



## Legislation Details (With Text)

**File #:** 16-0857      **Version:** 1      **Name:** Consultant Services for the Development of Stormwater Utility Fee

**Type:** Resolution      **Status:** Adopted

**File created:** 5/16/2016      **In control:** Engineering

**On agenda:** 7/7/2016      **Final action:** 7/7/2016

**Title:** Dept/ Agency: Engineering  
Action: ☐ Ratifying ☒ Authorizing ☐ Amending  
Type of Service: Professional Services Contract  
Purpose: Conduct a Comprehensive Stormwater Utility Feasibility Study in the City of Newark, evaluate the City's ability to create a Stormwater Utility within the Department of Water and Sewer Utilities and implement a stormwater fee and incentive program to more effectively manage and maintain our stormwater infrastructure  
Entity Name: Black & Veatch Management Consulting, LLC  
Entity Address: 11401 Lamar Avenue, Overland Park, Kansas 66211  
Contract Amount: Maximum amount not to exceed \$244,435.00  
Funding Source: City of Newark/Water & Sewer Utilities 2016 Budget  
Contract Period: One (1) year after issuance of a formal Notice to Proceed  
Contract Basis: ☐ Bid ☐ State Vendor ☒ Prof. Ser. ☐ EUS  
☒ Fair & Open ☐ No Reportable Contributions ☒ RFP ☐ RFQ  
☐ Private Sale ☐ Grant ☐ Sub-recipient ☐ n/a  
Addition Information:  
Contract #06-2015PS RFP for Development of Stormwater Utility Fee  
Advertised Date November 16, 2015.  
Number of Proposals Solicited Twenty (20)  
Number of Proposals Received Four (4)

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### Code sections:

Date	Ver.	Action By	Action	Result
7/7/2016	1	Municipal Council	Adopt	Pass

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**WHEREAS**, in an effort to identify an appropriate funding source to mitigate flooding, improve Newark's water and sewer infrastructure and address State and Federal regulatory requirements in a fair and equitable manner, the City of Newark (the "City") is in need of professional services to conduct a Comprehensive Stormwater Utility Feasibility Study in the City of Newark; and

**WHEREAS**, the purpose of this comprehensive feasibility study is to evaluate the City's ability to create and implement a Stormwater Utility to more effectively manage and maintain our stormwater infrastructure, create a dedicated funding source to implement BMPs, identify and implement required activities to ensure State and Federal regulatory compliance, coordinate infrastructure improvement projects, educate and engage the community in water quality stewardship and finally, to provide incentives for the community to adopt eligible/acceptable BMPs and green stormwater infrastructure that more effectively manage stormwater runoff; and

**WHEREAS**, the services being sought are professional services, exempt from the requirement of public bidding, in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(i); and

**WHEREAS**, the City of Newark Department of Water and Sewer Utilities is charged with the responsibility of managing the extensive sewer system and continuing to provide adequate and reliable sewer service to its many customers and public; and

**WHEREAS**, the City of Newark Department of Engineering is responsible for the planning, improvement, enhancement and operation of City infrastructure and areas within the public right-of-way and built environment that include roadways, traffic and transportation, public buildings, municipal parks, and the City's vehicle fleet; and

**WHEREAS**, in collaboration with the Department of Water and Sewer Utilities, on Monday, November 16, 2015, the Department of Engineering advertised for the receipt of responses to a Request for Proposal ("RFP") from qualified professionals to provide the above-referenced professional services; and

**WHEREAS**, on Thursday, December 3, 2015, the consultants/firms were invited to attend a Bidders Conference; and

**WHEREAS**, on January 7, 2016, four (4) firms submitted written proposals in response to the Department of Engineering's RFP; and

**WHEREAS**, in accordance with the RFP's evaluation criteria, the evaluation review committee invited Respondents whose proposal scored an average of 70 points or higher out of a possible 100 to participate in an oral interview; and

**WHEREAS**, three (3) of the four (4) respondents were invited to participate in the oral interview phase of the procurement process; and

**WHEREAS**, after reviewing written proposals and conducting oral interviews with three (3) of the four (4) respondents, the City's evaluation review committee determined it is in the best interest of the City to award Contract #06-2015PS Development of Stormwater Utility Fee to Black & Veatch Management Consulting, LLC, 11401 Lamar Avenue, Overland Park, Kansas 66211, based upon price and other factors for the purpose of providing the above-referenced professional services; and

**WHEREAS**, the City of Newark wishes to enter into a contract with Black & Veatch Management Consulting, LLC, to provide the above-referenced professional services an amount not to exceed Two Hundred Forty Four Thousand Four Hundred Thirty Five Dollars and Zero Cents (\$244,435.00), for the period of one (1) year after issuance of a formal Notice to Proceed; 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 as a fair and open contract pursuant to N.J.S.A. 19:44A-20.5; 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 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 Engineering, on behalf of the City of Newark, are hereby authorized to enter into and execute a professional services Contract #06-2015PS, Development of Stormwater Utility Fee, with Black & Veatch Management Consulting, LLC, 11401 Lamar Avenue, Overland Park, Kansas 66211, for an amount not to exceed \$244,435.00 (Two Hundred Forty Four Thousand Four Hundred Thirty Five Dollars and Zero Cents), to conduct a Comprehensive Stormwater Utility Feasibility Study in the City of Newark for the purpose of evaluating the City's ability to create and implement a Stormwater Utility to more effectively manage and maintain our stormwater infrastructure.
2. The term of this contract shall be for one (1) year after issuance of a formal Notice to Proceed.
3. This contract is being awarded pursuant to the fair and open procedures of the State 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 Contractor Pay-to-Play Reform Ordinance, R.O. 2:4-22C.
4. Attached hereto is a Certification of Funds issued by the Chief Financial Officer, City of Newark, which states that there are available sufficient legally appropriated funds in the amount of \$244,435.00 (Two Hundred Forty Four Thousand Four Hundred Thirty Five Dollars

and Zero Cents) for the purposes set forth herein. A copy of the Certification of Funds shall be filed in the Office of the City Clerk by the Director of Engineering together with this resolution.

5. No amendments or modifications to this contract shall be allowed or authorized without prior Municipal Council approval
6. There shall be no advance payments made against this contract in accordance with N.J.A.C. 40A:5-16.
7. The Director of Engineering shall file a fully-executed copy of the contract any supporting documents authorized herein in the Office of the City Clerk.
8. Black & Veatch Management Consulting, LLC, 11401 Lamar Avenue, Overland Park, Kansas 66211, has certified that it has neither made nor will make a prohibited contribution in violation of any applicable Federal, State or Local laws.
9. A notice of this action shall be printed in a local newspaper as required by law within ten (10) days hereof.
10. Funds for this contract in the amount of \$244,435.00 (Two Hundred Forty Four Thousand Four Hundred Thirty Five Dollars and Zero Cents), is provided from Fund: 038; Department: 800; Division: 8003; Account: 7128; Budget Year: B2016.

### **STATEMENT**

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