



Legislation Details (With Text)

File #: 15-1833 **Version:** 1 **Name:** 3rd Amendment to Arcadis Professional Services Contract for design and construction administration of CSO's

Type: Resolution **Status:** Filed

File created: 9/18/2015 **In control:** Water Sewer Utility

On agenda: 12/2/2015 **Final action:** 12/2/2015

Title: Dept/ Agency: Water and Sewer Utilities
Action: ☒ Ratifying ☒ Authorizing ☒ Amending
Type of Service: 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, Colorado 80129
Contract Amount: Increase contract amount by \$275,000.00, New Contract Amount is \$3,504,000.00.
Funding Source: Department of Water and Sewer Utilities Budget
Contract Period: 22 Month extension from December 18, 2014 to October 18, 2016
Contract Basis: ☐ Bid ☐ State Vendor ☒ Prof. Ser. ☐ EUS
☐ Fair & Open ☒ No Reportable Contributions ☐ RFP ☐ RFQ
☐ Private Sale ☐ Grant ☐ Sub-recipient ☐ n/a
Additional Information:
Amending Resolution 7R12-c December 18, 2013

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
12/2/2015	1	Municipal Council	Adopt	Pass

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Amending Resolution 7R12-c December 18, 2013

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 Department of Environmental Protection (“NJDEP”); and

WHEREAS, Resolution 7R12-c December 18, 2013 authorized the Acting Director of the Department of Water Sewer Utilities to execute a contract with ARCADIS U.S., Inc., 630 Plaza Drive, Suite 200, Highlands Ranch, Colorado 80129, to provided 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, Colorado 80129, to continue 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 Two Hundred Seventy Five Thousand Dollars (\$275,000.00), for a total not to exceed Three Million Five Hundred Four Thousand Dollars (\$3,504,000.00) for a period of twenty-two (22) months commencing upon December 18, 2014 and terminating on October 18, 2016. 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 contract 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-07-000 (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; 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 of 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 aforementioned candidates; and political or political party 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 candidate 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 Mayor and/or his designee, the 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, Colorado 80129, to continue to provide professional engineering services concerning designing and/or administering 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 Two Hundred Seventy Five Thousand Dollars (\$275,000.00), for a total not to exceed Three Million Five Hundred Four Thousand Dollars (\$3,504,000.00), for a period of twenty-two (22) months commencing December 18, 2014 and terminating on October 18, 2016.
2. This contract is hereby ratified from December 18, 2014 and up to the date of authorization of this contract amendment.
3. Attached hereto is a Certification of Funds for ARCADIS U.S., Inc. in the amount of Two Hundred Seventy Five Thousand Dollars (\$275,000.00), 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 and Sewer Utilities Capital Budget as Fund 044, Agency S07, Division 07S0B and Account 94710.
4. 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.
5. This contract was awarded pursuant to the non-fair and open procedures of the State Pay-to-Play Law (N.J.S.A. 40:44A-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 Pay-to-Play Executive Order and Contractor Pay-to-Play Reform Ordinance, R.O. 2:4-22C.
6. 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.
7. 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 with prohibit ARCADIS U.S., Inc. from making contributions through the term of the contract.
8. A copy of the executed contract amendment herein authorized 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.
9. No changes to this contract are allowed without prior Municipal Council approval.
10. There shall be no advance payments made against this contract in accordance with N.J.A.C. 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 ten (10) days of the adoption of this Resolution.

12. Since this is a public works project, the 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 ratifies and authorizes the Mayor and/or his designee, the 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, Colorado 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 Two Hundred Seventy Five Thousand Dollars (\$275,000.00), for a total not to exceed Three Million Five Hundred Four Thousand Dollars (\$3,504,000.00), for a period of twenty-two (22) months commencing upon December 18, 2014 and terminating on October 18, 2016.