



# City of Newark

City Hall  
920 Broad Street  
Newark, New Jersey 07102

## Legislation Text

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**File #:** 19-0784, **Version:** 1

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

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

**Type of Service:** Professional Services Contract

**Purpose:** Lead and Copper Rule Compliance (LCR) - Phase 3

**Entity Name:** CDM Smith, Inc.

**Entity Address:** 110 Fieldcrest Avenue, #8, 6<sup>th</sup> Floor, Edison New Jersey 088387

**Contract Amount:** Not to exceed \$396,900.00

**Funding Source:** 2019 Budget/Department of Water and Sewer Utilities/NW037-750-7502-71280-B2019

**Contract Period:** Until Project Completion per N.J.S.A. 40A: 11-15(9)

**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:**

**WHEREAS**, the City of Newark is in need of Professional Engineering Services to assist with the execution of Lead and Copper Rule Compliance (LCR) - Phase 3; and

**WHEREAS**, on May 3, 2019, the Department of Water and Sewer Utilities received a proposal from CDM Smith, Inc.; and

**WHEREAS**, the City of Newark wishes to enter into a Professional Engineering Services contract with CDM Smith, Inc., 110 Fieldcrest Avenue, #8, 6<sup>th</sup> Floor, Edison, New Jersey 088387, to provide the City of Newark with Lead and Copper Rule Compliance (LCR)- Phase 3, until project completion per N.J.S.A. 40A: 11-15(9); 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**, 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 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 Professional Engineering Services contract with CDM Smith, Inc., 110 Fieldcrest Avenue, #8 6<sup>th</sup> Floor, Edison New Jersey 088387, to provide Lead and Copper Rule Compliance (LCR) - Phase 3, for an amount not to exceed of \$396,900.00, until project completion per N.J.S.A. 40A: 11-15(9).
2. Pursuant to N.J.A.C. 5:30-5.5, Temporary Budget, 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 \$10,000.00 are available in the 2019 Budget, Business Unit NW037, Department ID 750, Division/Project 7502, Account # 71280. 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. The remainder of \$386,900.00 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 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 Contracts 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. 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 and the same shall be made available for public inspection.
6. A copy of the Business Entity Disclosure Certification shall be placed on file in the Office of the City Clerk.
7. CDM Smith, Inc., 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 CDM Smith, 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 CDM Smith, Inc., from making any reportable contributions through the term of the contract.

8. There shall be no amendment of this contract without prior approval of the Municipal Council.
9. There shall be no advance payment on this contract in accordance with N.J.S.A. 40A:5-16.
10. 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 Acting Director of the Department of Water and Sewer Utilities, to enter into a Professional Engineering Services contract with CDM Smith, Inc., 110 Fieldcrest Avenue, #8, 6<sup>th</sup> Floor, Edison New Jersey 088387, to provide Lead and Copper Rule Compliance (LCR) - Phase 3, for an amount not to exceed \$396,900.00, until project completion per N.J.S.A. 40A: 11-15(9).