



Legislation Details (With Text)

File #: 19-1829 **Version:** 1 **Name:** Jerry J. Notte And Associates - NJ State License Operator Support Services at PWTP

Type: Resolution **Status:** Adopted

File created: 11/13/2019 **In control:** Water Sewer Utility

On agenda: 12/18/2019 **Final action:** 12/18/2019

Title: Dept/ Agency: Water and Sewer Utilities
Action: ☐ Ratifying ☒ Authorizing ☐ Amending
Type of Service: Professional Services Contract
Purpose: Professional Engineering and New Jersey State Licensed Operator Support Services for Process Operations and Maintenance Improvement Assistance at the Pequannock Water Treatment Plant
Entity Name: Jerry J. Notte & Associates, LLC
Entity Address: 7 Winfield Court, Fairfield, New Jersey 07004
Contract Amount: Not to exceed \$574,000.00
Funding Source: 2019 Budget/Department of Water and Sewer Utilities/NW037-750-7502-71240
Contract Period: One (1) year from issuance of a Notice to Proceed
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: Eight (8)
Number of Packages Received: One (1)

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
12/18/2019	1	Municipal Council	Adopt	Pass

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WHEREAS, the City of Newark requires Professional Engineering and New Jersey State Licensed Operator support services for process operations and maintenance improvement assistance at the Pequannock Water Treatment Plant, and;

WHEREAS, on October 16, 2019, the Department of Water and Sewer Utilities issued a Request for Proposal (RFP) for Professional Engineering and New Jersey State Licensed Operator support services for process operations and maintenance improvement assistance at the Pequannock Water Treatment Plant, and;

WHEREAS, on November 8, 2019, the Department received one (1) proposal from Jerry J. Notte & Associates, LLC, 7 Winfield Court, Fairfield, New Jersey 07004, for this work for the amount not to exceed \$574,000.00, and;

WHEREAS, the proposal submitted by Jerry J. Notte & Associates, LLC, 7 Winfield Ct., Fairfield, New Jersey 07004, was found to be in the best interest of the City of Newark; and

WHEREAS, the City of Newark wishes to enter into an agreement with Jerry J. Notte & Associates, LLC, 7 Winfield Court, Fairfield New Jersey 07004, to provide Professional Engineering and New Jersey State Licensed Operator Support Services for Process Operations and Maintenance Improvement Assistance at the Pequannock Water Treatment Plant, in an amount not to exceed \$574,000.00; 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, Jerry J. Notte & Associates, LLC, has completed and submitted a Business Entity Disclosure Certificate which certifies that Jerry J. Notte & Associates, LLC, 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 Jerry J. Notte & Associates, LLC, 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 proposal from Jerry J. Notte & Associates, LLC, and to execute an agreement with Jerry J. Notte & Associates, LLC, 7

Winfield Court, Fairfield, New Jersey 07004, to provide Professional Engineering and New Jersey State Licensed Operator support services for process operations and maintenance improvement assistance at the Pequannock Water Treatment Plant, in an amount not to exceed \$574,000.00, for a period not to exceed one (1) year from issuance of a Notice to Proceed.

2. Attached hereto is a Certification of Funds issued by the Director of Finance which states that there are available sufficiently legally appropriated funds in the amount of \$574,000.00 for the purposes set forth herein, under Business Unit NW037, Department ID 750, Division/Project 7502, Account # 71240. A copy of the Certification of Funds shall be filed along with the original resolution and the executed contract in the Office of the City Clerk by the Acting Director of the Department of Water and Sewer Utilities.
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 Contracts 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 Contracts 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 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. Jerry J. Notte & Associates, LLC, 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 Jerry J. Notte & Associates, LLC 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 Jerry J. Notte & Associates, LLC, 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 Proposal from Jerry J. Notte & Associates, LLC, and to execute an agreement with Jerry J. Notte & Associates, LLC, 7 Winfield Court, Fairfield New Jersey 07004, to provide Professional Engineering and New Jersey State Licensed Operator support services for process operations and maintenance improvement assistance at the Pequannock Water Treatment Plant, in an amount not to exceed \$574,000.00, for a period not to exceed one (1) year from issuance of a Notice to Proceed.