



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 18-0970, **Version:** 1

Dept/ Agency: Water and Sewer Utilities
Action: (☒) Ratifying (☒) Authorizing (☐) Amending
Type of Service: Professional Services Contract
Purpose: Full-Time Licensed Operator
Entity Name: Kleinfelder, Inc.
Entity Address: 321 Wall Street, Princeton, New Jersey 08540
Contract Amount: Not to exceed amount of \$130,095.00
Funding Source: Department of Water and Sewer Utilities Budget
Contract Period: June 23, 2018 through September 20, 2018
Contract Basis: (☐) Bid (☐) State Vendor (☒) Prof. Ser. (☐) EUS
(☐) Fair & Open (☒) No Reportable Contributions (☐) RFP (☐) RFQ
(☐) Private Sale (☐) Grant (☐) Sub-recipient (☐) n/a
Additional Information:

WHEREAS, the City of Newark requires professional engineering services for a full-time New Jersey State Licensed T-4, W-4 operator and utility management support personnel as the Department of Water and Sewer Utilities' previous operator retired from the City; and

WHEREAS, due to the swift retirement of the City's then licensed operator and the unique and rare nature of the qualifications needed to run the utility, the City did not have sufficient time to recruit a qualified operator as a replacement prior to his retirement; and

WHEREAS, following the retirement of the Department's previous Licensed T-4, W-4 operator, the City engaged the services of H2M to locate a temporary consultant to act as the City's licensed operator while the City recruited a permanent qualified licensed operator; and

WHEREAS, H2M engaged the services of Kleinfelder, Inc., to provide the professional engineering services the City required because Kleinfelder, Inc., employed a licensed operator who held the mandatory licensures; and

WHEREAS, Jerry Notte through Kleinfelder, Inc., has been providing those services satisfactorily to the City since our previous operator's retirement; and

WHEREAS, the Department is actively recruiting for a full-time operator but professional engineering services are needed until that position has been filled by the City; and

WHEREAS, for continuity and efficient transition of the management of the system, the Department requested a proposal from Kleinfelder, Inc., on May 10, 2018; and

WHEREAS, on May 23, 2018 the Department of Water and Sewer Utilities, received a proposal from

Kleinfelder, Inc., 321 Wall Street, Princeton, New Jersey 08540, for a total amount not to exceed \$167,000.00, which was subsequently revised to \$130,095.00 and Option 1 was found to be in the best interest of the City of Newark to accept; and

WHEREAS, Jerry J. Notte, P.E., the proposed operator from Kleinfelder, Inc., can serve as the full-time licensed Public Water Treatment System (T License) and Public Water Distribution System (W License) operator; and

WHEREAS, Jerry Notte has over thirty-five (35) years of experience in public water system treatment, design, operations and distribution and holds active T-4 and W-4 licenses in the State of New Jersey, which are the highest level of operator license in each category; and

WHEREAS, the City of Newark wishes to enter into an agreement with Kleinfelder, Inc., 321 Wall Street, Princeton, New Jersey 08540, to provide professional engineering services for Full-Time Licensed Operator for an amount not to exceed \$130,095.00 commencing on June 23, 2018 and terminating on September 20, 2018; 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 year, and that the contract will prohibit Kleinfelder, Inc., from making any reportable contributions through the term of the contract; and

WHEREAS, the Municipal Council adopted the Contractor Pay-to-Pay Reform Ordinance R.O. 2:4-22 C, 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; candidates committees of the aforementioned candidates, and political or political party 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 from Kleinfelder, Inc., and to execute an agreement with Kleinfelder, Inc., 321 Wall Street, Princeton, NJ 08540, to provide professional engineering services to the City of Newark, Department of Water and Sewer Utilities, for Full-Time Licensed Operator, in an amount not to exceed \$130,095.00, commencing on June 23, 2018 and terminating September 20, 2018.

2. The agreement is ratified from June 23, 2018 to the date of adoption of this authorizing resolution.
3. Attached hereto is a Certification of Funds issued by the Director of Finance of the City of Newark which states that there are available sufficient legally appropriated funds in the amount of \$130,095.00 for the purposes set forth herein, under the 2018 Budget, Business Unit NW037, Department 0750, Division/Project 7502, Account # 71280 Budget Ref:B2018. 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.
4. This contract is being awarded pursuant to the non-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 Contract Law N.J.S.A. 40A:11-5 (1) (a) (i), and is in compliance with Ordinance on Pay to Play.
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 Contract Law, because the performance of the service required must be performed by a person (or persons) licensed to practice a recognized engineering profession 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 Director of the Department of Water and Sewer Utilities and shall be made available for public inspection.
7. A copy of the Determination of Value and Business Entity Disclosure Certification shall be placed on file in the Office of the City Clerk.
8. Kleinfelder, Inc., has completed and submitted a Business Entity Disclosure Certificate, 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 year, and that the contract will prohibit Kleinfelder, 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 Director of the Department of Water and Sewer Utilities, to accept the proposal from Kleinfelder, Inc., and to execute an agreement with Kleinfelder, Inc., 321 Wall Street, Princeton, New Jersey 08540, to provide professional engineering services to the City of Newark, Department of Water and Sewer Utilities, for Full-Time Licensed Operator, for an amount not to exceed \$130,095.00commencing on June 23, 2018 and terminating on September 20,2018.