



## Legislation Details (With Text)

**File #:** 19-0044      **Version:** 1      **Name:** Arcadis - 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:** 5/15/2019      **Final action:** 5/15/2019

**Title:** Dept/ Agency: Water and Sewer Utilities  
Action: ( ) Ratifying (X) Authorizing ( ) Amending  
Type of Service: Professional Services Contract  
Purpose: To provide investigation, design, construction administration services for infrastructure improvements to protect the Cedar Grove Reservoir from flooding during extraordinary rainfall events.  
Entity Name: Arcadis U.S., Inc.  
Entity Address: 630 Plaza Drive, Suite 200, Highlands Ranch, Colorado 80129  
Contract Amount: Not to exceed \$39,500.00  
Funding Source: 2019 Budget/Department of Water and Sewer Utilities  
Contract Period: Until Project completion pursuant to N.J.S.A. 40A: 11-15(9)  
Contract Basis: ( ) Bid ( ) State Vendor (X) Prof. Ser. ( ) EUS  
( ) Fair & Open (X) No Reportable Contributions ( ) RFP ( ) RFQ  
( ) Private Sale ( ) Grant ( ) Sub-recipient ( ) n/a  
Additional Information:

**Sponsors:** Council of the Whole

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| Date      | Ver. | Action By         | Action | Result |
|-----------|------|-------------------|--------|--------|
| 5/15/2019 | 1    | Municipal Council | Adopt  | Pass   |

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**Additional Information:**

**WHEREAS,** on August 11, 2018 during an extraordinary rainfall event, stormwater was observed flowing from the Mills Reservation onto the Cedar Grove Reservoir property; and

**WHEREAS**, the City of Newark is in need of Professional Engineering Services related to the Investigation, Design, and Construction Administration Services for Infrastructure Improvements to protect the Cedar Grove Reservoir from flooding during extraordinary rainfall events; and

**WHEREAS**, the City of Newark wishes to enter into a Professional Engineering Services contract with Arcadis U.S., Inc., with its principle offices at 630 Plaza Drive Suite 200, Highlands Ranch, Colorado 80129 and local offices at 17-17 Route 208 North, Suite 200, Fairlawn New Jersey 07410, to provide the City of Newark with Investigation, Design, and Construction Administration Services for Infrastructure Improvements to protect the Cedar Grove Reservoir from flooding during extraordinary rainfall events, until project completion per 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**, Arcadis U.S., Inc., has completed and submitted a Business Entity Disclosure Certificate which certifies that Arcadis U.S., 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 Arcadis U.S., Inc., from making any reportable contributions through the term of the contract; 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 Professional Engineering Services contract with Arcadis U.S., Inc., with its principle offices at 630 Plaza Drive Suite 200, Highlands Ranch, Colorado 80129 and local offices at 17-17 Route 208 North, Suite 200, Fairlawn New Jersey 07410, to provide Investigation, Design, and Construction Administration Services for Infrastructure Improvements to Protect the Cedar Grove Reservoir from Flooding during Extraordinary Rainfall Events, for an amount not to exceed of \$39,500.00, until project completion per N.J.S.A. 40A: 11-15(9).
2. Pursuant to N.J.A.C. 5:30-5.5(a), 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 \$10,000.00 are available in the 2019 Budget, Business Unit NW037, Department ID 750, Division 7502, Account 71280. 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 \$29,500.00 in funding for this contract will be subject to appropriation in the 2019 Municipal Budget 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).

3. This contract is being awarded pursuant to the non-fair and open procedures of the Pay-to-Play Law N.J.S.A. 19:44A-20.5 and pursuant to the provisions of the Local Public Contract Law N.J.S.A. 40A:11-5 (1) (a) (i), and is in compliance with Ordinance on Pay to Play.
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 contract 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.
6. A copy of the Business Entity Disclosure Certification shall be placed on file in the Office of the City Clerk.
7. Arcadis U.S., Inc., has completed and submitted a Business Entity Disclosure Certificate, which shall be placed on file in the City Clerk's Office by the Acting Director of the Department of Water and Sewer Utilities, certifying that Arcadis U.S., Inc., has not made any reportable contributions to a political or candidate committee in the City of Newark in the previous one year, and that the contract will prohibit Arcadis U.S., Inc., from making any reportable contributions through the term of the contract.
8. There shall be no amendment of this contract without prior approval of the Municipal Council.
9. There shall be no advance payment on this contract in accordance with N.J.S.A. 40A:5-16.
10. 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 10 days of its passage.

### **STATEMENT**

This resolution authorizes the Mayor and/or his designee, the Acting Director of the Department of Water and Sewer Utilities, to enter into a professional engineering services contract with Arcadis U.S., Inc., with its principle offices at 630 Plaza Drive Suite 200, Highlands Ranch, Colorado 80129 and local offices at 17-17 Route 208 North, Suite 200, Fairlawn New Jersey 07410 to provide Investigation, Design, and Construction Administration Services for Infrastructure Improvements to Protect the Cedar Grove Reservoir from Flooding during Extraordinary Rainfall

Events, for an amount not to exceed \$39,500.00, until project completion per N.J.S.A. 40A: 11-15(9).