



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 23-0857, Version: 1

Dept/ Agency: Water and Sewer Utilities

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

Type of Service: Professional Services Contract

Purpose: To provide High Service Pumps and Additional Filters at the Pequannock Water Treatment Plant.

Entity Name: Kleinfelder, Inc.

Entity Address: 150 College Road West, Suite 100, Princeton, New Jersey 08540

Contract Amount: Not to exceed \$895,000.00

Funding Source: 2023 Budget/Department of Water and Sewer Utilities/NW037-750-7502-A-71280-B2023

Contract Period: Commencing from the date of an issuance of a Notice to Proceed to the completion of construction, pursuant to N.J.S.A. 40(A):11-15(9)

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 the existing water treatment system to be expanded due to anticipated future water demand increases; and

WHEREAS, a proposal, dated May 23, 2023, was received by the Department from Kleinfelder, Inc., outlining a scope of work to provide High Service Pumps and additional Filters at the Pequannock Water Treatment Plant; and

WHEREAS, the Department wishes to execute a Professional Engineering Services Contract with Kleinfelder, Inc., 150 College Road West, Suite 100, Princeton, New Jersey 08540, to provide professional engineering services for High Service Pumps and Additional Filters at the Pequannock Water Treatment Plant, for a total contract amount not to exceed \$895,000.00, and a contract period from the issuance of Notice to Proceed through the completion of construction, pursuant to N.J.S.A. 40(A) 11-15(9); 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, Kleinfelder, Inc., has completed and submitted a Business Entity Disclosure Certificate, which certifies that Kleinfelder, Inc., has 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 Kleinfelder, Inc., from making any reportable contributions through the term of the contract; and

WHEREAS, the award is in compliance with Ordinance §2:4-22C, which adopted the State of New Jersey's Pay-to-Play statutory requirements, 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 accept the proposal from Kleinfelder, Inc., and execute an agreement with Kleinfelder, Inc., 150 College Road West, Suite 100, Princeton, New Jersey 08540, to provide Professional Engineering Services for High Service Pumps and Additional Filters at the Pequannock Water Treatment Plant, in a total contract amount not to exceed \$895,000.00, with a contract term commencing from the issuance of a Notice to Proceed through completion of construction, pursuant to N.J.S.A. 40(A): 11-15(9).
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 \$1,000.00 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 2023 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(s) licensed to practice a recognized profession (Engineering) by the State of New Jersey, whose performance required knowledge of an advance 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 Certification in the office of the City Clerk.
5. Kleinfelder, Inc., 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 Kleinfelder, Inc., 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 Kleinfelder, Inc., from making any reportable contributions through the term of the contract.

6. There shall be no amendment or change to the contract without approval by the Municipal Council.
7. There shall be no advance payment made against this contract in accordance with N.J.A.C. 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 accept the proposal from Kleinfelder, Inc., 150 College Road West, Suite 100, Princeton, New Jersey 08540, and enter into and execute an agreement to provide Professional Engineering Services at the Pequannock Water Treatment Plant for High Service Pumps and Additional Filters, for an amount not to exceed \$895,000.00, for a contract term from issuance of Notice to Proceed, until construction completion, pursuant to N.J.S.A. 40(A): 11-15(9).