



## Legislation Text

File #: 23-1597, Version: 1

**Dept/ Agency:** Water and Sewer Utilities

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

**Type of Service:** Professional Services Contract

**Purpose:** To provide for a New Jersey State Licensed Operator for Support Services for Process Operations and Maintenance Improvement Assistance at the Pequannock Water Treatment Plant.

**Entity Name:** Jerry J. Notte and Associates, LLC

**Entity Address:** Fairfield, New Jersey 07004

**Contract Amount:** Not to exceed \$598,080.00

**Funding Source:** 2023 Budget/Department of Water and Sewer Utilities/NW037-750-7502-71280

**Contract Period:** Commences upon the date of the issuance of a Notice to Proceed and shall not exceed one (1) year

**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:**

**WHEREAS**, the City of Newark's Department of water and Sewer Utilities ("the Department,") requires Professional Engineering Services of a New Jersey State Licensed Operator for support services for process operations and maintenance improvement assistance at the City's Pequannock Water Treatment Plant and;

**WHEREAS**, a proposal, dated September 20, 2023, was received by the Department from Jerry J. Notte & Associates, LLC, outlining a scope of work to provide Professional Engineering Services of a Licensed Operator for support services for process, operations and maintenance improvement assistance at the Pequannock Water Treatment Plant; and

**WHEREAS**, the Department wishes to execute a Professional Engineering Services Contract with Jerry J. Notte & Associates, LLC, 7 Winfield Court, Fairfield, New Jersey 07004, to provide Professional Engineering Services from a Licensed Operator for support services for the process, operations and maintenance improvement assistance at the Pequannock Water Treatment Plant, in an amount not to exceed \$598,080.00, and this contract commences upon the issuance of a notice to proceed and shall not exceed one (1) year; and

**WHEREAS**, the provision of the Local Public Contracts Law N.J.S.A. 40A:11-5(1)(a) authorizes the award of professional services agreement without public advertising of bids and bidding and requires that the contract be made available for public inspection; and

**WHEREAS**, this contract is for an amount over \$17,500.00 and is being awarded as a Non-Fair and Open Contract, pursuant to N.J.S.A. 19:44A-20.5; and

**WHEREAS**, Jerry J. Notte & Associates, LLC, has completed and submitted a Business Entity Disclosure Certificate which certifies that Jerry J. Notte & Associates, LLC, has not made any reportable contributions to a political or candidates committee in the City of Newark in the previous one (1) year, and that the contract will prohibit Jerry J. Notte & Associates, LLC, from making any reportable contributions through the term of the contract; and

**WHEREAS**, the award is in compliance with Ordinance §2:4-22C.1, which adopted the State of New Jersey's Pay-to-Play statutory requirement, pursuant to N.J.S.A. 19:44A-20.5, as may be amended and supplemented, governing eligibility for municipal contracts.

**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 the Department of Water and Sewer Utilities, are authorized to execute a contract with Jerry J. Notte & Associates, LLC, 7 Winfield Court, Fairfield, New Jersey 07004, to provide Professional Engineering Services from a New Jersey State Licensed Operator for Support Services for Process Operations and Maintenance Improvement Assistance at the Pequannock Water Treatment Plant, in an amount not to exceed \$598,080.00, for a period not to exceed one (1) year from issuance of a Notice to Proceed.
2. Pursuant to N.J.A.C. 5:30-5.5, Temporary Budget, attached hereto is a partial Certification of Funds issued by the Director of the Department of Finance, which states that there are available sufficient legally appropriated funds in the amount of \$5,000.00 for the purposes set forth herein, under NW037-750-7502-A-71280-B2023. The certification shall be filed along with the original resolution in the Office of the City Clerk. The remainder of the funding for this contract will be subject to appropriation in the 2024 Budget and funds will be certified prior to services being provided by the contractor.
3. This contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5 (1) (a) (i) of the Local Public Contracts Law, because the performance of the service required must be performed by a person (or persons) licensed to practice a recognized profession (Engineering) by the State of New Jersey, whose performance required knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study, as distinguished from general academic instruction.
4. The Director of the Department of Water and Sewer Utilities shall file a duly executed copy of the contract, Determination of Value and Business Entity Disclosure Certificate in the office of the City Clerk.
5. Jerry J. Notte & Associates, LLC, has completed and submitted a Business Entity Disclosure Certificate which shall be placed on file in the City Clerk's Office by the Director of the Department of Water and Sewer Utilities, certifying that Jerry J. Notte & Associates, LLC, has not made any reportable contributions to a political or candidate committee in the City of Newark in the previous one year, and that the contract will prohibit Jerry J. Notte & Associates, LLC, from making any reportable contributions through the term of the contract.

6. There shall be no amendment of this contract without prior approval of the Municipal Council.
7. There shall be no advance payment 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 10 days of its passage.

### **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 with Jerry J. Notte & Associates, LLC, to provide Professional Engineering Services from a New Jersey State Licensed Operator for Support Services for Process Operations and Maintenance Improvement Assistance at the Pequannock Water Treatment Plant, in an amount not to exceed \$598,080.00, for a period not to exceed one (1) year from issuance of a Notice to Proceed.