



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 15-1116, Version: 1

Dept/ Agency: Engineering

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

Type of Service: Professional Services Contract

Purpose: Consultant Services for Local Energy Savings Plan Development and Implementation (To perform independent Energy Measurement & Verification professional services as it relates to the implementation of a long-term Energy Savings Plan in seventeen (17) Municipal Buildings.)

Entity Name: Matrix New World Engineering, Inc.

Entity Address: 26 Columbia Turnpike, Second Floor, Florham Park, New Jersey 07932

Contract Amount: Maximum amount not to exceed \$304,928.00

Funding Source: City of Newark/Engineering Budget

Contract Period: One (1) Year after the issuance of a formal Notice to Proceed

Contract Basis: () Bid () State Vendor (X) Prof. Ser. () EUS

(X) Fair & Open () No Reportable Contributions (X) RFP () RFQ

() Private Sale () Grant () Sub-recipient () n/a

Addition Information:

N.J.S.A. 40A:11-4.6, Energy Savings Improvement Program.

Contract #02-2015PS Consultant Services for Local Energy Savings Plan Development and Implementation

WHEREAS, to ensure that the energy savings generated through the installment of recommended and approved Energy Conservation Measures (ECMs), as it relates to a subsequent long-term Energy Savings Services Contract between the City of Newark (the "City") and our selected Energy Services Company (ESCO), are guaranteed and independently verified, the City seeks to enter into an agreement with Matrix New World Engineering, Inc., 26 Columbia Turnpike, Second Floor, Florham Park, New Jersey 07932, to perform independent Evaluation, Measurement, and Verification ("EM&V") professional services; and

WHEREAS, on March 19, 2014, the City entered into an agreement with Honeywell International (Honeywell) to conduct an Investment Grade Energy Audit of seventeen (17) Municipal Buildings to improve the efficiency of the City's municipal operations, achieve significant long-term energy savings, reduce greenhouse gas emissions and capture additional benefits that might result from energy-related services and capital improvements, such as environmental protection, hazardous materials disposal or recycling, improved occupant comfort and indoor air quality; and

WHEREAS, the seventeen (17) facilities locations that have been identified are:

Facility Name/Address

Site #1 - City Hall - 920 Broad Street

Site #2 - Court House - 31 Green Street

Site #3 - Finance Building - 828 Broad Street

Site #4 - Central Police District - 22 Franklin Street

Site #5 - City Clerk - Archives and Graphics - 295 Halsey Street
Site #6 - Engineering - Traffic and Signals - 255 Central Avenue
Site #7 - Health and Community Wellness - 94 William Street
Site #8 - Health and Community Wellness - 110 William Street
Site #9 - Health and Community Wellness - 394 University Avenue
Site #10 - Ironbound Recreational Center - 46 St. Charles Street
Site #11 - Ironbound Recreational Center - 226 Rome Street
Site #12 - JFK Recreational Center - 211 W. Kinney Street
Site #13 - Fire Department - 360 Clinton Avenue
Site #14 - North Police District - 1 Lincoln Avenue
Site #15 - Sanitation - 80-85 Miller Street/62-68 Frelinghuysen Avenue
Site #16 - Police - 4311 Communications Center - 311 Washington Street
Site #17 - Symphony Hall - 1020 Broad Street; and

WHEREAS, the City is responsible for the operation, management and maintenance of the facilities; and

WHEREAS, in accordance with the Energy Savings Improvement Programs Law, N.J.S.A. 52:34-25 and N.J.S.A. 52:34-25.1 ("ESIP Law") the City is required to retain the services of energy consultant to perform independent third party verification of the Investment Grade Energy Audit and Energy Savings Plan; and

WHEREAS, on February 25, 2015, the Department of Engineering advertised for the receipt of responses to a Request for Proposal ("RFP") for Contract #02-2015PS Consultant Services for Local Energy Savings Plan Development and Implementation, from qualified energy consultants to provide independent Evaluation, Measurement, and Verification ("EM&V") professional services requested for the seventeen (17) facilities; and

WHEREAS, professional services, exempt from the requirement for public bidding, pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, on Monday, March, 3, 2015 at 12:00 PM, the consultants/firms were invited to attend a mandatory Bidders Conference; and

WHEREAS, on March 26, 2015 four (4) energy consultants submitted written proposals; and

WHEREAS, three (3) of the four (4) energy consultants are prequalified by the New Jersey Department of Treasury, Division of Property Management and Construction (DPMC), pursuant to N.J.S.A. 52:35-1 et seq. and N.J.A.C. 17:19-1.1 as Code P051 and were eligible to participate in the RFP process; and

