



## Legislation Details (With Text)

**File #:** 12-1598      **Version:** 1      **Name:** HDR Engineering, Inc.,  
**Type:** Resolution      **Status:** Filed  
**File created:** 7/19/2012      **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 ( ) Amending  
Type of Service: Professional Services Contract  
Purpose: To provide CSO Annual Inspection and Report to NJDEP  
Entity Name: HDR Engineering, Inc.  
Entity Address: One Riverfront Plaza, 14th Floor, 1037 Raymond Blvd., Newark, New Jersey 07102  
Contract Amount: \$28,500.00  
Funding Source: Department of Water and Sewer Utilities Budget  
Contract Period: Commencing upon execution of the contract and terminating one (1) year after said execution  
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:

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### Code sections:

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

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**Additional Information:**

**WHEREAS**, the City of Newark is in need of additional professional engineering services to satisfy the mandate by New Jersey Department of Environmental Protection ("NJDEP") General Permit for Combined Sewer Overflow ("CSO") to conduct an annual inspection and submit an inspection report to NJDEP; and

**WHEREAS**, the City of Newark wishes to enter into a Contract with HDR Engineering, Inc., One Riverfront Plaza, 14<sup>th</sup> Floor, 1037 Raymond Boulevard, Newark, New Jersey 07102, to comply with the requirements of NJDEP General Permit for CSO to conduct an annual inspection and submit an inspection report to NJDEP, in an amount not to exceed Twenty-Eight Thousand Five Hundred Dollars (\$28,500.00), upon execution of Contract, for the period commencing upon execution of the contract and terminating one (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**, 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 candidate committee in the City of Newark in the previous one (1) year, and the contract will prohibit HDR Engineering, Inc., from making any contributions through the term of the 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 with HDR Engineering, Inc., One Riverfront Plaza, 14<sup>th</sup> Floor, 1037 Raymond Boulevard, Newark, New Jersey 07102, to provide professional engineering services to conduct an annual inspection and submit an inspection report to NJDEP in order to comply with the requirements of NJDEP General Permit for CSO, in an amount not to exceed Twenty-Eight Thousand Five Hundred Dollars (\$28,500.00), upon execution of Contract, for the period commencing and terminating one (1) year thereafter.
2. Attached hereto is a certification of funds for HDR Engineering, Inc. in the amount of Twenty-Eight Thousand Five Hundred Dollars (\$28,500.00); which states (1) that there are sufficient funds for the purpose set forth hereinabove and (2) that the line appropriation of the official budget shall be: Business Unit NW038, Department ID 800, Division 8003 and Account 7128.
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. HDR Engineering, Inc. has completed and submitted a Business Entity Disclosure Certificate, which shall be placed on file with the resolution in the Office of the City Clerk, certifying that HDR Engineering, Inc. has not made any contribution to a political or candidate committee in the City of Newark in the previous one (1) year, and the contract will prohibit HDR Engineering, Inc. from making contributions through the term of the contract.
7. A copy of the executed agreement 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 local 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 Acting Director of the Department of Water and Sewer Utilities to enter into a professional service Contract with HDR Engineering, Inc., One Riverfront Plaza, 14<sup>th</sup> floor, 1037 Raymond Boulevard, Newark, New Jersey 07102 to provide Professional Engineering Services to conduct an annual inspection and submit an inspection report to NJDEP in order to comply with the requirements of NJDEP General Permit for CSO, in an amount not to exceed Twenty-Eight Thousand Five Hundred Dollars (\$28,500.00), upon execution of Contract, for the period commencing and terminating one (1) year thereafter.