



## Legislation Details (With Text)

**File #:** 12-1568      **Version:** 1      **Name:** Design and/or administer construction at several CSO sites

**Type:** Resolution      **Status:** Filed

**File created:** 7/16/2012      **In control:** Water Sewer Utility

**On agenda:** 9/6/2012      **Final action:** 9/6/2012

**Title:** Dept/ Agency: Water & Sewer Utilities  
Action: ( ) Ratifying (X) Authorizing (X) Amending  
Type of Service: Amending Professional Services Contract  
Purpose: Extending the period and amount of contract to Design and/or Administer Construction at Several CSO Sites (Jackson/Polk Streets, Clay Street, Freeman Street, Roanoke Avenue, Fourth Avenue and Delavan Avenue)  
Entity Name: ARCADIS U.S., Inc.  
Entity Address: 630 Plaza Drive, Suite 200, Highlands Ranch, CO 80129  
Contract Amount: \$2,225,000.00  
Funding Source: Department of Water and Sewer Utilities Budget  
Contract Period: One year upon execution of the contract amendment  
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:  
Amending Resolution 7R12-c 090811

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### Code sections:

Date	Ver.	Action By	Action	Result
9/6/2012	1	Municipal Council	Adopt	Pass

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**WHEREAS**, the City of Newark is in need of additional professional environmental services to

satisfy the Combined Sewer Overflows (“CSO”) Abatement Project which is mandated by an Administrative Consent Order (“ACO”) between the City and the State of New Jersey; and

**WHEREAS**, Resolution 7R12-c 090811 authorized the Acting Director of the Department of Water and Sewer Utilities to execute a contract with ARCADIS U.S., Inc., 630 Plaza Drive, Suite 200, Highlands Ranch, CO 80129, to provide Professional Engineering Services for the same type of services as needed above and is satisfied with the professional engineering services that were rendered; and

**WHEREAS**, the City of Newark wishes to enter into a contract amendment with ARCADIS U.S., Inc., 630 Plaza Drive, Suite 200, Highlands Ranch, CO 80129, to continue to design and/or administer construction at several CSO sites for the City of Newark (Jackson/Polk Streets, Clay Street, Freeman Street, Roanoke Avenue, Fourth Avenue and Delavan Avenue), in an additional amount of Nine Hundred Seventy Five Thousand Dollars (\$975,000.00), for a total amount not to exceed Two Million Two Hundred Twenty-Five Thousand Dollars (\$2,225,000.00) for the period commencing upon execution of the contract amendment and terminating (1) year thereafter. The scope of services is detailed in Exhibit A; 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**, this contract is for an amount over \$17,500.00 and is being awarded pursuant to a “non-fair and open process” pursuant to N.J.S.A. 19:44A-20.5; and

**WHEREAS**, ARCADIS U.S. Inc. has completed and submitted a Business Entity Disclosure Certificate which certifies that ARCADIS U.S. Inc. has not made any reportable contributions to a political or candidate committee in the City of Newark in the previous one year, and the contract will prohibit ARCADIS U.S. Inc. from making any contributions through the term of the Amended 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 reporting of political contributions to Newark Municipal Candidates and prohibits certain political contributions during the duration of the 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 Acting Director of Water and Sewer Utilities is hereby authorized on behalf of the City of Newark to execute a contract amendment with ARCADIS U. S., Inc., 630 Plaza Drive, Suite 200, Highlands Ranch, CO 80129, to continue to provide professional engineering services concerning design and/or administer construction at several CSO sites for the City of Newark (Jackson/Polk Streets, Clay Street, Freeman Street, Roanoke Avenue, Fourth Avenue and Delavan Avenue), in an additional amount of Nine Hundred Seventy Five Thousand Dollars (\$975,000.00), for a total amount not to exceed Two Million Two Hundred Twenty-Five Thousand Dollars (\$2,225,000.00), for the period commencing upon execution of the contract amendment and terminating (1) year thereafter.

2. Attached hereto is a certification of funds for ARCADIS U.S., Inc. in the amount of Nine Hundred Seventy Five Thousand Dollars (\$975,000.00) which states (1) that there are sufficient funds for the purpose set forth hereinabove and (2) that the funds have been provided under the Department of Water & Sewer Utilities capital budget as Fund 044, Agency S07, Division 07S0B and Account 94710.
3. This contract was awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(a)(i) of the Local Public Contracts Law because the performance of the service required must be performed by someone who is licensed to practice engineering in the State of New Jersey.
4. This contract was awarded pursuant to the non-fair and open procedures of the State Play-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(a)(i) and is in compliance with the Pay-to-Play Executive Order.
5. A copy of the Business Disclosure Entity Certification and the Determination of Value letter shall be placed on file with the Resolution in the Office of the City Clerk.
6. ARCADIS U.S., Inc. has completed and submitted a Business Entity Disclosure Certificate, which shall be placed on file with the Resolution in the City Clerk's Office, certifying that ARCADIS U.S., Inc. has not made any contribution to a political or candidate committee in the City of Newark in the previous one year, and the contract will prohibit ARCADIS U.S., Inc. from making contributions through the term of the contract.
7. A copy of the executed contract amendment herein authorized shall be filed in the Office of the City Clerk by the Acting Director of Water and Sewer Utilities and shall be made available for public inspection.
8. No changes to this contract are allowed without prior Municipal Council approval.
9. There shall be no advance payments made against this contract in accordance with N.J.A.C. 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 ten (10) days of the adoption of this Resolution.
11. Since this is a public works project, the Acting Director of the Department of Water and Sewer Utilities may extend the contract for an additional year with the approval of the Newark Municipal Council, pursuant to N.J.S.A. 40A:11-15(9).

### **STATEMENT**

This resolution authorizes the Mayor and/or his designee, the Acting Director of the Department of Water and Sewer Utilities to enter into a professional service contract amendment with the engineering firm of ARCADIS U.S., Inc., 630 Plaza Drive, Suite 200, Highlands Ranch, CO 80129 to provide additional Professional Engineering Services related to design and/or administer construction at several CSO sites for the City of Newark (Jackson/Polk Streets, Clay Street, Freeman Street, Roanoke Avenue, Fourth Avenue and Delavan Avenue), for an additional amount of Nine Hundred

Seventy Five Thousand Dollars (\$975,000.00), for a total amount not to exceed Two Million Two Hundred Twenty-five Thousand Dollars (\$2,225,000.00), for the period commencing upon execution of the contract amendment and terminating 1 year thereafter.