



## Legislation Details (With Text)

**File #:** 19-1448      **Version:** 2      **Name:** Black & Veatch - Sewer Rate Study  
**Type:** Resolution      **Status:** Adopted  
**File created:** 9/11/2019      **In control:** Water Sewer Utility  
**On agenda:** 3/4/2020      **Final action:** 3/4/2020  
**Title:** Dept/ Agency: Water and Sewer Utilities  
Action: ☐ Ratifying ☒ Authorizing ☐ Amending  
Type of Service: Professional Services Contract  
Purpose: To provide Sewer Financial Planning and Rate Study.  
Entity Name: Black & Veatch Management Consulting, LLC  
Entity Address: 489 Fifth Avenue, 24th Floor, New York, New York 10017  
Contract Amount: Not to exceed \$55,140.00  
Funding Source: 2020 Budget/Department of Water and Sewer Utilities/NW038-800-8003-A-71280-B2020  
Contract Period: Not to exceed one (1) year from the date of the 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:

### Sponsors:

### Indexes:

### Code sections:

Date	Ver.	Action By	Action	Result
3/4/2020	1	Municipal Council	Motion to amend	Pass
3/4/2020	1	Municipal Council	Adopted as Amended	Pass

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**Additional Information:**

**WHEREAS,** the City of Newark, Department of Water and Sewer Utility is in need of Professional Services to assist with the execution of the Sewer Utility Financial Planning and Rate Study; and

**WHEREAS**, on April 9, 2019, the Department of Water and Sewer Utilities received a proposal from Black & Veatch Management Consulting, LLC; and

**WHEREAS**, the Department reviewed the proposal and wishes to enter into a Professional Services Contract with Black & Veatch Management Consulting, LLC, 489 Fifth Avenue, 24<sup>th</sup> Floor, New York, New York 10017, to provide the City of Newark with a Sewer Utility Financial Planning and Rate Study for a term not to exceed one (1) year from date of Notice to Proceed; 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**, Black & Veatch Management Consulting, LLC, has completed and submitted a Business Entity Disclosure Certificate which certifies that Black & Veatch Management Consulting, LLC, has not made any reportable contributions to a political or candidates committee in the City of Newark in the previous one (1) year, and that the contract will prohibit Black & Veatch Management Consulting, LLC, 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 Director of the Department of Water and Sewer Utilities, to enter into and execute a Professional Services Contract with Black & Veatch Management Consulting, LLC, 489 Fifth Avenue, 24<sup>th</sup> Floor, New York, New York 10017, to provide a Sewer Utility Financial Planning and Rate Study, for an amount not to exceed of \$55,140.00, for a term not to exceed one (1) year from date of the Notice to Proceed.
2. Pursuant to N.J.A.C. 5:30-5.5, Temporary Budget, attached 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 \$5,000.00 (Five Thousand Dollars and Zero Cents) are available in the 2020 Budget, Business Unit NW038, Department ID 800, Division 8003, Activity A, 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 remaining \$50,140.00 in funding for this contract will be subject to appropriation in the 2020 Municipal Budget and funds will be certified prior to services being provided by the Contractor. 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. The Director of the Department of Water and Sewer Utilities shall file a copy of the fully executed contract in the Office of the City Clerk and the same shall be made available for public inspection.
6. The Director of the Department of Water and Sewer Utilities shall place a copy of the Business Entity Disclosure Certification on file in the Office of the City Clerk.
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 Director of the Department of Water and Sewer Utilities, to enter into and execute a Professional Services Contract with Black & Veatch Management Consulting, LLC, 489 Fifth Avenue, 24<sup>th</sup> Floor, New York, New York 10017, to provide a Sewer Utility Financial Planning and Rate Study, for an amount not to exceed \$55,140.00, for a term not to exceed one (1) year from the date of the Notice to Proceed.