



Legislation Details (With Text)

File #: 20-0135 **Version:** 1 **Name:** Software Module:Lead Service Line (LSL)Program
Type: Resolution **Status:** Adopted
File created: 1/21/2020 **In control:** Water Sewer Utility
On agenda: 3/10/2020 **Final action:** 3/10/2020

Title: Dept/ Agency: Water and Sewer Utilities
Action: ☐ Ratifying ☒ Authorizing ☐ Amending
Type of Service: Professional Services Contract
Purpose: To provide Software Module: Lead Service Line (LSL) Program.
Entity Name: 120WaterAudit, LLC
Entity Address: 250 South Elm Street, Zionsville, Indiana 46077
Contract Amount: Not to exceed \$1,186,000.00
Funding Source: 2020 Budget/Department of Water and Sewer Utilities/ NW037-750-7501-A-71280-B2020
Contract Period: Term not to exceed two (2) years 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: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
3/10/2020	1	Municipal Council	Adopt	Pass

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Additional Information:

WHEREAS, the City of Newark (the "City") is in need of Professional Services to assist with the Lead Service Line Program; and

WHEREAS, on September 10, 2019, the Department of Water and Sewer Utilities received a proposal from 120WaterAudit, LLC., 250 South Elm Street, Zionsville, Indiana 46077; and

WHEREAS, the City wishes to enter into a Professional Services contract with 120WaterAudit LLC., 250 South Elm Street, Zionsville, Indiana 46077, to provide a Software Module: Lead Service Line (LSL) Program, for a term not to exceed two (2) years from the date of the Notice to Proceed; and

WHEREAS, as a result of the ongoing Lead Service Line (LSL) Program, we have an immediate need to acquire services from 120WaterAudit, LLC, to assist with the Lead Service Line Program; 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, 120WaterAudit, LLC, has completed and submitted a Business Entity Disclosure Certificate which certifies that 120WaterAudit, 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 120WaterAudit 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. 2:4-22 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 120WaterAudit, LLC, 250 South Elm Street, Zionsville, Indiana 46077, to provide a Software Module: Lead Service Line (LSL) Program, for an amount not to exceed \$1,186,000.00, for a term not to exceed two (2) years from the date of the Notice to Proceed.
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, of the City of Newark, which states that funds in an amount of \$10,000.00 are available in the 2020 Budget, Business Unit NW037, Department ID 750, Division 7501, Activity A, Account # 71280, Budget Ref. B2020. 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 remainder of the funding for this contract will be subject to appropriation in the 2020 and 2021 Municipal Budget and funds will be certified prior to services being provided by the Contractor and 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 Contracts Law, N.J.S.A. 40A:11-5 (1) (a) (i) and N.J.S.A. 40A:11-15(5), 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 Contracts Law, because the performance of the service required must be performed by a person (or persons) licensed to practice a recognized 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. 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. 120WaterAudit, LLC, has completed and submitted a Business Entity Disclosure Certificate, which shall be placed on file in the Office of the City Clerk by the Director of the Department of Water and Sewer Utilities, certifying that 120WaterAudit, LLC, has not made any reportable contributions to a political or candidate committee in the City of Newark in the previous one (1) year, and that the contract will prohibit 120WaterAudit, 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 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 120WaterAudit, LLC, 250 South Elm Street, Zionsville, Indiana 46077, to provide a Software Module: Lead Service Line (LSL) Program, for an amount not to exceed \$1,186,000.00 for a term not to exceed two (2) years from the date of the Notice to Proceed.