



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 20-0446, Version: 1

Dept/ Agency: Water and Sewer Utilities

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

Type of Service: Professional Services Contract

Purpose: To provide Assessment of Existing Process and Instrumentation Control Systems at the Pequannock Water Treatment Plant, Water Treatment Facilities and Pump Stations.

Entity Name: Engineered Solutions Corporation

Entity Address: 48 Bystate Plaza, #257, Old Tappan, New Jersey 07675

Contract Amount: Not to exceed \$134,832.50

Funding Source: 2020 Budget/Department of Water and Sewer Utilities/NW037-750-7502-71240 B2020

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

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

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

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

Additional Information:

Number of Request for Qualifications (RFQ) Packages Distributed: Fourteen (14)

Number of RFQ Packages Received: Four (4)

WHEREAS, the City of Newark (the "City") requires professional engineering services for Assessment of Existing Process and Instrumentation Control Systems at the Pequannock Water Treatment Plant, Water Treatment Facilities and Pump Stations and a Request for Qualifications (RFQ) was issued on October 22, 2019; and

WHEREAS, four (4) proposals were received by the City on November 6, 2019 pursuant to the RFQ and a Qualification Statement received from Engineered Solutions Corporation, 8 Bystate Plaza, #257, Old Tappan, New Jersey 07675, for this work for the amount not to exceed \$134,832.50, was found to be in the best interest of the City to accept; and

WHEREAS, the City wishes to enter into an agreement with Engineered Solutions Corporation, 8 Bystate Plaza, #257, Old Tappan, New Jersey 07675, to provide engineering services for Assessment of Existing Process and Instrumentation Control Systems at the Pequannock Water Treatment Plant, Water Treatment Facilities and Pump Stations, in an amount not to exceed \$134,832.50; 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, Engineered Solutions Corporation, has completed and submitted a Business Entity Disclosure Certificate, which certifies that Engineered Solutions Corporation, 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 Engineered Solutions Corporation, 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, 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 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 candidates 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 Director of the Department of Water and Sewer Utilities, to accept the Qualification Statement from Engineered Solutions Corporation, and to enter into and execute an agreement with Engineered Solutions Corporation, 8 Bystate Plaza, #257, Old Tappan, New Jersey 07675, to provide professional engineering services to the City's Department of Water and Sewer Utilities, for Assessment of Existing Process and Instrumentation Control Systems at the Pequannock Water Treatment Plant, Water Treatment Facilities and Pump Stations, in an amount not to exceed \$134,832.50, until Project Completion per N.J.S.A. 40A:11-15(9).
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, which states that funds in the amount of \$5,000.00 are available under Business Unit NW037, Department ID 750, Division 7502, Account 71240, Budget Year B2020. The certification shall be filed along with the original resolution in the Office of the City Clerk. The remainder of the funding for this contract will be subject to appropriation in the 2020 Budget and funds will be certified prior to services being provided by the contractor.
3. This contract is being 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(s) licensed to practice a recognized profession (Engineering) 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 Director of the Department of Water and Sewer Utilities and 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. Engineered Solutions Corporation, has completed and submitted a Business Entity Disclosure Certificate, which shall be placed on file in the Office of the City Clerk by the Director of the Department of Water and Sewer Utilities, certifying that Engineered Solutions Corporation, 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 Engineered Solutions Corporation, 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 ten (10) days of its passage.

STATEMENT

This resolution authorizes the Mayor and/or his designee, the Director of the Department of Water and Sewer Utilities, to accept the Qualification Statement from Engineered Solutions Corporation, 8 Bystate Plaza, #257, Old Tappan, New Jersey 07675, to enter into and execute a contract to provide professional engineering services to the City's Department of Water and Sewer Utilities, for the Assessment of Existing Process and Instrumentation Control Systems at the Pequannock Water Treatment Plant, Water Treatment Facilities and Pump Stations, in an amount not to exceed \$134,832.50, until project completion per N.J.S.A. 40A:11-15(9).