



# City of Newark

City Hall  
920 Broad Street  
Newark, New Jersey 07102

## Legislation Text

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File #: 17-1348, Version: 1

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

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

**Type of Service:** Professional Services Contract

**Purpose:** Combined Sewer Overflow General Permit Support and Tier "A" Municipal Stormwater General Permit Support

**Entity Name:** HDR Engineering, Inc.

**Entity Address:** One Riverfront Plaza, 14<sup>th</sup> Floor, Newark, New Jersey 07102

**Contract Amount:** Amount not to exceed \$201,000.00

**Funding Source:** 2017 Budget/ Department of Water and Sewer Utilities

**Contract Period:** One (1) year from issuance of Notice to Proceed

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

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

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

**Additional Information:**

Number of RFP Packages Distributed: Seven (7)

Number of Packages Received: One (1)

**WHEREAS**, the City of Newark requires Professional Engineering Services for Combined Sewer Overflow General Permit Support and Tier A Municipal Stormwater General Permit Support, and the Department of Water and Sewer Utilities issued a Request for Proposal (RFP) on March 30, 2017; and

**WHEREAS**, the Department of Water and Sewer Utilities received one (1) proposal on April 20, 2017 pursuant to the RFP, from HDR Engineering, Inc., One Riverfront Plaza 14<sup>th</sup> Floor, Newark, New Jersey 07102, for this work for the amount not to exceed \$201,000.00, 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 with HDR Engineering, Inc., One Riverfront Plaza 14<sup>th</sup> Floor, Newark, New Jersey 07102, to provide engineering services for Combined Sewer Overflow General Permit Support and Tier A Municipal Stormwater General Permit Support, in an amount not to exceed \$201,000.00; 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**, HDR Engineering, Inc., has completed and submitted a Business Entity Disclosure Certificate which certifies that HDR Engineering, Inc., 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 HDR Engineering, Inc. from making any reportable contributions through the term of the contract; 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 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 candidates 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 Director of the Department of Water and Sewer Utilities, to accept the proposal from HDR Engineering, Inc., and to execute an agreement with HDR Engineering, Inc., One Riverfront Plaza 14<sup>th</sup> Floor, Newark, New Jersey 07102, to provide professional engineering services to the City of Newark, Department of Water and Sewer Utilities, for Combined Sewer Overflow General Permit Support and Tier A Municipal Stormwater General Permit Support, in an amount not to exceed \$201,000.00, for a period of one year from issuance of Notice to Proceed.
2. Pursuant to N.J.A.C. 5:30-5.5, attached hereto is a partial certification of funds issued by the Director of Finance which states that funds in the amount of \$50,000.00 are available under Business Unit NW038, Department ID 800, Division/Project 8003, Account # 71240, B2017. 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 2018 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 the City's Contractor Pay-to-Play Reform Ordinance, R.O. 2:4-22C.
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 Contract 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.
5. A copy of the fully executed contract shall be filed in the Office of the City Clerk by the 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. HDR Engineering, 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 HDR Engineering, 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 HDR Engineering, Inc. from making any reportable contributions through the term of the contract.
8. HDR Engineering, Inc. shall comply with the requirements of N.J.S.A. 10:5-31 and N.J.A.C. 17:27-1 et seq. and submit to the State of New Jersey and/or the City of Newark such documentation as required by law and the City of Newark Office of Affirmative Action.
9. There shall be no amendment of this contract without prior approval of the Municipal Council.
10. There shall be no advance payment on this contract in accordance with N.J.S.A. 40A:5-16.
11. 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 HDR Engineering, Inc., and to execute an agreement with HDR Engineering, Inc., One Riverfront Plaza 14<sup>th</sup> Floor, Newark, New Jersey 07102, to provide professional engineering services to the City of Newark, Department of Water and Sewer Utilities, for the Combined Sewer Overflow General Permit Support and Tier A Municipal Stormwater General Permit Support, in an amount not to exceed \$201,000.00, for a period of one year from issuance of Notice to Proceed.