



## Legislation Details (With Text)

**File #:** 19-1233      **Version:** 1      **Name:** M&E Engineers - Design HVAC at the Pequannock Water Treatment Plant  
**Type:** Resolution      **Status:** Adopted  
**File created:** 7/24/2019      **In control:** Water Sewer Utility  
**On agenda:** 1/8/2020      **Final action:** 1/8/2020

**Title:** Dept/ Agency: Water and Sewer Utilities  
Action: ☐ Ratifying ☒ Authorizing ☐ Amending  
Type of Service: Professional Services Contract  
Purpose: To provide Assessment and Improvement Design for Heating, Ventilation and Air Conditioning at the Pequannock Water Treatment Plant.  
Entity Name: M&E Engineers, Inc.  
Entity Address: 26 West High Street, Somerville, New Jersey 08876  
Contract Amount: Not to exceed \$456,200.00  
Funding Source: 2019 Budget/Department of Water and Sewer Utilities/NW037-750-7502-71650  
Contract Period: Until Project completion pursuant to 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:  
Number of Request For Qualifications (RFQ)  
Packages Distributed: Eight (8)  
Packages Received: Four (4)

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
1/8/2020	1	Municipal Council	Adopt	Pass

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**WHEREAS**, the City of Newark requires Professional Engineering Services for Assessment and Improvement Design for Heating, Ventilation and Air Conditioning at the Pequannock Water Treatment Plant and issued a Request for Qualifications (RFQ) on May 30, 2019; and

**WHEREAS**, the City received four (4) proposals on June 20, 2019 pursuant to the RFQ; and

**WHEREAS**, the proposal received from M&E Engineers, Inc., 26 West High Street, Somerville, New Jersey 08876, for this work in an amount not to exceed \$456,200.00, was found to be in the best interest of the City of Newark to accept; and

**WHEREAS**, the City of Newark wishes to enter into an agreement with M&E Engineers, Inc., 26 West High Street, Somerville, New Jersey 08876, to provide Professional Engineering Services for Assessment and Improvement Design for Heating, Ventilation and Air Conditioning at the Pequannock Water Treatment Plant, in an amount not to exceed \$456,200.00; 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**, M&E Engineers, Inc., has completed and submitted a Business Entity Disclosure Certificate which certifies that M&E Engineers, 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 M&E Engineers, 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 proposal from M&E Engineers, Inc., and to execute an agreement with M&E Engineers, Inc., 26 West High Street, Somerville, New Jersey 08876, to provide Professional Engineering Services to the City of Newark, Department of Water and Sewer Utilities, for Assessment and Improvement Design for Heating, Ventilation and Air Conditioning at the Pequannock Water Treatment Plant, in an amount not to exceed \$456,200.00, until project completion per N.J.S.A. 40A:11-15(9).
2. Pursuant to N.J.A.C. 5:30-5.5, 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 7502, Account 71650. The Certification of Funds 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 appropriation 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. M&E Engineers, Inc., has completed and submitted a Business Entity Disclosure Certificate, which shall be placed on file in the Office of the City Clerk by the Acting Director of the Department of Water and Sewer Utilities, certifying that M&E Engineers, 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 M&E Engineers, Inc., from making any reportable contributions through the term of the contract.
7. There shall be no amendment of this contract without prior approval of the Municipal Council.
8. There shall be no advance payment on this contract in accordance with N.J.S.A. 40A:5-16.
9. 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 ten (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 M&E Engineers, Inc., and to execute an agreement with M&E Engineers, Inc., 26 West High Street, Somerville, New Jersey 08876, to provide Professional Engineering Services to the City of Newark, Department of Water and Sewer Utilities, for the Assessment and Improvement Design for Heating, Ventilation and Air Conditioning at the Pequannock Water Treatment Plant, in an amount not to exceed \$456,200.00, until project completion per N.J.S.A. 40A:11-15(9).