



Legislation Details (With Text)

File #: 19-1354 **Version:** 1 **Name:** Kleinfelder - Process/Operational Improvements at the PWTP
Type: Resolution **Status:** Adopted
File created: 8/21/2019 **In control:** Water Sewer Utility
On agenda: 10/8/2019 **Final action:** 10/8/2019

Title: Dept/ Agency: Water and Sewer Utilities
Action: ☐ Ratifying ☒ Authorizing ☐ Amending
Type of Service: Professional Services Contract
Purpose: Professional Engineering Services for Process/Operational Improvements at the Pequannock Water Treatment Plant
Entity Name: Kleinfelder, Inc.
Entity Address: 550 West C Street, Suite 1200, San Diego, California 92101
Contract Amount: Not to exceed \$1,212,050.00
Funding Source: 2019 Budget/ Water and Sewer Utilities/ NW037-750-7502-71280
Contract Period: Until project completion per N.J.S.A. 40(A):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:
Number of RFQ Packages Distributed: Eleven (11)
Number of Packages Received: Eight (8)

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
10/8/2019	1	Municipal Council	Adopt	Pass

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WHEREAS, the City of Newark requires Professional Engineering Services for Process/Operational Improvements at the Pequannock Water Treatment Plant and the Department of Water and Sewer Utilities issued a Request for Qualifications (RFQ) on May 24, 2019; and

WHEREAS, the Department received eight (8) proposals on June 27, 2019 pursuant to the RFQ, and a Qualification Statement received from Kleinfelder, Inc., 550 West C Street, Suite 1200, San Diego, California 92101, for this work for the amount not to exceed \$1,212,050.00, was found to be in the best interest of the City of Newark to accept; and

WHEREAS, Kleinfelder, Inc. is a wholly-owned subsidiary of The Kleinfelder Group, Inc., 550 West C Street, Suite 1200, San Diego, California 92101 which is registered and authorized to do business in New Jersey. The Kleinfelder Group, Inc. is owned by its parent company, Kleinfelder Parent, Inc. which is owed by Kleinfelder Holdings, LLC.; and

WHEREAS, the City of Newark wishes to enter into an agreement with Kleinfelder, Inc., 550 West C Street, Suite 1200, San Diego, California 92101, to provide Professional Engineering Services for Process/Operational Improvements at the Pequannock Water Treatment Plant, in an amount not to exceed \$1,212,050.00; and

WHEREAS, Local Public Contracts Law N.J.S.A. 40A:11-5(1)(a) requires that notice of award of contracts for "Professional Services" without competitive bidding be published in a local newspaper; and

WHEREAS, this contract is for an amount over \$17,500.00 and is being awarded as a fair and open contract pursuant to N.J.S.A. 19:44A-20.5; and

WHEREAS, Kleinfelder, Inc., has completed and submitted a Business Entity Disclosure Certificate which certifies that Kleinfelder, 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 Kleinfelder, Inc. from making any reportable contributions through the term of the contract; 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 to 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 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 candidates 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 Qualification Statement from Kleinfelder, Inc., and to execute an agreement with Kleinfelder, Inc., 550 West C Street, Suite 1200, San Diego, California 92101, to provide professional engineering services to the City of Newark, Department of Water and Sewer Utilities, for Process/Operational Improvements at the Pequannock Water Treatment Plant, in an amount not to exceed \$1,212,050.00, until

project completion, as 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 which states that funds in the amount of \$5,000.00 are available under Business Unit NW037, Department ID 750, Division/Project 7502, Account # 71280Budget Ref 2019. The certification shall be filed along with the original resolution in the Office of the City Clerk. The remainder of the funding for this contract will be subject to appropriations in the 2019 and 2020 Budget and funds will be certified prior to services being provided by the contractor.
3. This contract is being awarded pursuant to the 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 the City's Contractor Pay-to-Play Reform Ordinance, R.O. 2:4-22C.
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 profession (Engineering) 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. Kleinfelder, 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 Kleinfelder, 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 Kleinfelder, 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 accept the Qualification Statement from Kleinfelder, Inc.,

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