



Legislation Details (With Text)

File #: 17-0116 **Version:** 1 **Name:** Excel Environment Resources, Inc. Agreement
Type: Resolution **Status:** Adopted
File created: 1/24/2017 **In control:** Economic and Housing Development
On agenda: 4/19/2017 **Final action:** 4/19/2017

Title: Dept/ Agency: Economic and Housing Development
Action: ☐ Ratifying ☒ Authorizing ☐ Amending
Type of Service: Professional Services Contract
Purpose: Professional Services Agreement for the Provision of Licensed Site Remediation Professional Services.
Entity Name: Excel Environmental Resources, Inc.
Entity Address: 111 North Center Drive, North Brunswick, New Jersey 08902
Contract Amount: Amount not to exceed \$94,750.00
Funding Source: Community Development Block Grant Funds
Contract Period: One year from the date of issuance of a Notice to Proceed by the Deputy Mayor/Director of the Department of Economic and Housing Development
Contract Basis: ☐ Bid ☐ State Vendor ☒ Prof. Ser. ☐ EUS
☐ Fair & Open ☐ No Reportable Contributions ☒ RFP ☐ RFQ
☐ Private Sale ☐ Grant ☐ Sub-recipient ☐ n/a
Additional Information:

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
4/19/2017	1	Municipal Council	Adopt	Pass

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Additional Information:

WHEREAS, the City of Newark, Department of Economic and Housing Development, caused to be published on the City of Newark's website on April 29, 2016, a Request for Proposals for Environmental Engineering and Licensed Site Remediation Professional Services ("LSRP"); and

WHEREAS, the intent of this Request for Proposals was to select multiple firms capable of providing LSRP services for assignment to City-owned sites with known contamination in order to bring the sites into compliance; and

WHEREAS, the selected firm(s) will be required to submit site-specific work authorizations, reflective of circumstances unique to their assigned site, for the performance of work at the cost identified for such services as set forth in the selected firm(s) response to the City's Request for Proposals; and

WHEREAS, the City of Newark received a total of twenty-six (26) proposals in response to its request by the submission date on May 19, 2016; and

WHEREAS, Excel Environmental Resources, Inc., 111 North Center Drive, North Brunswick, New Jersey 08902, submitted a proposal dated April 25, 2016, that included pay items for a variety of services, which services may be required depending upon the unique circumstances of the site to which it is assigned; and

WHEREAS, Excel Environmental Resources, Inc., upon the award of a contract for LSRP Services, shall be required to submit site-specific work authorizations, to be approved in writing by the City in advance of the undertaking of any work, therefore, the City has determined to fund that portion of the work anticipated to receive such approval in a total amount not to exceed \$94,750.00 (Ninety-Four Thousand, Seven Hundred and Fifty Dollars and Zero Cents); and

WHEREAS, it was found, based upon an evaluation of the respondent's understanding of the requested work, knowledge, technical competence, management, experience, personnel qualifications, ability to complete the services in a timely manner and price, to be in the best interest of the City of Newark to accept the proposal of Excel Environmental Resources, Inc. for the purpose of providing LSRP Services; and

WHEREAS, the City of Newark, Department of Economic and Housing Development, desires to enter into a Professional Services Agreement with Excel Environmental Resources, Inc., to provide LSRP Services, in an amount not to exceed \$94,750.00, for a period of one year from the date of issuance of a Notice to Proceed by the Deputy Mayor/Director of the Department of Economic and Housing Development. Eligible activities shall be funded from the United States Department of Housing and Urban Development, Community Development Block Grant, and/or other third party funds; and

WHEREAS, LSRP Services are professional services, exempt from the requirement for public bidding, pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(i); 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 N.J.S.A. 19:44A-20.5. Excel Environmental Resources, Inc. has completed and submitted a Business Entity Disclosure Certification (attached hereto and made a part hereof) which certifies that Excel Environmental Resources, 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 amendment to the Professional Services Agreement will prohibit Excel Environmental Resources, Inc. from making any reportable contributions through the term of the agreement; 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 Deputy Mayor/Director of the Department of Economic & Housing Development, are authorized to enter into and execute a Professional Services Agreement with Excel Environmental Resources, Inc., 111 North Center Drive, North Brunswick, New Jersey 08902, to provide Licensed Site Remediation Professional Services, in a total amount not to exceed Ninety-Four Thousand, Seven Hundred and Fifty Dollars and Zero Cents (\$94,750.00).
2. The term of this contract shall be for the period of one year from the date of issuance of a Notice to Proceed by the Deputy Mayor/Director of the Department of Economic and Housing Development.
3. This contract is being awarded pursuant to the 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)); is in compliance with the City's Contractor Pay-to-Play Reform Ordinance, R.O. 2:4-22C.
4. Attached hereto is a certification of funds from the Finance Director of the City of Newark, which states (1) that there are sufficient funds in the amount of \$94,750.00 for the purpose set forth herein above and (2) that the line appropriations which shall be charged are as follows:

<u>Bus. Unit</u>	<u>Dept. ID</u>	<u>Div./Proj.</u>	<u>Activity</u>	<u>Acct. #</u>	<u>Budget Ref.</u>
NW027	A15	EC5D0	A	72090	B2015

5. A fully executed copy of this Agreement and Notice to Proceed shall be filed in the Office of the City Clerk by the Deputy Mayor/Director of the Department of Economic and Housing Development.
6. There shall be no advance payments against this contract pursuant to N.J.S.A. 40A:5-16.
7. A copy of the executed Agreement and Notice to Proceed herein authorized shall be filed in the Office of the City Clerk by the Acting Corporation Counsel and shall be made

available for public inspection.

8. 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.

STATEMENT

This resolution authorizes the Mayor and/or his designee, the Deputy Mayor/Director of the Department of Economic and Housing Development to enter into and execute a Professional Services Agreement with Excel Environmental Resources, Inc., 111 North Center Drive, North Brunswick, New Jersey 08902, to provide Licensed Site Remediation Professional Services at a site (s) to be assigned by the City, in a total contract amount not to exceed Ninety-Four Thousand, Seven Hundred and Fifty Dollars and Zero Cents (\$94,750.00) for the period of one year from the date of issuance of a Notice to Proceed by the Deputy Mayor/Director of the Department of Economic and Housing Development.