



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 23-0537, Version: 1

Dept/ Agency: Administration/Office of the Business Administrator

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

Type of Service: Exception to Public Bidding - N.J.S.A. 40A:11-5(1)(a)(i) provides for the award of a contract for Professional Services

Purpose: To provide an Agreement for the services of a Municipal Engineer with an additional sub-consultant.

Entity Name: KS Engineers, P.C.

Entity Address: 2 Riverfront Plaza, McCarter Highway, Newark, New Jersey 07102

Additional Entity Name: T&M Associates

Entity Address: 11 Tindall Road, Middletown, New Jersey 07748

Contract Amount: Not to exceed \$100,000.00

Funding Source: 2022 Budget/Department of Administration/NW011-115-1151-B2022, Reserve Codes

Contract Period: July 1, 2023 through June 30, 2024

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:

To provide services of a Municipal Engineer, including, but not limited to assisting the municipality in the administration and operation of the roads, parks, municipal buildings, water and sewer systems, as well as provide general engineering assistance to all City Departments.

WHEREAS, the City of Newark (the "City") is a duly constituted municipal corporation at 920 Broad Street, Newark, New Jersey 07102; and

WHEREAS, N.J.S.A. 40A:11-5(1)(a)(i) empowers the Governing Body and its autonomous agencies to award contracts for Professional Services without competitive bidding; and

WHEREAS, the Municipal Council, by Resolution 7R1-x, adopted on July 13, 2022, awarded a contract to KS Engineers, P.C., 2 Riverfront Plaza, McCarter Highway, Newark, New Jersey 07102, to provide the services of a Municipal Engineer and assist the municipality in the administration and operation of the roads, parks, municipal buildings, water and sewer systems, as well as provide general assistance to all City Departments; and

WHEREAS, the City is also in need of an additional Professional Services contractor to assist KS Engineers P.C. as a sub-consultant, providing the services of a Municipal Engineer and assisting the municipality in the administration and operation of the roads, parks, municipal buildings, water and sewer systems, as well as provide general assistance to all City Departments; and

WHEREAS, the City is in receipt of a proposal from T&M Associates ("T&M" or "Contractor"), located at 11 Tindall Road, Middletown, New Jersey 07748; and

WHEREAS, the proposal submitted by KSE and T&M Associates demonstrates that both entities have the requisite knowledge, education, skills and experience to provide the requested professional services on behalf of the City of Newark; and

WHEREAS, the request for an additional contractor is deemed necessary to provide the services of a Municipal Engineer; and

WHEREAS, KSE and T&M Associates has completed and submitted a Business Entity Disclosure Certification, which certifies that KSE and T&M Associates have not made any reportable contributions to a political or candidate committee in the City of Newark in the previous one (1) year, and that the contract will prohibit KSE and T&M Associates from making any reportable contributions through the term of the contract; and

WHEREAS, the City is interested in retaining the professional services of KSE and T&M Associates for one (1) year for the period of July 1, 2023 through June 30, 2024, for an amount not to exceed One Hundred Thousand Dollars and Zero Cents (\$100,000.00); and

WHEREAS, the contract was not awarded through a Fair and Open Process, as set forth at N.J.S.A. 19:44A-20.4 et seq. and there have not been any political contributions made to any representative of City that would preclude the NJRC from providing the requested professional services.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:

1. The Municipal Council hereby authorizes the Mayor of the City of Newark and/or his designees, the Business Administrator and/or the Director of the Department of Engineering, to enter into and execute an Agreement with KS Engineers, P.C. for one (1) year and to provide an additional contractor, T&M Associates, 11 Tindall Road , Middletown, New Jersey, 07748, as a sub-consultant, providing the services of a Municipal Engineer, including, but not limited to assisting the municipality in the administration and operation of the roads, parks, municipal buildings, water and sewer systems, as well as provide general engineering assistance to all City Departments in amount not to exceed One Hundred Thousand Dollars and Zero Cents (\$100,000.00) for (1) year for the period of July 1, 2023 through June 30, 2024.
2. The funds for the Agreement to shall be paid from the City of Newark Budget/Department of Engineering, a Certification of Funds from the Director of the Department of Finance, which states that funds in the amount of One Hundred Thousand Dollars and Zero Cents (\$100,000.00) are available in the aforementioned Engineering Department budget. The Certification of Funds shall be filed along with the original resolution in the Office of the City Clerk.

Bus. Unit	Dept. ID	Div/Proj.	Activity	Acct.#	Bud. Ref.
NW011	115	1151	A	71280	B2022

3. A copy of the executed Agreement to provide Municipal Engineering services herein

authorized shall be filed in the Office of the City Clerk by the Corporation Counsel and shall be made available for public inspection.

4. The contract is awarded as a Non-Fair and Open Contract, pursuant to N.J.S.A. 19:44A-20.5; and the Business Entity has provided a statement that it is in compliance with the City of Newark.
5. The contract will contain language prohibiting any contributions in violation of any state or local law.
6. A copy of the executed agreement herein authorized shall be filed in the Office of the City Clerk and shall be made available for public inspection.
7. There shall be no amendments or changes to this contract without approval of the Municipal Council and there shall be no advance payments on this contract in accordance with N.J.S.A. 40A:5-16.
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.

STATEMENT

This Resolution authorizes the Mayor of the City of Newark and/or his designees, the Business Administrator and/or the Director of the Department of Engineering, to enter into and execute an Agreement with KS Engineers, P.C. to provide the services of a Municipal Engineer with an additional contractor, T&M Associates, 11 Tindall Road Middletown, New Jersey 07748 in amount not to exceed \$100,000.00, for the period of July 1, 2023 through June 30, 2024.