



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 20-1508, Version: 1

Dept/ Agency: Water and Sewer Utilities

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

Type of Service: Professional Services Contract

Purpose: Water Meter Replacement Program: Design and Construction Administration Services

Entity Name: CDM Smith, Inc.

Entity Address: 110 Fieldcrest Avenue, #8, 6th Floor, Edison, New Jersey 08837

Contract Amount: Not to exceed \$270,810.00

Funding Source: 2020 Budget/Department of Water and Sewer Utilities/NW038- 800-8003-71240-B2020

Contract Period: Until completion of project construction pursuant to N.J.S.A. 40A:11-15(9)

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

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

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

Additional Information:

Number of RFQ Packages Distributed: Sixteen (16)

Number of Packages Received: Seven (7)

WHEREAS, the City's Department of Water and Sewer Utilities requires Professional Engineering Services for Water Meter Replacement Program: Design and Construction Administration Services and issued a Request for Qualifications (RFQ) on May 18, 2020; and

WHEREAS, the Department of Water and Sewer Utilities received seven (7) Qualification Statements on July 14, 2020 pursuant to the RFQ, and a Qualification Statement received from CDM Smith, Inc., 110 Fieldcrest Avenue, #8, 6th Floor, Edison, New Jersey 08837, for this work for the amount not to exceed Two Hundred Seventy Thousand Eight Hundred Ten Dollars and Zero Cents (\$270,810.00), was found to be in the best interest of the City of Newark to accept; and

WHEREAS, the City of Newark (the "City") wishes to enter into an agreement with CDM Smith, Inc., 110 Fieldcrest Avenue, #8, 6th Floor, Edison, New Jersey 08837, to provide Professional Engineering Services for Water Meter Replacement Program: Design and Construction Administration Services, in an amount not to exceed Two Hundred Seventy Thousand Eight Hundred Ten Dollars and Zero Cents (\$270,810.00); and

WHEREAS, 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, Inc., has completed and submitted a Business Entity Disclosure

Certificate, which certifies that CDM Smith, Inc., 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 CDM Smith, 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 CDM Smith, Inc., and to execute an agreement with CDM Smith, Inc., 110 Fieldcrest Avenue, #8, 6th Floor, Edison, New Jersey 08837, to provide Professional Engineering Services for Water Meter Replacement Program: Design and Construction Administration Services, in an amount not to exceed Two Hundred Seventy Thousand Eight Hundred Ten Dollars and Zero Cents (\$270,810.00), until completion of project construction pursuant to N.J.S.A. 40A:11-15(9).
2. Pursuant to N.J.A.C. 5:30-5.5, attached hereto is a partial Certification of Funds issued by the Director of the Department of Finance, which states that funds in the amount of Five Thousand Dollars and Zero Cents (\$5,000.00) are available under Business Unit NW038, Department ID 800, Division 8003, Account 71240, Budget Year 2020. 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 2021 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 Contracts 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 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.
5. The Director of the Department of Water and Sewer Utilities shall file a copy of the fully executed contract in the Office of the City Clerk and the same shall be made available for public inspection.

6. CDM Smith, Inc., has completed and submitted a Business Entity Disclosure Certificate, which shall be placed on file in the Office of the City Clerk by the Director of the Department of Water and Sewer Utilities, certifying that CDM Smith, 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 CDM Smith, Inc., from making any reportable contributions through the term of the contract.
7. There shall be no amendment of this contract without prior approval of the Municipal Council.
8. There shall be no advance payment on this contract in accordance with N.J.S.A. 40A:5-16.
9. 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 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 Qualification Statement from CDM Smith, Inc., and to enter into and execute an agreement with CDM Smith, Inc., 110 Fieldcrest Avenue, #8, 6th Floor, Edison, New Jersey 08837, to provide Professional Engineering Services for Water Meter Replacement Program: Design and Construction Administration Services, in an amount not to exceed \$270,810.00, until completion of project construction pursuant to N.J.S.A. 40A:11-15(9).