



Legislation Details (With Text)

File #: 19-1268 **Version:** 2 **Name:** HDR Engineering CSO General Permit Supprt and Tier 'A' Municipal Stormwater General Permit Support

Type: Resolution **Status:** Adopted

File created: 7/31/2019 **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 Combined Sewer Overflow General Permit Support and Tier 'A' Municipal Stormwater General Permit Support.
Entity Name: HDR Engineering, Inc.
Entity Address: One Riverfront Plaza, 14th Floor, Newark, New Jersey 07102
Contract Amount: Not to exceed \$448,800.00
Funding Source: 2020 Budget/Department of Water and Sewer Utilities/NW038-800-8003-A-71240-B2020
Contract Period: For a length of time necessary for the completion of the Project 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 RFQ packages Distributed: Ten (10)
Number of Packages Received: One (1)

Sponsors:

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
3/4/2020	2	Municipal Council	Adopt	Pass

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WHEREAS, the City of Newark requires Professional Engineering Services for Combined Sewer Overflow General Permit Support and Tier 'A' Municipal Stormwater General Permit Support, and issued a Request for Qualifications (RFQ) on May 24, 2019; and

WHEREAS, the City of Newark, Department of Water and Sewer Utilities received one (1) proposal on June 14, 2019; and

WHEREAS, the Qualification Statement for this work received from HDR Engineering, Inc., One Riverfront Plaza 14th Floor, Newark, New Jersey 07102, for the amount not to exceed \$448,800.00, 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 HDR Engineering, Inc., One Riverfront Plaza 14th Floor, Newark, New Jersey 07102, to provide Professional Engineering Services for Combined Sewer Overflow General Permit Support and Tier 'A' Municipal Stormwater General Permit Support, in an amount not to exceed \$448,800.00; and

WHEREAS, Local Public Contracts Law N.J.S.A. 40A:11-5(1)(a) requires that the 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, HDR Engineering, Inc., has completed and submitted a Business Entity Disclosure Certificate which certifies that HDR Engineering, Inc., 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 HDR Engineering, 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 Director of the Department of Water and Sewer Utilities, to accept the Qualification Statement from HDR Engineering, Inc., and to execute an agreement with HDR Engineering, Inc., One Riverfront Plaza 14th Floor, Newark, New Jersey 07102, to provide professional engineering services to the City of Newark, Department of Water and Sewer Utilities, for Combined Sewer Overflow General Permit Support and Tier 'A' Municipal Stormwater General Permit Support, in an

amount not to exceed \$448,800.00, for a length of time necessary for the completion of the Project pursuant to 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 NW038, Department ID 800, Division 8003, Activity A, Account 71240, Budget Ref. 2020. 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 appropriation in the 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. 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. HDR Engineering, Inc. has completed and submitted a Business Entity Disclosure Certificate, which the Director of the Department of Water and Sewer Utilities shall place on file in the City Clerk's Office. HDR Engineering, Inc. certifies that it 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 HDR Engineering, 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

The resolution authorizes the Mayor and/or his designee, the Director of the Department of Water and Sewer Utilities, to accept the Qualification Statement from HDR Engineering, Inc., and to enter into and execute an agreement with HDR Engineering, Inc., One Riverfront Plaza 14th Floor, Newark, New Jersey 07102, to provide Professional Engineering Services to the City's Department of

Water and Sewer Utilities, to provide Combined Sewer Overflow General Permit Support and Tier 'A' Municipal Stormwater General Permit Support, in an amount not to exceed \$448,800.00, for a length of time necessary for the completion of the Project pursuant to N.J.S.A. 40A:11-15(9).