



Legislation Details (With Text)

File #: 20-0478 **Version:** 1 **Name:** Kleinfelder, Inc. - Harmful Algal Blooms at Echo Lake
Type: Resolution **Status:** Adopted
File created: 4/3/2020 **In control:** Water Sewer Utility
On agenda: 5/20/2020 **Final action:** 5/20/2020

Title: Dept/ Agency: Water and Sewer Utilities
Action: ☐ Ratifying ☒ Authorizing ☐ Amending
Type of Service: Professional Services Contract
Purpose: To provide Professional Engineering Services to implement the proposal to prevent, mitigate, and control harmful algal blooms at Echo Lake.
Entity Name: Kleinfelder, Inc.
Entity Address: 150 College Road West, Suite 100, Princeton, New Jersey 08540
Contract Amount: Not to exceed \$207,000.00
Funding Source: 2020 Budget/Department of Water and Sewer Utilities/NW037-750-7502-71280 B2020
Contract Period: Until Project completion per 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:

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
5/20/2020	1	Municipal Council	Adopt	Pass

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Additional Information:

WHEREAS, the City of Newark, Department of Water and Sewer Utilities ("City"), seeks to prevent, mitigate, and control the harmful algal bloom outbreaks that occur within the reservoirs of

the Pequannock Watershed and which are served by the Pequannock Water Treatment Plant; and

WHEREAS, on January 27, 2020 the City's Department of Water and Sewer Utilities received a proposal from the New Jersey Department of Environmental Protection (NJDEP) outlining the scope of work for the timely completion of a project for the "Prevention, Mitigation, and Control of Harmful Algal Blooms at Echo Lake"; and

WHEREAS, on March 16, 2020, Department of Water and Sewer Utilities responded to the New Jersey Department of Environmental Protection's Request for Proposals for "Grants to Prevent, Mitigate and/or Control Freshwater Harmful Algal Blooms", for approximately \$475,000.00 in grant funds; and

WHEREAS, the NJDEP has informed the City that its application and proposal have been approved; and

WHEREAS, the City is in need of professional engineering services to implement and execute the proposal to prevent, mitigate, and control harmful Algal Blooms at Echo Lake; and

WHEREAS, the Department of Water and Sewer Utilities received a proposal from Kleinfelder, Inc. to implement the proposal as approved by the NJDEP; and

WHEREAS, Kleinfelder, Inc. is a wholly-owned subsidiary of The Kleinfelder Group, Inc., 550 West C Street, Suite 1200, San Diego, California 92101 which is owned by its parent company, Kleinfelder Parent, Inc. which is owned by Kleinfelder Holdings, LLC; and

WHEREAS, due to the time sensitive nature of the project, the City of Newark, wishes to enter into a professional services contract with Kleinfelder, Inc., 150 College Road West, Suite 100, Princeton, New Jersey 08540, to implement the proposal as approved by the NJDEP and provide the City of Newark with the Prevention, Mitigation, and Control of Harmful Algal Blooms at Echo Lake, until project completion per N.J.S.A. 40A: 11-15(9); 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, Kleinfelder, Inc., has completed and submitted a Business Entity Disclosure Certificate which certifies that Kleinfelder, 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 Kleinfelder, Inc., 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 Kleinfelder, Inc., 150 College Road West, Suite 100, Princeton, New Jersey 08540, to implement the proposal as approved by the NJDEP and to provide prevention, mitigation, and control of harmful Algal Blooms at Echo Lake, for an amount not to exceed of \$207,000.00, until Project completion per 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 an amount of \$5,000.00 are available in the 2020 Budget, Business Unit NW037, Department ID 750, Division 7502, Account # 71280. The Director of the Department of Water and Sewer Utilities shall file a copy of the Certification of Funds, along with the original resolution and the executed contract in the Office of the City Clerk. The remainder of \$202,000.00 in funding for this contract will be subject to appropriation in the 2020 and 2021 Municipal Budgets 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 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. 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. Kleinfelder, Inc., 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 Kleinfelder, Inc., 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 Kleinfelder, Inc., from making any reportable contributions through 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 enter into and execute a professional engineering services contract with Kleinfelder, Inc., 150 College Road West, Suite 100, Princeton, New Jersey 08540, to implement the proposal as approved by the NJDEP and to provide prevention, mitigation, and control of harmful Algal Blooms at Echo Lake, for an amount not to exceed \$207,000.00, until Project completion per N.J.S.A. 40A: 11-15(9).