



## Legislation Details (With Text)

**File #:** 19-1165      **Version:** 1      **Name:** Mott MacDonald- Consulting Services  
**Type:** Resolution      **Status:** Adopted  
**File created:** 7/10/2019      **In control:** Public Works  
**On agenda:** 1/22/2020      **Final action:** 1/22/2020  
**Title:** Dept/ Agency: Public Works/Division of Sanitation  
Action: ☒ Ratifying   ☒ Authorizing   ☐ Amending  
Type of Service: EUS Contract  
Purpose: To assist with the management, supervision and daily operations of the City's Department of Public Works with the ultimate goal of completing a comprehensive assessment.  
Entity Name: Mott MacDonald, LLC  
Entity Address: 111 Wood Avenue South, Iselin, New Jersey, 08830-4112  
Contract Amount: Not to exceed \$305,518.47  
Funding Source: 2019 Budget/Department of Public Works/NW011-060-0605-71280-B2019  
Contract Period: January 1, 2019 through December 31, 2020  
Contract Basis: ☐ Bid   ☐ State Vendor   ☐ Prof. Ser.   ☒ EUS  
☐ Fair & Open   ☒ No Reportable Contributions   ☐ RFP   ☐ RFQ  
☐ Private Sale   ☐ Grant   ☐ Sub-recipient   ☐ n/a  
Additional Information:  
**Sponsors:** Council of the Whole

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### Code sections:

Date	Ver.	Action By	Action	Result
1/22/2020	1	Municipal Council	Adopt	Pass

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**Additional Information:**

**WHEREAS**, the City of Newark, is in need of services of a firm to assist with the management, supervision and direction of the daily operations of the City's Department of Public Works (DPW) with the additional goal to complete a comprehensive assessment of existing staffing, resources and program effectiveness of the DPW ("the study") initiated under a previously expired agreement with Mott MacDonald, LLC; and

**WHEREAS**, the study, which commenced in the fall of 2018 is more than 50% complete and the remainder of the effort was deferred, in part, due to the addition of more pressing tasks by the Business Administrator and/or Director of the Department of Public Works; and

**WHEREAS**, the study required the assessment of existing staffing, resources and program effectiveness, and the entire initial assessment was not completed; and

**WHEREAS**, the scope of this contract will require the completion of the initial staff and operational assessment, and delivery of the final report, it will also require numerous additional tasks to be performed at the discretion of the Department Director as outlined in an attachment to Mott MacDonald, LLC 's proposal; and

**WHEREAS**, these additional tasks will be required to support the daily management operations of the Department for a two year period commencing on January 1, 2019 through December 31, 2020; and

**WHEREAS**, the services solicited are considered Extraordinary Unspecifiable Services, which are specialized and qualitative in nature requiring expertise, extensive training, and proven reputation in the field and are exempt from the requirements of public bidding pursuant to the Local Public Contracts Law, *N.J.S.A. 40A:11-5(1)(a)(ii)*; and

**WHEREAS**, the Business Administrator and the Director of the Department of Public Works have determined and certified in writing that the value of this contract will exceed \$17,500.00; and

**WHEREAS**, this Contract is awarded without competitive bidding as an exception to public bidding, pursuant to *N.J.S.A. 40A:11-5(1)(a)(ii)*, Extraordinary Unspecifiable Services and Local Public Contract Law *N.J.S.A. 40A:11-1*, et seq. requires a Resolution of the Governing Body authorizing the award of contracts for Extraordinary Unspecifiable Services and further requires that the contract itself must be available for public inspection and published in a local newspaper; and

**WHEREAS**, the actions contemplated by this Resolution shall result in the award of a non-fair and open contract in accordance with *N.J.S.A. 19:44A-20.5*; and

**WHEREAS**, Mott MacDonald, LLC, has completed and submitted a Business Entity Disclosure Certification which certifies that Mott MacDonald, LLC, has not made any reportable contributions to a political or candidate committee in the City of Newark in the previous one year, and the contract will prohibit Mott MacDonald, 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 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 aforementioned candidates; and political or political party 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 candidate committees, in excess of certain thresholds; and

**WHEREAS**, the Municipal Council of the City of Newark, concurs that it is in the best interests of the City of Newark to engage the services of Mott MacDonald, LLC, to provide the City's Department of Public Works with assistance on supervision, management and direction with the daily operations of the DPW with the additional goal to complete a comprehensive assessment of existing staffing, resources and program effectiveness.

**NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:**

1. The Mayor of the City of Newark and/or his designee, the Director of Public Works are authorized to enter into a contract with Mott MacDonald, LLC, whose office is located at 111 Wood Avenue South, Iselin, New Jersey 08830-4112 to assist with the management, supervision and daily operations of the City's Department of Public Works with the ultimate goal of completing a comprehensive assessment of the department previously undertaken under a prior expired contract.
2. The term of the contract shall be two years commencing January 1, 2019, and terminating December 31, 2020 for a total contract amount not to exceed \$305,518.47. (The total amount of the contract for Year 2019 shall not exceed \$112,278.27 and Year 2020 shall not exceed \$193,240.20.) The contract is ratified from January 1, 2019, to the date of adoption of this authorizing Resolution.
3. Attached is a partial Certification of Funds from the Comptroller of the City of Newark which states that there are available sufficient and legally appropriated funds for the purposes stated herein. Funds for this contract are provided for in budget reference NW011-060-0605-71280, in the amount of \$187,611.64 from the 2019 City of Newark Budget, Department of Public Works. The remainder of the funding for this contract will be subject to appropriation in the 2020 Budget and included in a line item for the award of this contract and said funds will be certified prior to services being provided by the contractor. There will be no expenditure of funds authorized until a certification of funds is obtained and a copy filed with the City Clerk. .
4. The Determination of Value and Business Entity Disclosure Certification are attached and will be filed with the Office of the City Clerk.
5. A copy of the executed agreement herein authorized shall be filed in the Office of the City Clerk by the Director of Public Works and shall be made available for public inspection.
6. 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 the adoption of this Resolution.

**STATEMENT**

Resolution ratifying and authorizing the Mayor and or his designee, the Director of Public Works, to enter into a contract with Mott MacDonald, LLC, whose office is located at 111 Wood Avenue South, Iselin, New Jersey 08830-4112 to assist with the management, supervision and daily operations of the City's Department of Works (DPW) with the ultimate goal of completing a comprehensive assessment of the department for a term of January 1, 2019 through December 31, 2020 for an amount not to exceed \$305,518.47.

