



Legislation Details (With Text)

File #: 18-1830 **Version:** 1 **Name:** H2M Associates - Amendment Number 1 to Professional Engineering Services on an as needed basis
Type: Resolution **Status:** Adopted
File created: 11/28/2018 **In control:** Water Sewer Utility
On agenda: 3/20/2019 **Final action:** 3/20/2019

Title: Dept/ Agency: Water and Sewer Utilities
Action: (X) Ratifying (X) Authorizing (X) Amending
Type of Service: Professional Services Contract
Purpose: Amendment #1 for Professional Engineering Services on an As-Needed Basis
Entity Name: H2M Associates, Inc.
Entity Address: 119 Cherry Hill Road, Parsippany, New Jersey 07054
Contract Amount: Not to exceed \$226,847.00
Funding Source: 2018 Budget/Department of Water and Sewer Utilities
Contract Period: January 30, 2018 through January 29, 2019
Contract Basis: () Bid () State Vendor (X) Prof. Ser. () EUS
(X) Fair & Open (X) No Reportable Contributions () RFP () RFQ
() Private Sale () Grant () Sub-recipient () n/a
Additional Information:
Original Resolution 7R12-a (s/as) adopted on January 30, 2018, for a contract amount not to exceed \$100,000.00.
Amendment #1 increases the contract amount by \$126,847.00, for a total contract amount not to exceed \$226,847.00.

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
3/20/2019	1	Municipal Council	Adopt	Pass

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Amendment #1 increases the contract amount by \$126,847.00, for a total contract amount not to exceed \$226,847.00.

WHEREAS, Resolution 7R12-a (S/AS) January 30, 2018, authorized the Director of the Department of Water and Sewer Utilities to execute a contract with H2M Associates, Inc., 119 Cherry Hill Road, Parsippany, New Jersey 07054 ("H2M Associates"), to provide Professional Engineering Services on an As-Needed Basis for the contract amount of \$100,000.00; and

WHEREAS, H2M Associates performed Professional Engineering consulting and support services related to emergent staff leadership vacancies and operational challenges, which arose unexpectedly at the Pequannock Water Treatment Plant; and

WHEREAS, the parties originally thought that the project related to critical staffing and operational challenges at the Pequannock Water Treatment Plant would require approximately two months, but ended up requiring approximately four months; and

WHEREAS, H2M Associates continued to provide the needed Professional Engineering consulting and support services at the Pequannock Water Treatment Plant, and generated invoices for the same, despite the fact that the project would exceed both the contract amount and the time the parties originally agreed upon; and

WHEREAS, H2M Associates represents that One Hundred Twenty-Six Thousand, Eight Hundred Forty-Seven Dollars and Zero Cents (\$126,847.00) is needed to over the outstanding invoices for the project for the additional months; and

WHEREAS, the requested increase in the total contract amount is deemed reasonable and necessary to pay for the Professional Engineering services provided through January 29, 2018; and

WHEREAS, the increase of an additional One Hundred Twenty-Six Thousand, Eight Hundred Forty-Seven Dollars and Zero Cents (\$126,847.00), brings the total contract amount not to exceed \$226,847.00; and

WHEREAS, the provision of the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(i) authorizes the award of Professional Services agreements without public advertising for bids and bidding and requires that the contract be made available for public inspection; and

WHEREAS, the contract was awarded pursuant to 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 Local Public Contract Law, N.J.S.A. 40A:11-5(1)(a)(i)); and

WHEREAS, the Municipal Council adopted the Contractor Pay-to-Pay Reform Ordinance R.O. 2:4-22 C, 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; candidates committees of the aforementioned candidates, and political or political party 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 enter into a contract Amendment Number 1 with H2M Associates, Inc., 119 Cherry Hill Road, Parsippany, New Jersey 07054, to provide Professional Engineering Services on an As-Needed Basis, for an additional \$126,847.00, for a total contract amount not to exceed \$226,847.00, for the period of January 30, 2018 through January 29, 2019, to cover the additional professional and consulting services H2M Associates, Inc. provided related to operational challenges and leadership vacancies at the Pequannock Water Treatment Plant.
2. The Municipal Council hereby ratifies Amendment Number 1 of the Agreement to provide Professional Engineering Services on an As-Needed Basis from January 30, 2018 to the date of the adoption of this resolution.
3. All other terms and conditions of the contract shall remain the same.
4. The funds for this Amendment Number 1 Attached hereto is a Certification of Funds issued by the Acting Director of Finance of the City of Newark which states that there are available sufficient legally appropriated funds in the amount \$126,847.00 for the purposes set forth herein, under the 2018 Budget, Business Unit NW037, Department ID 750, Division 7502, Account 71240, Budget Ref 2018. The Acting Director of the Department of Water and Sewer Utilities shall file a copy of the Certification of Funds along with the original resolution and the executed contract in the Office of the City Clerk.
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 Contract 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. A copy of the fully executed Amendment Number 1 of the Agreement shall be filed in the Office of the City Clerk by the Acting Director of the Department of Water and Sewer Utilities and shall be made available for public inspection.

STATEMENT

This resolution ratifies, amends and authorizes the Mayor and/or his designee, the Acting Director of the Department of Water and Sewer Utilities, to enter into a contract Amendment Number 1 with H2M Associates, Inc., 119 Cherry Hill Road, Parsippany, New Jersey 07054, to provide Professional Engineering Services on an As- Needed Basis, for an additional \$126,847.00, for a total contract amount not to exceed \$226,847.00, for the period of January 30, 2018 through January 29, 2019. This amendment is needed to cover the additional professional and consulting services H2M Associates, Inc. provided related to operational challenges and leadership vacancies at the Pequannock Water Treatment Plant.