



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 13-1309, Version: 1

Dept/ Agency: Water and Sewer Utilities

Action: () Ratifying (X) Authorizing () Amending

Type of Service: Professional Services Contract

Purpose: Combined Sewer Overflow General Permit Support and Tier A Municipal Stormwater General Permit Support

Entity Name: HDR Engineering, Inc.

Entity Address: One Blue Hill Plaza, 12th Floor, Pearl River, New York 10965

Contract Amount: \$ 94,000.00

Funding Source: Water and Sewer Utilities Budget - Partial Funding of \$30,000.00 from 2013 budget and the remaining from 2014 budget

Contract Period: One Year from Award

Contract Basis: () Bid () State Vendor (X) Prof. Ser. () EUS
() Fair & Open () No Reportable Contributions () RFP (X) RFQ
() Private Sale () Grant () Sub-recipient () n/a

Additional Information:

Number of RFP packages distributed: Five (5)

Number of Proposals received: Two (2)

WHEREAS, the City of Newark requires professional engineering services for Combined Sewer Overflow General Permit Support and Tier A Municipal Stormwater General Permit Support, and a Request for Qualifications (RFQ) was issued on May 17, 2013; and

WHEREAS, the Department of Water and Sewer Utilities distributed five (5) bid packages to prospective vendors following the date of advertisement; and

WHEREAS, two (2) proposals were received by the City of Newark on May 31, 2013 pursuant to the RFQ, and a proposal received from HDR Engineering, Inc., One Blue Hill Plaza, 12th Floor, Pearl River, New York 10965, for this work for the amount not to exceed \$94,000.00, was found to be in the best interest of the City of Newark to accept; and

WHEREAS, the City of Newark wishes to enter into an agreement with HDR Engineering, Inc., One Blue Hill Plaza, 12th Floor, Pearl River, New York 10965, to provide engineering services for Combined Sewer Overflow General Permit Support and Tier A Municipal Stormwater General Permit Support, in an amount not to exceed \$94,000.00; 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, this contract is for an amount over \$17,500.00 and is being awarded as a fair and open contract pursuant to N.J.S.A. 19:44A-20.5; and

WHEREAS, HDR Engineering, Inc., has completed and submitted a Business Entity Disclosure Certificate which certifies that HDR Engineering, Inc., has not made any reportable contributions to a political or candidates committee in the City of Newark in the previous one year, and that the contract will prohibit HDR Engineering, Inc. from making any reportable contributions through the term of the contract; and

WHEREAS, the Mayor of the City of Newark signed into law Executive Order Number MEO-07-0001 (hereinafter "Pay-to-Play Executive Order") which requires the reporting of political contributions to Newark Municipal Candidates and prohibits certain political contributions during the duration of the contract.

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 Acting Director of the Department of Water and Sewer Utilities, to accept the proposal from HDR Engineering, Inc., and to execute an agreement with HDR Engineering, Inc., One Blue Hill Plaza, 12th Floor, Pearl River, New York 10965, to provide professional engineering services to the City of Newark, Department of Water and Sewer Utilities, for Combined Sewer Overflow General Permit Support and Tier A Municipal Stormwater General Permit Support, in an amount not to exceed \$94,000.00, for a period of one year from the date that the contract is fully executed by the parties.

2. Pursuant to N.J.A.C. 5:30-5.5, attached hereto is a partial certification of funds from the Director of Finance which states that there are available sufficient legally appropriated funds for the purposes set forth herein above in the amount of \$30,000.00 in the 2013 budget under Business Unit: NW038, Department ID: 800, Div/Proj.: 8003, Account: 71280. The certification shall be filed along with the original resolution in the Office of the City Clerk by the Acting Director of the Department of Water and Sewer Utilities. The remainder of the funding for this contract will be subject to appropriation in the 2014 Budget and funds will be certified prior to services being provided by the contractor.

3. Pursuant to N.J.S.A. 27:25-17, any and all debts, expenses or obligations incurred by the Department of Water and Sewer Utilities shall be payable only from funds available to the City of Newark, and no liability or obligation shall be incurred by the Department of Water and Sewer Utilities beyond the extent to which monies are available.

4. This contract is being awarded pursuant to the 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 is in compliance with Executive order MEO-07-0001, effective March 31, 2007.

5. 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 (Engineering) 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. A copy of the fully executed contract shall be filed in the Office of the City Clerk by the Acting Director of the Department of Water and Sewer Utilities and shall be made available for public inspection.

7. A copy of the Business Entity Disclosure Certification shall be placed on file in the Office of the City Clerk by the Acting Director of the Department of Water and Sewer Utilities.

8. HDR Engineering, Inc. has completed and submitted a Business Entity Disclosure Certificate, which shall be placed on file in the City Clerk's Office by the Acting Director of the Department of Water and Sewer Utilities, certifying that HDR Engineering, Inc. has not made any reportable contributions to a political or candidate committee in the City of Newark in the previous one year, and that the contract will prohibit HDR Engineering, Inc. from making any reportable contributions through the term of the contract.

9. There shall be no amendment of this contract without prior approval of the Municipal Council.

10. There shall be no advance payment on this contract in accordance with N.J.S.A. 40A:5-16.

11. 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 10 days of its passage.

STATEMENT

This resolution authorizes the Mayor and/or his designee, the Acting Director of the Department of Water and Sewer Utilities, to accept the proposal from HDR Engineering, Inc., and to execute an agreement with HDR Engineering, Inc., One Blue Hill Plaza, 12th Floor, Pearl River, New York 10965, to provide professional engineering services to the City of Newark, Department of Water and Sewer Utilities, for the Combined Sewer Overflow General Permit Support and Tier A Municipal Stormwater General Permit Support, in an amount not to exceed \$94,000.00, for a period of one year from the date that the contract is authorized by the Newark Municipal Council.