



# City of Newark

City Hall  
920 Broad Street  
Newark, New Jersey 07102

## Legislation Text

File #: 19-0546, Version: 1

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

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

**Type of Service:** Bid Contract

**Purpose:** To provide Valve Inspection, Testing, and Condition Assessment Report, for the City of Newark Distribution and Transmission System.

**Entity Name:** Pure Technologies US Inc., d/b/a Wachs Water Services

**Entity Address:** 8920 State Route 108, Suite D, Columbia, Maryland 21045

**Contract Amount:** Not to exceed \$1,352,106.00

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

**Contract Period:** One (1) year from the date of issuance of a Notice to Proceed

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

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

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

**Additional Information:**

Bids Solicited: Six (6)

Bids Received: One (1)

**WHEREAS**, the City of Newark intends to enter a contract with a licensed professional contractor to provide services for the Valve Inspection, Testing, Exercising and Assessment Report for the City of Newark's Water Distribution and Transmission System for the Department of Water and Sewer Utilities facilities; and

**WHEREAS**, pursuant to the public bidding process of Local Public Contracts Law, N.J.S.A 40A:11-1 et seq., the Department of Water and Sewer Utilities advertised on February 11, 2019, in a general circulation paper, for the receipt of sealed bids for Valve Inspection, Testing, and Condition Assessment Report for the City of Newark Distribution and Transmission System; and

**WHEREAS**, six (6) prospective bidders requested Bid Specifications from the Department of Water and Sewer Utilities; and

**WHEREAS**, on March 19, 2019, the Department of Water and Sewer Utilities received sealed bids from one (1) contractor for Valve Inspection, Testing, and Condition Assessment Report, for the City of Newark Distribution and Transmission System; and

**WHEREAS**, the City's Water Distribution System consists of approximately 600 miles of piping which ranges from 4-inch to 48 inches in diameter. The City has approximately 15,500 valves in the water distribution and transmission system with an additional 5,600 fire hydrants and high and low pressure valves. In the past, the City had a program to routinely inspect and exercise valves in the system, but this program is not presently in place; and

**WHEREAS**, a valve exercising program is needed to make sure that the valves are in working condition and are capable of operating for isolations during water main breaks and other emergencies when needed; and

**WHEREAS**, the City of Newark desire to award a contract to Pure Technologies US Inc. d/b/a Wachs Water Services, 8290 State Rte. 108 Suite D, Columbia, Maryland 21045, to provide professional services for Valve Inspection, Testing, and Condition Assessment Report, for the City of Newark Water Distribution & Transmission System, for a not to exceed price of One Million Three Hundred Fifty-Two Thousand One Hundred Six Dollars and Zero Cents (\$1,352,106.00) for a period of one (1) year from the issuance of the Notice to Proceed; and

**WHEREAS**, the Municipal Council adopted the Contractor Pay-to-Play Reform Ordinance, R.O. 2:4-22C, which forbids the award of a contract to 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; 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 election; and certain other political party or candidate committees, in excess of certain thresholds; and

**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 the Water and Sewer Utilities authorized to accept the proposal from Pure Technologies US Inc. d/b/a Wachs Water Services and to execute an agreement with Pure Technologies US Inc./dba Wachs Water Services 8920 State Route 108, Suite D, Columbia, Maryland 21045, to provide professional services to the City of Newark, Department of Water and Sewer Utilities, for Valve Inspection, Testing, and Condition Assessment Report, for the City of Newark Water Distribution & Transmission System in an amount not to exceed One Million Three Hundred Fifty-Two Thousand One Hundred Six Dollars and Zero Cents (\$1,352,106.00) for a period of one (1) year from the issuance of the Notice to Proceed.
2. Pursuant to N.J.A.C. 5:30-5.5, Temporary Budget, attached hereto is a Certification of Funds by the Director of Finance of the City of Newark which states that there are available sufficient legally appropriated funds in the amount of \$20,000.00 for the purposes set forth herein, under the 2019 budget, Business Unit NW037, Department 750, Division/Project 7502, Account #71280 Budget Ref: B2019. 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 the balance 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. 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 it shall be made available for public inspection.

4. There shall be no amendment or change to the contract without prior approval by the Municipal Council.
5. There shall be no advance payments made against the contract in accordance with *N.J.A.C. 40A:5-16*.
6. This contract was solicited and awarded pursuant to the non-fair and open procedures under N.J.S.A. 40A:11-5 (1)(dd), for the performance of goods or services for the support or maintenance of proprietary computer hardware or software, which is an exception to public bidding, provided that this provision is not utilized to acquire or upgrade non-proprietary hardware or to acquire or update non-proprietary software and is in compliance with the City's Contractor Pay-to-Play Reform Ordinance, R.O. 2:4-22C.
7. If required by State Law, the City Clerk shall provide the appropriate Notice of the Award of this contract to the State Comptroller, no later than twenty (20) business days following such award, in accordance with N.J.S.A. 52:15C-10 and the notice of the Office of the State Comptroller dated May 7, 2008.

### **STATEMENT**

This resolution hereby authorizes the Mayor and/or his designee, the Acting Director of Water and Sewer Utilities, to enter into and execute an agreement with Pure Technologies US Inc./dba Wachs Water Services, 8920 Sate Route 108, Suite D, Columbia, Maryland 21045 to provide Professional Services for Valve Inspection, Testing, and Condition Assessment Report, for City of Newark Water Distribution & Transmission System for a one (1) year period from Notice to Proceed, for a total cost not to exceed One Million Three Hundred Fifty-Two Thousand One Hundred Six Dollars and Zero Cents (\$1,352,106.00) for a period of one (1) year from the date of the issuance of Notice to Proceed.