



Legislation Details (With Text)

File #: 19-0041 **Version:** 1 **Name:** Civil Dynamics - 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: Civil Dynamics, a Division of GZA
Entity Address: 55 Lane Road, Fairfield, New Jersey 07004
Contract Amount: Not to exceed \$50,000.00
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 \$50,000.00.
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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The 1st Amendment will extend the term of the contract to project completion in accordance with

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, Civil Dynamics a Division of GZA, 55 Lane Road, Fairfield, New Jersey 07004 (“Civil Dynamics”) to provide Professional Engineering Services on an As-Needed basis for the contract amount of Fifty Thousand Dollars (\$50,000.00); and

WHEREAS, the Department needed Professional Engineering Services to address critical dam issues at the City’s Pequannock Watershed, specifically, Interim Repairs to the Cedar Pond Dam and Auxiliary Outlet and the Interim Breach of Hank’s Pond Dam (“the Project’); and.

WHEREAS, Cedar Pond Dam is a small earth dam that was deemed unsatisfactory during regular inspections; there has been continued erosion of the dam embankment thereby requiring additional repairs; and

WHEREAS, the Hank’s Pond Dam is a 203-foot long earth embankment dam with a maximum height of 14 feet; the dam has been classified as a Class II -Significant Hazard structure and based upon recent overtopping and other conditions observed at the site, the dam was deemed to be unsafe; and

WHEREAS, the work proposed to be performed at Hank’s Pond Dam is necessary to alleviate the unsatisfactory rating; and

WHEREAS, in order to perform the proposed work, Civil Dynamics may need to complete an application in order to obtain a Freshwater Wetland Permit which may increase the time and materials needed; and

WHEREAS, the Department issued a Notice to Proceed to Civil Dynamics to commence work on the Project on January 10, 2019; and

WHEREAS, the requested increase in contract time is deemed reasonable and necessary for the Professional Engineering Services being performed; and

WHEREAS, the Department wishes to enter into a First Amendment to the Contract with Civil Dynamics (“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, 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 First Amendment to the contract ("Amendment Number 1") with Civil Dynamics, a Division of GZA, 55 Lane Road, Fairfield, New Jersey 07004, to provide Professional Engineering Services at the City's Pequannock Watershed, specifically, to perform Interim Repairs to the Cedar Pond Dam and Auxiliary Outlet and the Interim Breach of Hank's Pond Dam ("the Project") for an amount not to exceed \$50,000.00.
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. The Acting Director of the Department of Water and Sewer Utilities shall file a copy of the fully executed Amendment Number 1 in the Office of the City Clerk and the same 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 First Amendment to the contract with Civil Dynamics, a Division of GZA, 55 Lane Road, Fairfield, New Jersey 07004, to provide Professional Engineering Services, at the City's Pequannock Watershed, specifically, to perform Interim Repairs to the Cedar Pond Dam and Auxiliary Outlet and the Interim Breach of Hank's Pond Dam for an amount not to exceed \$50,000.00. This amendment extends the term of the Project until its completion, as per N.J.S.A. 40A:11-15(9), and is at no additional cost to the City.