



# City of Newark

City Hall  
920 Broad Street  
Newark, New Jersey 07102

## Legislation Text

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**File #:** 16-1562, **Version:** 1

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**Dept/ Agency:** Water and Sewer Utilities

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

**Type of Service:** Proprietary Equipment

**Purpose:** Service and Maintain the Control System at City of Newark's Pequannock Water Treatment Plant

**Entity Name:** ABB Inc.

**Entity Address:** 29801 Euclid Avenue, Wickliffe, Ohio 44092

**Contract Amount:** Amount not to exceed \$77,596.00

**Funding Source:** 2016 and 2017 Budgets/ Department of Water and Sewer Utilities

**Contract Period:** One (1) year from issuance of a Notice to Proceed

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

(X) Non-Fair & Open ( ) No Reportable Contributions ( ) RFP

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

**Additional Information:**

Proprietary Equipment pursuant to N.J.S.A. 40A:11-5(1)dd

**WHEREAS**, on September 13, 2016, the Department of Water and Sewer Utilities received a proposal from ABB, Inc., 29801 Euclid Avenue, Wickliffe, Ohio 44092 for contract services to Service and Maintain the Control System at City of Newark's Pequannock Water Treatment Plant; and

**WHEREAS**, the contract to Service and Maintain the Control System at Newark's Pequannock Water Treatment Plant pertains to the support and maintenance of proprietary computer hardware and/or software; and

**WHEREAS**, under Local Pubic Contracts Law N.J.S.A. 40A:11-5(1)(dd), the performance of goods or services for the support or maintenance of proprietary computer hardware or software, is an exception to public bidding, provided that this provision is not utilized to acquire or upgrade non-proprietary hardware or to acquire or update non-proprietary software; and

**WHEREAS**, ABB, Inc., 29801 Euclid Avenue, Wickliffe, Ohio 44092, submitted the following amounts in its proposal:

- \$30,000.00 for Annual Service and Preventive Maintenance;
- \$47,596.00 for Annual Technical Support, according to the specifications; and

**WHEREAS**, the City of Newark wishes to accept the proposal submitted by ABB, Inc., on September 13, 2016, and execute a Contract to Service and Maintain the Control System at Newark's Pequannock Water Treatment Plant, with ABB, Inc., 29801 Euclid Avenue, Wickliffe, Ohio 44092, for an amount of \$30,000.00 for Annual Service and Preventive Maintenance and \$47,596.00

for Annual Technical Support & Parts Replacement, for a combined total contract amount not to exceed \$77,596.00, for a period of one (1) year from the date it is issued a Notice to Proceed; and

**WHEREAS**, Municipal Council adopted the Contractor Pay-to-Play Reform Ordinance, R.O. 2:4-22C, 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; 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, 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 accept the proposal submitted on September 13, 2016 by ABB, Inc., and execute a Contract to Service and Maintain Control System at the City of Newark's Pequannock Water Treatment Plant with ABB, Inc., 29801 Euclid Avenue, Wickliffe, Ohio 44092, for an amount of \$30,000.00 for Annual Service and Preventive Maintenance and \$47,596.00 for Annual Technical Support & Parts Replacement, for a combined total contract amount not to exceed \$77,596.00, for a period of one (1) year from the date it is issued a Notice to Proceed.
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 funds in the amount of \$5,000.00 are available in the 2016 Budget under Business Unit: NW 037, Department ID: 750, Division/Project: 7502, Account # 71770. The certification shall be filed along with the original resolution in the Office of the City Clerk. The remainder of the funding for the contract will be subject to appropriation in the 2016 and 2017 Budget and included in a line item for the award of this contract and said funds will be certified prior to services being provided by the contractor. There will be no expenditure of funds authorized until a Certification of Funds is obtained and a copy filed with the City Clerk.
3. There shall be no amendment or change to the contract without approval by the Newark Municipal Council.
4. There shall be no advance payment on this contract in accordance with *N.J.S.A. 40A:5-16*.
5. The Director of the Department of Water and Sewer Utilities shall file a fully executed copy of the contract in the Office of the City Clerk. .
6. This contract was solicited and awarded pursuant to the Non-fair and open procedures under NJSA 40A:11-5(1)(dd), for the performance of goods or services for the support or maintenance of proprietary computer hardware or software, which is an exception to public bidding, provided that this provision is not utilized to acquire or upgrade non-proprietary hardware or to acquire or update non-proprietary software and is in compliance with the City's Contractor Pay-to-Play Reform Ordinance, R.O. 2:4-22C.

7. If required by State Law, the City Clerk shall provide the appropriate Notice of the Award of this contract to the State Comptroller, no later than twenty (20) business days following such award, in accordance with *N.J.S.A. 52:15C-10* and the Notice of the Office of the State Comptroller dated May 7, 2008.

### **STATEMENT**

This resolution authorizes the Mayor and/or his designee, the Director of Water and Sewer Utilities, to accept the proposal submitted by ABB, Inc. and execute a Contract to Service and Maintain the Control System at City of Newark's Pequannock Water Treatment Plant with ABB, Inc., 29801 Euclid Avenue, Wickliffe, Ohio 44092, for an amount of \$30,000.00 for Annual Service and Preventive Maintenance and \$47,596.00 for Annual Technical Support & Parts Replacement, for a combined total contract amount not to exceed \$77,596.00, for a period of one (1) year from the date it is issued a Notice to Proceed.