



## Legislation Details (With Text)

**File #:** 20-0454      **Version:** 1      **Name:** Amendment No. 1 for Engineering Services for Pequannock RTF - Mott MacDonald LLC

**Type:** Resolution      **Status:** Adopted

**File created:** 3/18/2020      **In control:** Water Sewer Utility

**On agenda:** 5/6/2020      **Final action:** 5/6/2020

**Title:** Dept/ Agency: Water and Sewer Utilities  
Action: ☐ Ratifying ☒ Authorizing ☐ Amending  
Type of Service: Amendment #1/Amend Resolution 7R12-c adopted on June 17, 2015  
Purpose: To execute Amendment #1 for Engineering Services for Pequannock Water Treatment Plant Improvements.  
Entity Name: Mott MacDonald, LLC  
Entity Address: 111 Wood Avenue South, Iselin, New Jersey 08830  
Contract Amount: Not to exceed \$1,548,000.00  
Funding Source: 2011 Budget/Department of Water and Sewer Utilities Capital Budget/NW041-11W-11W00-94710  
Contract Period: Upon completion of construction 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:  
Original Resolution 7R12-c adopted on June 17, 2015 awarded a contract in an amount not to exceed \$948,000.00.  
Amendment #1 will increase the contract amount by \$600,000.00, for a total contract amount not to exceed \$1,548,000.00.

**Sponsors:** Council of the Whole

### Indexes:

### Code sections:

Date	Ver.	Action By	Action	Result
5/6/2020	1	Municipal Council	Adopt	Pass

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exceed \$948,000.00.

Amendment #1 will increase the contract amount by \$600,000.00, for a total contract amount not to exceed \$1,548,000.00.

**WHEREAS**, in order to comply with an Administrative Consent Order from the New Jersey Department of Environmental Protection (NJDEP), pertaining to the Sludge Lagoon at the Pequannock Water Treatment Plant (which is at capacity and unable to receive additional sludge from the water treatment plant) the City of Newark entered into a contract for the planning, design and construction for the Pequannock Water Treatment Plant (PWTP) Upgrades Residuals Handling Improvements; and,

**WHEREAS**, in order to address the problem, the City implemented a solution with a sustainable strategy to ensure the continued reliable operation of the Water Treatment Plant by: i) remediating the sludge lagoon; ii) constructing a Residuals Treatment Facility (RTF) at the PWTP site by building an onsite sludge management facility which will be owned and operated by the City; and

**WHEREAS**, Mott MacDonald, LLC, has continued to provide engineering design services and construction phase engineering services at the Pequannock Water Treatment Plant including chlorination system modifications, to convert the gas chlorine disinfection system into on-site sodium hypochlorite production and treatment system; and

**WHEREAS**, the City of Newark, issued an Emergency Construction Contract after determining that the chemical supply lines between the Pre-treatment Plant and the Pequannock Water Treatment Plant needed to be replaced immediately because these lines are needed to transfer sodium hypochlorite generated at the Pre-Treatment Plant to the Pequannock Water Treatment Plant; and

**WHEREAS**, the above construction contracts, the prolonged construction services, various construction phase revisions and design amendments, and additional work implemented at various stages of construction has necessitated additional engineering services, and

**WHEREAS**, Mott MacDonald, LLC, submitted the attached contract Amendment #1 to the engineering services contract authorized under Resolution 7R12-c adopted on June 17, 2015, for said additional engineering services in the amount of \$600,000.00; and

**WHEREAS**, the City of Newark wishes to execute Amendment #1 to the contract for professional engineering services for planning, design and construction oversight for the Pequannock Water Treatment Plant (PWTP) Upgrades Residuals Handling Improvements for the City of Newark with Mott MacDonald, LLC, 111 Wood Avenue South, Iselin, New Jersey 08830, increasing the contract by \$600,000.00, for a total contract amount not to exceed \$1,548,000.00; 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 State Pay-to-Play Law, N.J.S.A. 40A:19:44A-20.5; and

**WHEREAS**, the 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**, the Municipal Council adopted the Contractor Pay-to-Play Reform Ordinance,

R.O. 2:4-22C, 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; 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.

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

1. The Mayor and/or his designee, the Director of the Department of Water and Sewer Utilities, is hereby authorized to execute Amendment #1 to contract for professional engineering services for planning, design and construction oversight for Pequannock Water Treatment Plant (PWTP) Upgrades Residuals Handling Improvements for the City of Newark with Mott MacDonald, LLC, 111 Wood Avenue South, Iselin, New Jersey 08830, increasing the contract by \$600,000.00, for a total contract amount not to exceed \$1,548,000.00.
2. The term of the Contract shall be from authorization by the Municipal Council and continue until the completion of actual construction of this public works project, pursuant to N.J.S.A. 40A:11-15(9).
3. Attached hereto is a Certification of Funds issued by the Director of Finance of the City of Newark, which states that there are available sufficient legally appropriated funds in the amount of \$600,000.00 for the purposes set forth herein, under, Business Unit NW041, Department ID 11W, Division 11W00, Account 94710 and Budget Ref: B2011.
4. A copy of the Certification of Funds, shall be filed along with the original resolution and the executed contract in the Office of the City Clerk, by the Director of the Department of Water and Sewer Utilities.
5. 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), because these services are to be rendered by a person (or persons) licensed to practice a 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.
6. The copy of the Business Entity Disclosure Certification, which certifies that Mott MacDonald, LLC, has not made any reportable contributions to a political candidate or candidate committee in the City of Newark, in the previous one (1) year and the contract shall prohibit Mott MacDonald, LLC, from making any contributions during 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 Director of the Department of Water and Sewer Utilities, to execute Amendment #1 to the contract for Professional Engineering Services for planning, design and construction oversight for Pequannock Water Treatment Plant (PWTP) Upgrades Residuals Handling Improvements for the City of Newark, with Mott MacDonald, LLC, 111 Wood Avenue South, Iselin, New Jersey 08830, increasing the contract by \$600,000.00, for a total contract amount not to exceed \$1,548,000.00 for the period beginning from authorization by the Municipal Council and continue until the completion of actual construction of this public works project, pursuant to N.J.S.A. 40A:11-15(9).