



Legislation Details (With Text)

File #: 19-0043 **Version:** 1 **Name:** Mott MacDonald - Amendment #1 to Professional Engineering Services on an as needed basis
Type: Resolution **Status:** Adopted
File created: 1/9/2019 **In control:** Water Sewer Utility
On agenda: 4/3/2019 **Final action:** 4/3/2019

Title: Dept/ Agency: Water and Sewer Utilities
Action: Ratifying Authorizing Amending
Type of Service: Professional Services Contract
Purpose: 1st Amendment to the Agreement to provide Professional Engineering Services on an As-Needed Basis
Entity Name: Mott MacDonald, LLC.
Entity Address: 111 Wood Avenue South, Iselin, New Jersey 08830
Contract Amount: Not to exceed \$100,000.00
Funding Source: 2017 Budget/Department of Water and Sewer Utilities
Contract Period: Extending the contract term until project completion as per N.J.S.A. 40A:11-15(9)
Contract Basis: () Bid () State Vendor Prof. Ser. () EUS
 Fair & Open () 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, awarded the contract in an amount not to exceed \$100,000.00.
The 1st Amendment will extend the term of the contract to project completion in accordance with N.J.S.A. 40A:11-15(9).

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
4/3/2019	1	Municipal Council	Adopted	Pass

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N.J.S.A. 40A:11-15(9).

WHEREAS, Resolution 7R12-a (S/AS) January 30, 2018, authorized the Director of the Department of Water and Sewer Utilities to execute and award contracts for Professional Engineering Services on an As-Needed Basis to twelve (12) vendors; and

WHEREAS, the Department of Water and Sewer Utilities (“Department”) awarded a contract to one of the twelve vendors, Mott MacDonald LLC, 111 Wood Avenue South, Iselin, New Jersey 08830 (“Mott MacDonald”), to provide Professional Engineering Services on an As-Needed Basis for the contract amount of \$100,000.00; and

WHEREAS, the Department needed Professional Engineering Services related to the City’s Pequannock Chamber Water Quality Analyzers and to Develop Protocols for the North Jersey District Water Supply Commission (“NJDWSC”) Temporary Shutdown (“the Project”); and

WHEREAS, the Department issued a Notice to Proceed to Mott MacDonald, to commence work on the Project on July 2, 2018; and

WHEREAS, the NJDWSC Temporary Shutdown Protocol project has been extended due to additional field work needed to get an existing regulator in Branch Brook Park rehabilitated; and

WHEREAS, given the above unforeseen delay, Mott MacDonald has requested additional time to complete the Project at no additional cost or expense to the Department; and

WHEREAS, the Department wishes to enter into a First Amendment to the Contract with Mott MacDonald (“Amendment Number 1”) to extend the term of the contract to the completion of the Project in accordance with N.J.S.A. 40A:11-15(9); 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, this contract is for an amount over \$17,500.00 and is being awarded as a non-fair and open contract pursuant to N.J.S.A. 19-44A-20.5; 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 First Amendment to the contract (“Amendment Number 1”) with Mott MacDonald LLC, 111 Wood Avenue South, Iselin, New

Jersey 08830, to provide Professional Engineering Services, related to the City's Pequannock Chamber Water Quality Analyzers and to Develop Protocols for the North Jersey District Water Supply Commission ("NJDWSC") Temporary Shutdown ("the Project") for an amount not to exceed \$100,000.00.

2. The Municipal Council hereby ratifies Amendment Number 1 from the date the Project commenced to the date of the adoption of this resolution.
3. All other terms and conditions of the contract shall remain the same.
4. 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.
5. A copy of the fully executed Amendment # 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 # 1 with Mott MacDonald LLC, 111 Wood Avenue South, Iselin, New Jersey 08830, to provide Professional Engineering Services related to the City's Pequannock Chamber Water Quality Analyzers and to Develop Protocols for the North Jersey District Water Supply Commission Temporary Shutdown, for an amount not to exceed \$100,000.00 until the completion of the project pursuant to N.J.S.A. 40A: 11-15(9).