



## Legislation Details (With Text)

**File #:** 22-0548      **Version:** 1      **Name:** CDM Smith Amendement for Second Amendment to Lead and Copper Rule Compliance (LCR) - Phase 3  
**Type:** Resolution      **Status:** Adopted  
**File created:** 4/5/2022      **In control:** Water Sewer Utility  
**On agenda:** 7/13/2022      **Final action:** 7/13/2022

**Title:** Dept/ Agency: Water and Sewer Utilities  
Action: ( ) Ratifying (X) Authorizing (X) Amending  
Type of Service: Professional Services Contract  
Purpose: Second Amendment to the Lead and Copper Rule Compliance (LCR) - Phase 3.  
Entity Name: CDM Smith, Inc.  
Entity Address: 110 Fieldcrest Avenue, #8, 6th Floor, Edison, New Jersey 08837  
Contract Amount: Not to exceed \$812,800.00  
Funding Source: 2019 Budget/Department of Water and Sewer Utilities Budget/NW037-750-7502-71280 B2019  
Contract Period: Until Project completion pursuant to N.J.S.A. 40A:11-15(9)  
Contract Basis: ( ) Bid ( ) State Vendor (X) Prof. Ser. ( ) EUS  
( ) Fair & Open (X) No Reportable Contributions ( ) RFP ( ) RFQ  
( ) Private Sale ( ) Grant ( ) Sub-recipient ( ) n/a  
Additional Information:  
Resolution 7R12-d(AS) adopted on June 6, 2019, awarded the contract in the amount of \$396,900.00 until project completion pursuant to N.J.S.A. 40A:11-15(9).  
Resolution 7R12-c (AS) adopted on March 24, 2020 as Amendment #1 increased the contract amount by \$338,700.00 for a new total contract amount not to exceed \$735,600.00.  
This Amendment #2 will increase the contract amount by \$77,200.00 for a new total contract amount of \$812,800.00.

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
7/13/2022	1	Municipal Council	Adopt	Pass

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**Contract Basis:** ( ) Bid ( ) State Vendor (X) Prof. Ser. ( ) EUS  
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**Additional Information:**  
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until project completion pursuant to N.J.S.A. 40A:11-15(9).

Resolution 7R12-c (AS) adopted on March 24, 2020 as Amendment #1 increased the contract amount by \$338,700.00 for a new total contract amount not to exceed \$735,600.00.

This Amendment #2 will increase the contract amount by \$77,200.00 for a new total contract amount of \$812,800.00.

**WHEREAS**, Resolution 7R12-d (AS) adopted on June 6, 2019, authorized the then Director of the Department of Water and Sewer Utilities to execute a contract with CDM Smith, Inc., 110 Fieldcrest Avenue, #8, 6th Floor, Edison, New Jersey 08837, to provide Professional Engineering Services for Lead and Copper Rule Compliance (LCR) - Phase 3, in an amount not to exceed \$396,900.00, for a contract period until project completion as per N.J.S.A. 40A:11-15(9); and

**WHEREAS**, Resolution 7R12-c (AS) adopted March 24, 2020, as Amendment #1 Increased the contract for an additional \$338,700.00, for a total contract amount not to exceed \$735,600.00, until project completion per N.J.S.A. 40A:11-15(9); and

**WHEREAS**, the City of Newark (the "City"), is in need of additional and continued Professional Engineering Services for Lead and Copper Rule Compliance (LCR) - Phase 3, and various other projects as indicated in Letter dated February 4, 2022; and

**WHEREAS**, the City wishes to enter into a Second Amendment to the contract, with CDM Smith, Inc., 110 Fieldcrest Avenue, #8, 6<sup>th</sup> Floor, Edison, New Jersey 08837, to continue providing Professional Engineering Services for Lead and Copper Rule Compliance (LCR) - Phase 3, and various other projects for an additional \$77,200.00, for a total contract amount not to exceed \$812,800.00, until project completion per N.J.S.A. 40A: 11-15(9). The scope of services still needed to complete the project is detailed in the attached CDM Smith letter dated February 4, 2022 attached hereto, and all other aspects of the contract remains the same.

**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 Second Amendment to the contract with CDM Smith, Inc., 110 Fieldcrest Avenue, #8, 6<sup>th</sup> Floor, Edison, New Jersey 08837, to continue to provide Professional Engineering Services for Lead and Copper Rule Compliance (LCR) - Phase 3, for an additional \$77,200.00, for a total contract amount not to exceed \$812,800.00, 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 the Department of Finance, which states that funds in the amount of Five Thousand Dollars and Zero Cents (\$5,000.00) are available under Business Unit NW037, Department ID 750, Division 7502, Account 71280, Budget Year 2019. 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 2022 Budget and funds will be certified prior to services being provided by the contractor.
3. The Director of the Department of Water and Sewer Utilities shall file a copy of the fully executed Second Amendment to the contract in the Office of the City Clerk and it shall be made available for public inspection.

4. There shall be no amendment of this contract without prior approval of the Municipal Council.
5. There shall be no advance payment on this contract in accordance with N.J.S.A. 40A:5-16.
6. 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 amends and authorizes the Mayor and/or his designee, the Director of the Department of Water and Sewer Utilities, to enter into and execute a Second Amendment to the contract with CDM Smith, Inc., 110 Fieldcrest Avenue, #8, 6<sup>th</sup> Floor, Edison, New Jersey 08837, to continue to provide Professional Engineering Services for Lead and Copper Rule Compliance (LCR) - Phase 3 Project, for an additional \$77,200.00, for a total contract amount not to exceed \$812,800.00, until project completion per N.J.S.A. 40A: 11-15(9).