Legislation Details (With Text)

File #:	17-0784	**Version:**	1	**Name:**	Engineering Services for the Rehabilitation of Pequannock Aqueduct & Construction Inspection Project by Suburban Consulting Engineers
Type:	Resolution			**Status:**	Adopted
File created:	4/20/2017			**In control:**	Water Sewer Utility
On agenda:	8/2/2017			**Final action:**	8/2/2017

Title: Dept/ Agency: Water and Sewer Utilities
Action: ( ) Ratifying (X) Authorizing ( ) Amending
Type of Service: Professional Services Contract
Purpose: Engineering Services for the Rehabilitation of Pequannock Aqueducts & Construction Inspection
Entity Name: Suburban Consulting Engineers, Inc.
Entity Address: 96 US Highway 206, Suite 101, Flanders, New Jersey 07836
Contract Amount: Not to exceed $486,580.00
Funding Source: 2017 Budget/ Department of Water and Sewer Utilities
Contract Period: From the date of Notice to Proceed until completion of construction pursuant to N.J.S.A. 40A:11-15(9)
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:
Proposal Solicited: Thirteen (13)
Proposal Received: Seven (7)

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
8/2/2017	1	Municipal Council	Adopt	Pass

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WHEREAS, the City of Newark, Department of Water and Sewer Utilities requires professional engineering services for the Rehabilitation of Pequannock Aqueducts and Construction Inspection; and

WHEREAS, on October 4, 2016, the Department of Water and Sewer Utilities issued a Request for Qualifications (RFQ) and distributed thirteen (13) RFQ packages to prospective vendors following the date of advertisement; and

WHEREAS, on November 3, 2016, the City received seven (7) proposals in response to the RFQ; and

WHEREAS, Suburban Consulting Engineers, Inc., 96 US Highway 206, Suite 101, Flanders, New Jersey 07836, submitted a proposal for this work which, based upon the vendor's experience and qualifications, the City found to be in its best interest; and

WHEREAS, the City of Newark wishes to enter into an agreement with Suburban Consulting Engineers, Inc., 96 US Highway 206, Suite 101, Flanders, New Jersey 07836, to provide engineering services for Rehabilitation of Pequannock Aqueducts & Construction Inspection, in an amount not to exceed $486,580.00; 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, Local Public Contracts Law N.J.S.A. 40A:11-15(9) provides that the term of any single project for the construction, reconstruction or rehabilitation of any public works project, including the retention of the services of any engineer in connection therewith, shall be for the time authorized and necessary for the completion of the actual project or construction; 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, Suburban Consulting Engineers, Inc. has completed and submitted a Business Entity Disclosure Certificate which certifies that Suburban Consulting Engineers, 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 Suburban Consulting Engineers, Inc., from making any reportable contributions through the term of the contract; 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

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NEWARK, NEW JERSEY, THAT:

1. The Municipal Council hereby authorizes the Mayor and/or his designee, the Director of the Department of Water and Sewer utilities, to accept the proposal from Suburban Consulting Engineers, Inc., and to execute an agreement with Suburban Consulting Engineers, Inc., 96 US Highway 206, Suite 101, Flanders, New Jersey 07836, to provide professional engineering services to the City of Newark, Department of Water and Sewer Utilities, for the Rehabilitation of Pequannock Aqueducts and Construction Inspection, in an amount not to exceed $486,580.00, for a period beginning from the date of Notice to Proceed, until completion of construction pursuant to N.J.S.A. 40A:11-15(9).

2. Pursuant to N.J.A.C. 5:30-5.5, Temporary Budget, attached hereto is a partial Certification of Funds issued by the Director of Finance of the City of Newark which states that funds in an amount of $100,000.00 are available in the 2017 Budget, Business Unit NW037, Department ID 750, Division/Project 7502, Account # 71240.

3. The Director of the Department of Water and Sewer Utilities shall file a copy of the Certificate of Funds along with the original Resolution and the executed Contract in the Office of the City Clerk. The remainder of $386,580.00 in funding for this contract will be subject to appropriation in the 2017 and 2018 Municipal Budgets and funds will be certified prior to services being provided by the Contractor and the contract shall be subject to the availability and appropriation of sufficient funds in accordance with N.J.A.C. 5:30-5.5(c) and N.J.A.C. 5:30 -5.5(d).

4. This contract was solicited and awarded pursuant to the Fair and Open procedures in accordance with 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 City's Contractor Pay-to-Play Reform Ordinance, R.O. 2:4-22C.

5. 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 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.

6. The Director of the Department of Water and Sewer Utilities shall file a copy of the fully executed contract in the Office of the City Clerk and shall be made available for public inspection.

7. A copy of the Business Entity Disclosure Certification shall be placed on file in the Office of the City Clerk.

8. Suburban Consulting Engineers, Inc., has completed and submitted a Business Entity Disclosure Certificate, which shall be placed on file in the City Clerk's Office by the Director of the Department of Water and Sewer Utilities, certifying that Suburban Consulting Engineers, 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 that the contract will prohibit Suburban Consulting

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Engineers, Inc., from making any reportable contributions through the term of the contract.

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

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

STATEMENT

This Resolution authorizes the Mayor and/or his designee, the Director of the Department of Water and Sewer Utilities, to accept the proposal from Suburban Consulting Engineers, Inc., and to execute an agreement with Suburban Consulting Engineers, Inc., 96 US Highway 206, Suite 101, Flanders, New Jersey 07836, to provide Professional Engineering Services to the City of Newark, Department of Water and Sewer Utilities, for the Rehabilitation of Pequannock Aqueducts and Construction Inspection, for an amount not to exceed $486,580.00, for a period beginning from the date of Notice to Proceed, until completion of construction pursuant to N.J.S..A. 40A:11-15(9).

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