



## Legislation Details (With Text)

**File #:** 18-1606      **Version:** 1      **Name:** Service and Maintain the Control System @ PWTP  
**Type:** Resolution      **Status:** Adopted  
**File created:** 10/9/2018      **In control:** Water Sewer Utility  
**On agenda:** 12/19/2018      **Final action:** 12/19/2018

**Title:** Dept/ Agency: Water and Sewer Utilities  
Action: ☐ Ratifying ☒ Authorizing ☐ Amending  
Type of Service: Bid Contract  
Purpose: Service and Maintain the Control System at the City of Newark's Pequannock Water Treatment Plant, West Milford, New Jersey  
Entity Name: ABB Inc.  
Entity Address: 23000 Harvard Road, Cleveland, Ohio 44122  
Contract Amount: Not to exceed \$180,316.00  
Funding Source: 2018 Budget/Department of Water and Sewer Utilities  
Contract Period: Two (2) years from the date of the issuance of a 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  
Additional Information:  
Bids Solicited: One (1)  
Bids Received: One (1)

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
12/19/2018	1	Municipal Council	Adopt	Pass

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**WHEREAS**, October 3, 2018, the Department of Water and Sewer Utilities received a bid proposal from ABB, Inc., 23000 Harvard Road, Cleveland, Ohio 44122 for contract services to Service and

Maintain the Control System at City of Newark's Pequannock Water Treatment Plant; and

**WHEREAS**, the contract to Service and Maintain the Control System at Newark's Pequannock Water Treatment Plant pertains to the support and maintenance of proprietary computer hardware and/or software; and

**WHEREAS**, under Local Pubic Contracts Law N.J.S.A. 40A:11-5(1)(dd), the performance of goods or services for the support or maintenance of proprietary computer hardware or software, is an exception to public bidding, provided that this provision is not utilized to acquire or upgrade non-proprietary hardware or to acquire or update non-proprietary software; and

**WHEREAS**, ABB, Inc., 23000 Harvard Road, Cleveland, Ohio 44122, submitted the following amounts in its proposal:

- \$90,158.00 for Water Generation Care Essential for year one and two;
- \$180,316.00 in total for two years, according to the specifications; and

**WHEREAS**, the City of Newark wishes to accept the proposal submitted by ABB, Inc., on October 3, 2018, and execute a Contract to Service and Maintain the Control System at Newark's Pequannock Water Treatment Plant, with ABB, Inc., 23000 Harvard Road, Cleveland, Ohio 44122, for an amount of \$90,158.00 for Water Generation Care- Essential for year one (1) and two (2) for a combined total contract amount not to exceed One Hundred Eighty Thousand Three Hundred Sixteen Dollars and Zero Cents (\$180,316.00) for a period of two (2) years from the date of the issuance of a Notice to Proceed; 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 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 submitted on October 3, 2018 by ABB, Inc., and execute a Contract to Service and Maintain Control System at the City of Newark's Pequannock Water Treatment Plant with ABB, Inc., 23000 Harvard Road, Cleveland, Ohio 44122, for an amount of \$90,158.00 for Water Generation Care Essential for year one (1) and two (2) and for a combined total contract amount not to exceed One Hundred Eighty Thousand Three Hundred Sixteen Dollars and Zero Cents (\$180,316.00) for a period of two (2) years from the from the date of the issuance of a Notice to Proceed.
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 \$20,000.00 are available in the

2018 Budget under Business Unit: NW 037, Department ID: 750, Division/Project: 7502, Account # 71770. The certification shall be filed along with the original resolution in the Office of the City Clerk. The remainder of the funding for the contract will be subject to appropriation in the 2019 and 2020 Budget and included in a line item for the award of this contract and said funds will be certified prior to services being provided by the contractor. There will be no expenditure of funds authorized until a Certification of Funds is obtained and a copy filed with the City Clerk.

3. There shall be no amendment or change to the contract without approval by the Newark Municipal Council.
4. There shall be no advance payment on this contract in accordance with *N.J.S.A. 40A:5-16*.
5. The Acting Director of the Department of Water and Sewer Utilities shall file a fully executed copy of the contract in the Office of the City Clerk.
6. This contract was solicited and awarded pursuant to the non-fair and open procedures under NJSA 40A:11-5(1)(dd), for the performance of goods or services for the support or maintenance of proprietary computer hardware or software, which is an exception to public bidding, provided that this provision is not utilized to acquire or upgrade non-proprietary hardware or to acquire or update non-proprietary software and is in compliance with the City's Contractor Pay-to-Play Reform Ordinance, R.O. 2:4-22C.
7. If required by State Law, the City Clerk shall provide the appropriate Notice of the Award of this contract to the State Comptroller, no later than twenty (20) business days following such award, in accordance with *N.J.S.A. 52:15C-10* and the Notice of the Office of the State Comptroller dated May 7, 2008.

### **STATEMENT**

This resolution authorizes the Mayor and/or his designee, the Acting Director of the Department of Water and Sewer Utilities, to accept the proposal submitted by ABB, Inc. and execute a Contract to Service and Maintain the Control System at City of Newark's Pequannock Water Treatment Plant with ABB, Inc., 23000 Harvard Road, Cleveland, Ohio 44122, for an amount of \$90,158.00 for Water Generation Care- Essential for year One (1) and year Two (2) for a combined total contract amount not to exceed \$180,316.00 for a period of two (2) years from the date of the issuance of Notice to Proceed.