WHEREAS, after reviewing written proposals and conducting oral interviews with all four (4) respondents, the City's Evaluation Review Committee determined it is in the best interest of the City to award Contract #02-2015PS Consultant Services for Local Energy Savings Plan Development and Implementation to Matrix New World Engineering, Inc., 26 Columbia Turnpike, Second Floor, Florham Park, New Jersey 07932, based upon price and other factors for an amount not to exceed \$304,928.00; and

WHEREAS, the independent EM&V services will be conducted using the guidelines of the International Performance Measurement and Verification Protocol or other protocols approved by the New Jersey Board of Public Utilities (NJ BPU) and standards adopted by the NJ BPU pursuant to ESIP Law; and

WHEREAS, the City anticipates executing an Energy Savings Services Contract with Honeywell that will generate a significant amount of savings throughout the contract term; and

WHEREAS, the costs incurred and work product produced for the aforementioned services by Matrix New World Engineering, Inc., 26 Columbia Turnpike, Second Floor, Florham Park, New Jersey 07932 in an amount not to exceed \$304,928.00 (Three Hundred Four Thousand Nine Hundred Twenty Eight Dollars and No Cents) is to be included in the overall financing of the subsequent Energy Savings Services Contract with Honeywell that shall be funded through energy savings; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that notice of the award of contracts for “Professional Services” without competitive bidding must 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, the Municipal Council adopted the Contractor Pay-to-Play Reform Ordinance, R.O. 2:4-22C, which forbids the award of a contract to 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 IT BE RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:

1. The Mayor and/or his designee, the Director of Engineering, on behalf of the City of Newark, are hereby authorized to enter into and execute a professional services Contract #02-2015PS, Consultant Services for Local Energy Savings Plan Development and Implementation, with Matrix New World Engineering, Inc., 26 Columbia Turnpike, Second Floor, Florham Park, New Jersey 07932, for an amount not to exceed \$304,928.00 (Three Hundred Four Thousand Nine Hundred Twenty-Eight Dollars and No Cents) to perform independent Evaluation, Measurement, and Verification (“EM&V”) professional services.
2. In accordance with the Energy Savings Improvement Programs Law, N.J.S.A. 52:34-25 and N.J.S.A. 52:34-25.1 (“ESIP Law”) the City is required to retain the services of energy consultant to perform independent third party verification of the Investment Grade Energy Audit and Energy Savings Plan.

3. The independent EM&V services will be conducted using the guidelines of the International Performance Measurement and Verification Protocol or other protocols approved by the New Jersey Board of Public Utilities (NJ BPU) and standards adopted by the NJ BPU pursuant to ESIP Law.
4. Attached hereto is a Certification of Funds issued by the Acting Chief Financial Officer, City of Newark, which states that there are available sufficient legally appropriated funds in the amount of \$304,928.00 (Three Hundred Four Thousand Nine Hundred Twenty-Eight Dollars and No Cents) for the purposes set forth herein. A copy of the Certification of Funds shall be filed in the Office of the City Clerk by the Director of Engineering together with this resolution.
5. The term of this contract shall be one (1) year after the issuance of a formal Notice to Proceed.
6. No amendments or modifications to this contract shall be allowed or authorized without prior Municipal Council approval.
7. There shall be no advance payments made against this contract in accordance with N.J.A.C. 40A:5-16.
8. This contract is being awarded pursuant to the fair and open procedures of the State 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)); is in compliance with the City's Contractor Pay-to-Play Reform Ordinance, R.O. 2:4-22C.
9. The Director of Engineering shall file a fully-executed copy of the contract any supporting documents authorized herein in the Office of the City Clerk.
10. Matrix New World Engineering, Inc., 26 Columbia Turnpike, Second Floor, Florham Park, New Jersey 07932, has certified that it has neither made nor will make a prohibited contribution in violation of any applicable federal or state laws.
11. A notice of this action shall be printed in a local newspaper as required by law within ten (10)

days hereof.

12. Attached hereto is a Certification of Funds from the Acting Finance Director of the City of Newark, which states (1) that there are sufficient funds in the amount of \$304,928.00 (Three Hundred Four Thousand Nine Hundred Twenty- Eight Dollars and No Cents), for the purposes set forth herein above and (2) that the line appropriations which shall be charged are as follows: Bus. Unit: NW045, Department: 007, Account: 94710, Budget Year: B2007.

STATEMENT

This resolution hereby authorizes the Mayor and/or his designee, the Director of Engineering, to enter into and execute a professional services Contract #02-2015PS, Consultant Services for Local Energy Savings Plan Development and Implementation, with Matrix New World Engineering, Inc., 26 Columbia Turnpike, Second Floor, Florham Park, New Jersey 07932 for an amount not to exceed \$304,928.00 (Three Hundred Four Thousand Nine Hundred Twenty-Eight Dollars and No Cents) to perform independent Evaluation, Measurement, and Verification ("EM&V") professional services as it relates to the development and implementation of a comprehensive Energy Savings Plan in seventeen (17) municipal buildings.