



Legislation Text

File #: 18-1878, Version: 1

Dept/ Agency: Water and Sewer Utilities

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

Type of Service: Professional Services Contract

Purpose: Amendment #1 to Professional Engineering Services on an as needed basis

Entity Name: CDM Smith, Inc.

Entity Address: 110 Fieldcrest Avenue, #8, 6th Floor, Edison, New Jersey 08837

Contract Amount: Not to exceed \$447,400.00

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

Contract Period: Extending the contract period by 152 days through June 30, 2019

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

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

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

Additional Information:

Resolution 7R12-a (S/AS) adopted on January 30, 2018, awarded a contract of 12 vendors for an amount not to exceed \$975,000.00 for one (1) year from the date of adoption by the Municipal Council, which included CDM Smith, Inc. as vendor with a contract amount not to exceed \$100,000.00.

Amendment Number #1 increases the contract amount for CDM Smith, Inc., by \$347,400.00, for a new total contract amount of \$447,400.00.

WHEREAS, Resolution 7R12-a (S/AS) adopted on January 30, 2018 authorized the Director of the Department of Water and Sewer Utilities to enter into and award a contract to twelve (12) vendors for an amount not to exceed \$975,000.00 for one (1) year from the date of adoption by the Municipal Council, which included CDM Smith, Inc., 110 Fieldcrest Avenue, #8, 6th Floor, Edison, New Jersey 08837, as a vendor to provide professional engineering services on an as needed basis with a contract amount not to exceed \$100,000.00; and

WHEREAS, the City of Newark is in need of additional professional engineering services on an as needed basis as it responds to the Lead and Copper Rule (LCR) Compliance Assistance Report - Phase 2; and

WHEREAS, the City of Newark wishes to enter into a contract Amendment #1 with CDM Smith, Inc., 110 Fieldcrest Avenue, #8, 6th Floor, Edison, New Jersey 08837, to continue providing professional engineering services on an as needed basis, for an additional \$347,400.00, for a total contract amount not to exceed \$447,400.00 and extending the contract by one-hundred fifty-two (152) days through June 30, 2019; 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, the services under Amendment #1 are required due to the emergent need for the Lead and Copper Rule (LCR) compliance assistance services, and the execution of Amendment #1 is in compliance with the general requirements for professional services contract amendments provisions under N.J.A.C. 5:30-11.3 and N.J.A.C. 5:30-11.6; and

WHEREAS, the Acting Director of the Department of Water and Sewer Utilities is in compliance with the provisions under N.J.A.C. 5:30-11.3 and N.J.A.C. 5:30-11.6 in executing Amendment #1; and

WHEREAS, CDM Smith, Inc., has completed and submitted a Business Entity Disclosure Certificate, which certifies that CDM Smith, Inc., has not made any reportable contributions to a political or candidates committee in the City of Newark in the previous one (1) year, and that the contract will prohibit CDM Smith, 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 Acting Director of the Department of Water and Sewer Utilities, to enter into a contract Amendment Number #1 with CDM Smith, Inc., 110 Fieldcrest Avenue, #8, 6th Floor, Edison, New Jersey 08837, to continue to provide professional engineering services on an as needed basis, for an additional \$347,400.00, for a total contract amount not to exceed \$447,400.00, and extending the contract period by one-hundred fifty-two (152) days until June 30, 2019.
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 of Three Hundred Forty-Seven Thousand Four Hundred Dollars and Zero Cents (\$347,400.00) are available in the 2018 Budget, Business Unit NW037, Department ID 750, Division/Project 7502, Activity A, Account 71240. The Acting 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.
3. 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.

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. 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.
6. CDM Smith, Inc., has completed and submitted a Business Entity Disclosure Certificate, which shall be placed on file in the Office of the City Clerk by the Acting Director of the Department of Water and Sewer Utilities, certifying that CDM Smith, Inc., has not made any reportable contributions to a political or candidate committee in the City of Newark in the previous one (1) year, and that the contract will prohibit CDM Smith, Inc., 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 enter into and execute a contract Amendment Number #1 with CDM Smith, Inc., 110 Fieldcrest Avenue, #8, 6th Floor, Edison, New Jersey 08837, to continue to provide professional engineering services on an as needed basis, for an additional \$347,400.00, for a total contract amount not to exceed \$447,400.00, and extending the contract by one-hundred fifty-two (152) days through June 30, 2019.