Legislation Details (With Text)

File #:	13-1940	**Version:**	1	**Name:**	Arcadis US - Design and Contract Administration of Improvements to the Peddie CSO, Professional Services Contract by Arcadis U.S. Inc., 2013
Type:	Resolution			**Status:**	Filed
File created:	10/3/2013			**In control:**	Water Sewer Utility
On agenda:	12/18/2013			**Final action:**	12/18/2013

Title: Dept/ Agency: Water and Sewer Utilities
Action: ( ) Ratifying (X) Authorizing ( ) Amending
Type of Service: Professional Services Contract
Purpose: Design and Contract Administration of Improvements to the Peddie CSO
Entity Name: Arcadis U.S. Inc.
Entity Address: 630 Plaza Drive, Suite 200, Highlands Ranch, Colorado 80129
Contract Amount: $276,900.00
Funding Source: Department of Water and Sewer Utilities Budget
Contract Period: The earlier of one (1) year from Award for Design and Construction Administration or completion of construction
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:

Sponsors:

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
12/18/2013	1	Municipal Council	Adopt	Pass

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Additional Information:

WHEREAS, the City of Newark requires professional engineering services for Design and Contract Administration of Improvements to the Peddie CSO, and a Request for Qualifications (RFQ) was issued on December 21, 2012; and

WHEREAS, the Department of Water and Sewer Utilities distributed two (2) RFQ packages to prospective vendors following the date of advertisement; and

WHEREAS, two (2) proposals were received by the Department of Water and Sewer Utilities on January 9, 2013 pursuant to the RFQ, and a proposal received from Arcadis U.S. Inc., 630 Plaza Drive Suite 200, Highlands Ranch, Colorado 80129, for this work for the amount not to exceed $276,900.00, 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 Arcadis U.S. Inc., 630 Plaza Drive Suite 200, Highlands Ranch, Colorado 80129, to provide engineering services for Design and Contract Administration of Improvements to the Peddie CSO, in an amount not to exceed $276,900.00, for the earlier of one (1) year for design, and construction administration or the completion of the actual construction of this public works project, pursuant to N.J.S.A. 40A:11-15(9); 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, 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 candidates committee in the City of Newark in the previous one year, and that the contract will prohibit Arcadis U.S. Inc. from making any reportable 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 the reporting of political contributions to Newark Municipal Candidates and prohibits certain political contributions during the duration of the contract.

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 Acting Director of the Department of Water and Sewer Utilities, to accept the proposal from Arcadis U.S. Inc. and to execute an agreement with Arcadis U.S. Inc. 630 Plaza Drive, Suite 200, Highlands Ranch, Colorado 80129, to provide professional engineering services to the City of Newark, Department of Water and Sewer Utilities, for Design and Contract Administration of Improvements to the Peddie CSO, in an amount not to exceed $276,900.00, for a period of one (1) year from the date that the contract is authorized and awarded or until completion of construction, whichever occurs first, as per NJSA 40A:11-15(9) .

2. Pursuant to N.J.A.C. 5:30-5.5, attached hereto is a partial Certification of Funds from the Director of Finance which states that funds in the amount of $30,000.00 are available in the 2013 budget under Business Unit NW038, Department ID 800, Div./Proj. 8003, Account

71240, Year B2013, which 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 2014 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 Executive order MEO-07-0001, effective March 31, 2007.

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 engineering 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 Acting 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. Arcadis U.S. Inc. has completed and submitted a Business Entity Disclosure Certificate, which shall be placed on file in the City Clerk’s Office by the Acting Director of the Department of Water and Sewer Utilities, certifying 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 that the contract will prohibit Arcadis U.S. Inc., from making any reportable contributions through the term of the contract.

8. There shall be no amendment of this contract without prior approval of the Municipal Council.

9. There shall be no advance payment on this contract in accordance with N.J.S.A. 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 10 days of its passage.

STATEMENT

This resolution authorizes the Mayor and/or his designee, the Acting Director of the Department of Water and Sewer Utilities, to execute an agreement with Arcadis U.S. Inc., 630 Plaza Drive, Suite 200, Highlands Ranch, Colorado 80129, to provide professional engineering services to the City of Newark, Department of Water and Sewer Utilities, for Design and Contract Administration of Improvements to the Peddie CSO, in an amount not to exceed $276,900.00, for a period of one (1) year from the date that the contract is authorized and awarded, or until completion of construction, whichever occurs first, as per NJSA 40A:11-15(9).