



# City of Newark

City Hall  
920 Broad Street  
Newark, New Jersey 07102

## Legislation Text

File #: 18-1615, Version: 1

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

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

**Type of Service:** Professional Services Contract

**Purpose:** Regular Dam Safety Inspections

**Entity Name:** Civil Dynamics, a Division of GZA GeoEnvironmental, Inc.

**Entity Address:** 55 Lane Road, Suite 407, Fairfield, New Jersey 07004

**Contract Amount:** Not to Exceed \$49,000.00

**Funding Source:** 2018 Budget/Department of Water and Sewer Utilities

**Contract Period:** One (1) year from the date of adoption by the Municipal Council

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

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

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

**Additional Information:**

Proposal Solicited: Four (4)

Proposal Received: Three (3)

**WHEREAS**, the City of Newark requires professional engineering services to conduct Regular Dam Safety Inspections for its fourteen (14) water supply dams, and as such, the Department of Water and Sewer Utilities issued a Request for Qualifications (RFQ) on September 7, 2018; and

**WHEREAS**, the Department of Water and Sewer Utilities distributed four (4) RFQ packages to prospective vendors following the date of advertisement; and

**WHEREAS**, on September 28, 2018, the Department of Water and Sewer Utilities received three (3) proposals in response to its RFQ; and

**WHEREAS**, the proposal received from Civil Dynamics, a Division of GZA GeoEnvironmental, Inc., 55 Lane Road, Suite 407, Fairfield, New Jersey 07004, hereinafter referred to as "Civil Dynamics a Division of GZA", for a total amount not to exceed \$49,000.00, was found to be in the best interest of the City of Newark; and

**WHEREAS**, the City of Newark wishes to enter into an agreement with Civil Dynamics, a Division of GZA, 55 Lane Road, Suite 407, Fairfield, New Jersey 07004, to provide engineering services for Regular Dam Safety Inspections, in an amount not to exceed \$49,000.00; 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**, Civil Dynamics, a Division of GZA, has completed and submitted a Business Entity Disclosure Certificate which certifies that Civil Dynamics, a Division of GZA, 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 Civil Dynamics, a Division of GZA, from making any reportable contributions through the term of the contract; and

**WHEREAS**, the Municipal Council adopted the Contractor Pay-to-Play Reform Ordinance, R.O. 2:4-22C, 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 the 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 Acting Director of the Department of Water and Sewer Utilities, to accept the proposal from Civil Dynamics and to execute an agreement with Civil Dynamics, a Division of GZA GeoEnvironmental, Inc., 55 Lane Road, Suite 407, Fairfield, New Jersey 07004, to provide professional engineering services to the City of Newark, Department of Water and Sewer Utilities, for Regular Dam Safety Inspections for its water supply dams, in an amount not to exceed \$49,000.00, for a period of one (1) year from the date of adoption by the Municipal Council.
2. Pursuant to N.J.A.C. 5:30-5-5, attached hereto is a partial Certification of Funds issued by the Director of Finance of the City of Newark which states that funds in an amount \$30,000.00 are available in the 2018 Budget, Business Unit NW037, Department ID 750, Division/Project 7502, Account # 71280. 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. The remainder of \$19,000.00 in funding for this contract will be subject to appropriation in the 2019 Municipal Budget and funds will be certified prior to services being provided by the Contractor and the contract shall be subject to the availability and appropriation of sufficient funds in accordance with N.J.A.C. 5:30-5.5(c) and N.J.A.C. 5:30-5.5(d).
3. This contract was solicited and 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 Contract Law N.J.S.A. 40A:11-5 (1) (a) (i), and is in compliance with the City's Contractor Pay-to-Play Reform Ordinance, R.O. 2:4-22C.
4. 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.

5. The Acting Director of the Department of Water and Sewer Utilities shall file a copy of the fully executed contract in the Office of the City Clerk.
6. Civil Dynamics, a Division of GZA, 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 Civil Dynamics, a Division of GZA, 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 Civil Dynamics, a Division of GZA, from making any reportable contributions through the term of the contract.
7. There shall be no amendment of this contract without prior approval of the Municipal Council.
8. There shall be no advance payment on this contract in accordance with N.J.S.A. 40A:5-16.
9. 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 and/or his designee, the Acting Director of the Department of Water and Sewer Utilities, to accept the proposal from, and execute an agreement with Civil Dynamics, a Division of GZA GeoEnvironmental, Inc., 55 Lane Road, Suite 407, Fairfield, New Jersey 07004, to provide professional engineering services to the City of Newark, Department of Water and Sewer Utilities, for Regular Dam Safety Inspections for its water supply dams, for an amount not to exceed \$49,000.00, for a period of one (1) year from the date of adoption by the Municipal Council.