



Legislation Text

File #: 15-0736, Version: 1

Dept/ Agency: Economic & Housing Development

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

Type of Service: Amendment to Professional Services Contract

Purpose: Licensed Site Remediation Professional Services for the site located at 2-24 Mount Pleasant Avenue (Block 571.01, Lot 1), amendment allows contractor more than 200 calendar days to complete site remediation and removes time frame for City to pay invoices without incurring penalty.

Entity Name: Yu and Associates, Inc.

Entity Address: 200 Riverfront Boulevard, Elmwood Park, NJ 07407

Contract Amount: Not to exceed \$262,115.70

Funding Source: US EPA Brownfield Multi-purpose Pilot Multi-purpose Pilot Grant

Contract Period: One year from the date of issuance of a Notice to Proceed by the Deputy Mayor/Director of the Department of Economic and Housing Development.

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

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

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

Additional Information:

- No additional municipal funds required for this amendment
- Resolution 7R3-A(s) authorizes original professional service agreement.

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

WHEREAS, the City of Newark by Resolution 7R3-A(s), adopted on March 24, 2015, awarded a contract to Yu and Associates, Inc., with offices located at 200 Riverfront Boulevard, Elmwood Park, New Jersey 07407, to provide environmental engineering services in an amount not to exceed Two Hundred and Sixty-Two Thousand One Hundred Fifteen Dollars and Seventy Cents (\$262,115.70), for the period of one year from the date of issuance of a Notice to Proceed by the Director of the Department of Economic and Housing Development; and

WHEREAS, there is a need to amend the contract to allow the contractor more than 200 calendar days to complete the project and remove the 30 day time frame by which the City must pay invoices without a penalty; and

WHEREAS, the 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, 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.

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 Deputy Mayor/Director of the Department of Economic and Housing Development, are hereby authorized to enter into and execute a First Amended Professional Service Agreement to allow the contractor more than 200 calendar days to complete the project and remove the 30-day time frame by which the City must pay invoices without a penalty, with Yu and Associates, Inc., 200 Riverfront Boulevard, Elmwood Park, NJ 07407.

2. This First Amended Professional Service Agreement is made in accordance with the professional services exception to public bidding pursuant to the Local Public Contracts Law (N.J.S.A. 40A:11-5(1)(a)(i) and pursuant to the Non-Fair and Open Procedures of the State Pay-to-Play Law (N.J.S.A. 19:44A-20.5) and is in compliance with the Contractor Pay--to-Play Ordinance, 6PSF-A adopted on August 1, 2012.

3. A copy of the executed First Amended Professional Service Agreement 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. Except as amended hereby, all other terms and conditions of the Professional Service Agreement authorized by Resolution 7R3-A(s) shall remain the same.

5. 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 and/or his designee, the Deputy Mayor/Director of the Department of Economic & Housing Development to enter into and execute a First Amended Professional Service Agreement with Yu and Associates, Inc., 200 Riverfront Boulevard, Elmwood Park, New Jersey 07407, to allow contractor more than 200 calendar days to complete the project and remove the 30-day time frame by which the City pays invoices without penalty.