



Legislation Text

File #: 19-0656, **Version:** 1

Dept/ Agency: Water and Sewer Utilities

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

Type of Service: Professional Services Contract

Purpose: To provide Design and Construction Administration for Roof Replacement at the Pequannock Water Treatment Plant

Entity Name: Professional Consulting, Inc.

Entity Address: 1719 Route 10, Suite 225, Parsippany, New Jersey 07054

Contract Amount: Not to exceed \$326,500.00

Funding Source: 2019 Budget/Department of Water and Sewer Utilities/NW037-750-7502-71250-B2019

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

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

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

() Private Sale () Grant () Sub-recipient () N/A

Additional Information:

Proposals Solicited: Nine (9)

Proposal Received: Five (5)

WHEREAS, the City of Newark requires Professional Engineering Services to conduct design and construction administration for Roof Replacement at the Pequannock Water Treatment Plant, and as such, the Department of Water and Sewer Utilities issued a Request for Proposal (RFP) on March 1, 2019; and

WHEREAS, the Department of Water and Sewer Utilities distributed nine (9) Requests For Proposals ("RFP") packages to prospective vendors following the date of advertisement; and

WHEREAS, on March 22, 2019, the Department of Water and Sewer Utilities received five (5) proposals in response to its RFP; and

WHEREAS, the proposal received from Professional Consulting, Inc., 1719 Route 10, Suite 225, Parsippany, New Jersey 07054, hereinafter referred to as "PCI", for a total amount not to exceed \$326,500.00, was found to be in the best interest of the City of Newark to accept; and

WHEREAS, the City of Newark wishes to enter into an agreement with Professional Consulting, Inc., 1719 Route 10, Suite 225, Parsippany, New Jersey 07054, to provide engineering services for the design and construction administration for Roof Replacement at the Pequannock Water Treatment Plant, in an amount not to exceed \$326,500.00; 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, PCI, has completed and submitted a Business Entity Disclosure Certificate which certifies that PCI 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 PCI 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 PCI and to execute an agreement with Professional Consulting, Inc., 1719 Route 10, Suite 225, Parsippany, New Jersey 07054, to provide Professional Engineering Services to the City of Newark, Department of Water and Sewer Utilities, for the design and construction administration for Roof Replacement at the Pequannock Water Treatment Plant, in an amount not to exceed \$326,500.00, 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 \$30,000.00 are available in the 2019 Budget:Business Unit NW037, Department ID 750, Division/Project 7502, Account # 71240, Budget Ref B2019. 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 \$296,500.00 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 Laws 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 Contracts 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. There shall be no amendment of this contract without prior approval of the Municipal Council.
7. There shall be no advance payment on this contract in accordance with N.J.S.A. 40A:5-16.
8. 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 accept the proposal from, and to execute an agreement with Professional Consulting, Inc., 1719 Route 10, Suite 225, Parsippany, New Jersey 07054, to provide Professional Engineering Services to the City of Newark, Department of Water and Sewer Utilities, for the design and construction administration for Roof Replacement at the Pequannock Water Treatment Plant, for an amount not to exceed \$326,500.00, until project completion per N.J.S.A. 40A: 11-15(9).