, 2017 and received one (1) response on August 22, 2017; and

WHEREAS, Mott MacDonald, LLC, whose office is located at 111 Wood Avenue South, Iselin, New Jersey 08830-4112, is an engineering firm that submitted a proposal in response to the RFP and has asserted its expertise to provide administrative, operational, management support services

and a needs assessment of the DPW and can meet the requirements of the RFP, as such, Mott MacDonald's proposal was found, based upon price and other factors, to be in the best interest of the City to accept for the purposes set forth in the RFP; and

WHEREAS, the Mayor and the Business Administrator recommend entering into a contract with Mott MacDonald, LLC, to provide the required services in an amount not to exceed a flat monthly lump sum of \$14,600.00 for a total amount not to exceed \$87,600.00 for the first six (6) months of services. At the sole option of the City, if extended, the second six (6) months of services provided shall be billed at a flat monthly sum of \$15,033.00, for a total not to exceed amount of \$90,198.00 for the period commencing upon a Notice to Proceed issued by the Business Administrator for six (6) months with the option to extend for an additional six (6) months; and

WHEREAS, the contract is being awarded pursuant to the Fair and Open Procedures of the State Pay-to-Play Law, *N.J.S.A. 19:44A-20.5*, pursuant to the provisions of the Local Public Contracts Law, *N.J.S.A. 40A:11-5(1)(a)(ii)*, and is in compliance with City of Newark Contractor Pay-to-Play Reform Ordinance, R.O. 2:4-22C; 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 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; 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 extraordinary unspecifiable services and further requires that the contract itself must be available for public inspection and published in a local newspaper; and

WHEREAS, the Municipal Council of the City of Newark concurs that it is in the best interests of the City of Newark to engage the services of Mott MacDonald, LLC, to provide the City's Department of Public Works with supervision, management, and direction as to the daily operations of the DPW with the additional goal to conduct a comprehensive assessment of existing staffing, resources and program effectiveness, and assist the City with the identification, recruitment and retention of a Director, and management for the DPW.

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 Business Administrator are authorized to enter into and execute a contract with Mott MacDonald, LLC, whose office is located at 111 Wood Avenue South, Iselin, New Jersey 08830-4112 to assist, manage, supervise, and direct the daily operations of the City's Department of Public Works (DPW) with the ultimate goal of conducting a comprehensive assessment of existing staffing, resources and program effectiveness, and assist the Mayor and the Business Administrator with the identification, recruitment and retention of a Director, and management for the DPW for a six (6) month term commencing upon a Notice to Proceed issued

- by the Business Administrator with an option to extend for an additional six (6) months, if determined to be necessary by the Mayor and the Business Administrator.
2. The compensation authorized is an amount not to exceed a flat monthly lump sum of \$14,600.00, for a total amount not to exceed \$87,600.00 for the first six (6) months of the contract.
 3. The Mayor and Business Administrator are authorized to extend the contract for an additional six (6) months, without Municipal Council approval, at a flat monthly sum of \$15,033.00, for a total amount not to exceed \$90,198.00, if the Mayor and Business Administrator determine the extension is necessary and in the best interest of the City.
 4. In the event, the Mayor and the Business Administrator determine to invoke the option to extend the contract, they shall cause to be filed a report with the Municipal Council memorializing the need for the extension.
 5. Pursuant to N.J.A.C. 5:30-5.5(a), a Temporary Budget, attached hereto is the Chief Finance Officer's Certification, which states funds in the amount of \$87,600.00 are available in the Department of Administration, 2017 Temporary Budget, NW011-030-030, Account# 71280, Budget Ref: B2017. The Certification shall be filed in the Office of the City Clerk.
 6. 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)(ii)), extraordinary unspecifiable services, pursuant to the Fair and Open Procedures of the State Pay-to-Play Law, N.J.S.A. 19:44A-20.5 and in compliance with City of Newark Contractor Pay-to-Play Reform Ordinance, R.O. 2:4-22C. A copy of the Certification of Extraordinary Unspecifiable Services is attached and shall be filed with the Office of the City Clerk.
 7. A copy of the executed contract and any documents authorizing an extension shall be filed in the Office of the City Clerk by the Business Administrator 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 its passage.

STATEMENT

This resolution hereby authorizes the Mayor and/or his designee, the Business Administrator, to enter into and execute a contract with Mott MacDonald, LLC, whose office is located at 111 Wood Avenue South, Iselin, New Jersey 08830-4112 to assist, manage, supervise, and direct the daily operations of the City's Department of Public Works with the ultimate goal of conducting a comprehensive assessment of existing staffing, resources and program effectiveness. The total compensation of the contract shall not exceed \$87,600.00 for the first six (6) months of services and total compensation not to exceed \$90,198.00 for the optional additional six (6) months term commencing upon a Notice to Proceed.