



Legislation Details (With Text)

File #: 23-0596 **Version:** 1 **Name:** Resolution: Kleinfelder Inc. - (NJDEP Grant) Engineering
Type: Resolution **Status:** Adopted
File created: 4/17/2023 **In control:** Water Sewer Utility
On agenda: 5/24/2023 **Final action:** 5/24/2023
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 respond to Lake (s) - Algal Control Treatment and Echo Lake Protection Plan.
Entity Name: Kleinfelder, Inc.
Entity Address: 150 College Road West, Suite 100, Princeton, New Jersey 08540
Contract Amount: Not to exceed \$286,400.00
Funding Source: 2023 Budget/Department of Water and Sewer Utilities/NW051-G23-W23A0-71280 B2023
Contract Period: Commencing upon the issuance of a written Notice to Proceed and terminates upon project completion pursuant to N.J.S.A. 40A:11-5(9), which is estimated to be thirty-six (36) months.
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
5/24/2023	1	Municipal Council	Adopt	Pass

..Title

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Additional Information:

WHEREAS, the City of Newark, Department of Water and Sewer Utilities (the “City”), seeks to respond to Lake(s) - Algal Control Treatment and Echo Lake Protection Plan that occurs within the reservoirs of the Pequannock Watershed and which are served by the Pequannock Water Treatment Plant; and

WHEREAS, on February 28, 2022, the City’s Department of Water and Sewer Utilities submitted a proposal to the New Jersey Department of Environmental Protection (NJDEP) outlining the scope of work for the timely completion of Water Quality Restoration Grant to mitigate Nonpoint Source Pollution 2020-2022 project for Two Hundred Eighty-Six Thousand Four Hundred Dollars and Zero Cents (\$286,400.00); and

WHEREAS, on July 19, 2022, the New Jersey Department of Environmental Protection (NJDEP) informed the City that its application and proposal were approved and awarded for the Water Quality Restoration Grants to mitigate Nonpoint Source Pollution 2020-2022 for the total grant award amount of Two Hundred Eighty-Six Thousand Four Hundred Dollars and Zero Cents (\$286,400.00); 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 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 with the Prevention, Mitigation, and Control of Harmful Algal Blooms at Echo Lake, the term of the contract shall commence upon the issuance of a Notice to Proceed and terminates upon project completion, pursuant to N.J.S.A. 40A:11-5(9), which is estimated to be thirty-six (36) months; 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 award is in compliance with Ordinance 2:4-22C.1, which adopted the State of

New Jersey's Pay-to-Play statutory requirements, pursuant to N.J.S.A. 19:44A-20.5, as may be amended and supplemented, governing eligibility for municipal contracts.

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

1. The Mayor of the City of Newark and/or his designee, the Director of the Department of Water and Sewer Utilities, are authorized to accept the proposal from Kleinfelder, Inc., and enter into and execute an agreement with Kleinfelder, Inc, 150 College Road West, Suite 100, Princeton, New Jersey 08540, to prevent, mitigate, and control harmful Algal Blooms at Echo Lake, for a total contract amount not to exceed Two Hundred Eighty-Six Thousand Four Hundred Dollars and Zero Cents (\$286,400.00), commencing upon the issuance of a written Notice to Proceed and terminates upon project completion pursuant to N.J.S.A. 40A:11-5(9), which is estimated to be thirty-six (36) months.
2. Funds in an amount of Two Hundred Eighty-Six Thousand Four Hundred Dollars and Zero Cents (\$286,400.00) are available in the Department of Water and Sewer Utilities Budget Business Unit NW051- Department ID G23-Division W23A0- Account # 71280 in the 2023 Budget. 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. Funds will be certified prior to services being provided by the Vendor.
3. The Director of the Department of Water and Sewer Utilities shall file a duly executed copy of the contract, Determination of Value and Business Entity Disclosure Certification in the Office of the City Clerk.
4. 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.
5. There shall be no amendment or change to the contract without approval by the Municipal Council.
6. There shall be no advance payments made against this contract in accordance with N.J.A.C. 40A:5-16.
7. 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 of the City of Newark and/or his designee, the Director of the Department of Water and Sewer Utilities, to accept the proposal from Kleinfelder, Inc., 150 College Road West, Suite 100, Princeton, New Jersey 08540, to provide Professional Engineering Services to prevent, mitigate, and control harmful Algal Blooms at Echo Lake, for a total contract

amount not to exceed \$286,400.00, the term of the contract shall commence upon the issuance of a written Notice to Proceed and terminates upon project completion, pursuant to N.J.S.A. 40A:11-5(9), which is estimated to be thirty-six (36) months.