



# City of Newark

City Hall  
920 Broad Street  
Newark, New Jersey 07102

## Legislation Text

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File #: 14-0791, Version: 1

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

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

**Type of Service:** Professional Services Contract

**Purpose:** Professional Services Contract

**Entity Name:** CDM Smith

**Entity Address:** 110 Fieldcrest Avenue #8, 6<sup>th</sup> Floor, Edison, New Jersey 08837

**Contract Amount:** \$264,000.00

**Funding Source:** Department of Water and Sewer Utilities Budget

**Contract Period:** One year from award

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

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

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

**Additional Information:**

Eight (8) RFQ packages were distributed

One (1) proposal was received

**WHEREAS**, the City of Newark requires professional engineering services for GIS Development Services for the Water and Sewer System, and a Request for Qualifications (RFQ) was issued on January 30, 2014; and

**WHEREAS**, the Department of Water and Sewer Utilities distributed Eight (8) RFQ packages to prospective vendors following the date of advertisement; and

**WHEREAS**, one (1) proposal was received by the Department of Water and Sewer Utilities on February 14, 2014 pursuant to the RFQ, and a proposal received from CDM Smith, 110 Fieldcrest Avenue #8, 6<sup>th</sup> Floor, Edison, New Jersey 08837, for this work for the amount not to exceed \$264,000.00, was found to be in the best interest of the City of Newark to accept; and

**WHEREAS**, the City of Newark wishes to enter into an agreement CDM Smith, 110 Fieldcrest Avenue #8, 6<sup>th</sup> Floor, Edison, New Jersey 08837, to provide engineering services for GIS Development Services for the Water and Sewer System, in an amount not to exceed \$ 264,000.00; and

**WHEREAS**, the local Public Contracts Law N.J.S.A. 40A:11-5(1)(a) requires that notice of award of contracts for "Professional Services" without competitive bidding 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**, CDM Smith has completed and submitted a Business Entity Disclosure Certificate which certifies that CDM Smith, has not made any reportable contributions to a political or candidates committee in the City of Newark in the previous one year, and that the contract will prohibit CDM Smith, from making any reportable contributions through the term of the contract; and

**WHEREAS**, the Mayor of the City of Newark signed into law Executive Order Number MEO-07-0001 (hereinafter "Pay-to-Play Executive Order") which requires the reporting of political contributions to Newark Municipal Candidates and prohibits certain political contributions during the duration of the contract.

**WHEREAS**, the Municipal Council adopted the Contractor Pay-to-Play Reform Ordinance, 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.

**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 and/or his designee, the Acting Director of the Department of Water and Sewer Utilities, to accept the proposal from CDM Smith, and to execute an agreement with CDM Smith, 110 Fieldcrest Avenue #8, 6<sup>th</sup> Floor, Edison, New Jersey 08837, to provide professional engineering services to the City of Newark, Department of Water & Sewer Utilities, for GIS Development Services for the Water and Sewer System, in an amount not to exceed \$ 264,000.00, for a period of one year from the date that the contract is authorized by the Newark Municipal Council.
2. Pursuant to N.J.A.C. 5:30-5.5, attached hereto is a partial certification of funds issued by the Acting Director of Finance which states that funds in the amount of \$ 50,000.00 are available under Business Unit NW037, Department ID 750, Div./Proj. 7502, Account 71280. 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 2015 Budget and funds will be certified prior to services being provided by the contractor.
3. This contract is being awarded pursuant to the Fair and Open procedures of the Pay-to-Play Law N.J.S.A. 19:44A-20.5 and pursuant to the provisions of the Local Public Contract Law N.J.S.A. 40A:11-5 (1) (a) (i), and is in compliance with Executive order MEO-07-0001, effective March 31, 2007.
4. 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 engineering 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.

5. A copy of the fully executed contract shall be filed in the Office of the City Clerk by the Acting Director of the Department of Water and Sewer utilities and shall be made available for public inspection.
6. A copy of the Business Entity Disclosure Certification shall be placed on file in the Office of the City Clerk.
7. CDM Smith, has completed and submitted a Business Entity Disclosure Certificate, which shall be placed on file in the City Clerk's Office by the Acting Director of the Department of Water and Sewer Utilities, certifying that CDM Smith, 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 CDM Smith, from making any reportable contributions through the term of the contract.
8. There shall be no amendment of this contract without prior approval of the Municipal Council.
9. There shall be no advance payment on this contract in accordance with N.J.S.A. 40A:5-16.
10. 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 Acting Director of the Department of Water and Sewer Utilities, to accept the proposal from CDM Smith, and to execute an agreement with CDM Smith, 110 Fieldcrest Avenue #8, 6<sup>th</sup> Floor, Edison, New Jersey 08837, to provide professional engineering services to the City of Newark, Department of Water and Sewer Utilities, for GIS Development Services for the Water and Sewer System, in an amount not to exceed \$ 264,000.00, for a period of one year from the date that the contract is authorized by the Newark Municipal Council.

