



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 20-0518, Version: 1

Dept/ Agency: Engineering

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

Type of Service: Professional Services Contract

Purpose: Delancy Street Roadway Improvements, Final Design Project

Entity Name: Michael Baker International, Inc.

Entity Address: One Gateway Center, Suite 2330, Newark, New Jersey 07102

Contract Amount: Not to exceed \$1,985,174.19

Funding Source: New Jersey Department of Transportation (NJDOT)

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

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

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

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

Addition Information:

- Original Resolution 7R4-c adopted on September 8, 2011 awarded a contract in an amount not to exceed \$1,192,837.00 for one (1) year from the date of the Notice to Proceed (November 3, 2011 through November 2, 2012).
- Resolution 7R4-a adopted on January 16, 2013 - Change Order #1 - One (1) year extension (Extending the contract period through November 2, 2013).
- Resolution 7R4-a adopted on March 5, 2014 - Change Order #2 - One (1) year extension (Extending the contract period through November 1, 2014).
- Resolution 7R4-f adopted on June 17, 2015 - Change Order #3 - One (1) year extension (Extending the contract period through November 1, 2015) and increase to the contract amount by \$201,515.00 for a total contract amount not to exceed \$1,394,352.00.
- Resolution 7R4-a adopted on January 20, 2016 - Change Order #4 - One (1) year extension (Extending the contract period through November 1, 2016).
- Resolution 7R3-c adopted on November 8, 2018 NJDOT authorizing an additional \$590,823.00 for unanticipated design work.

WHEREAS, on September 8, 2011, the Municipal Council adopted Resolution 7R4-c, authorizing the Director of the Department of Engineering to accept the proposal submitted by Michael Baker International, Inc., One Gateway Center, Suite 2330, Newark, New Jersey 07102, dated August 9, 2010 and revised August 23, 2010, and to execute Contract #06-2011PS, for the Delancy Street Roadway Improvements, Final Design Project, in the amount not to exceed \$1,192,837.00; and

WHEREAS, the original contract term was 365 days from the effective date of the issuance of the Notice to Proceed, or November 3, 2011 through November 2, 2012; and

WHEREAS, on January 16, 2013, the Municipal Council adopted Resolution 7R4-a, authorizing the Director of the Department of Engineering to issue and execute Change Order #1/Contract Amendment, to Contract #06-2011PS, for the Delancy Street Roadway Improvements,

Final Design Project, which authorized a one (1) year extension of term of the contract, from November 3, 2012 through November 2, 2013; and

WHEREAS, on March 5, 2014, the Municipal Council adopted Resolution 7R4-a, authorizing the Director of the Department of Engineering to issue and execute Change Order #2/Contract Amendment, to Contract #06-2011PS, for the Delancy Street Roadway Improvements, Final Design Project, which authorized a one (1) year extension of term of the contract, from November 2, 2013 through November 1, 2014; and

WHEREAS, on June 17, 2015, the Municipal Council adopted Resolution 7R4-f, authorizing the Director of the Department of Engineering to issue and execute Change Order #3/Contract Amendment, to Contract #06-2011PS, for the Delancy Street Roadway Improvements, Final Design Project, for a one (1) year extension of the contract term, from November 1, 2014 through November 1, 2015, and an increase in the contract amount by \$201,515.00, thereby bringing the total contract amount to \$1,394,352.00; and

WHEREAS, on January 20, 2016, the Municipal Council adopted Resolution 7R4-a, authorizing the Director of the Department of Engineering to issue and execute Change Order #4/Contract Amendment, to Contract #06-2011PS, for the Delancy Street Roadway Improvements, Final Design Project, for a one (1) year extension of term of the contract, from November 1, 2015 through November 1, 2016; and

WHEREAS, additional design work was identified that was not anticipated under the original scope of work, which is required in order to complete final design. The additional scope of work includes soil testing to meet NJDEP's Stormwater Management Rules (N.J.A.C. 7:8), additional design, survey work and permits for the stream cleaning, and design work for the Right-of-Way Acquisition; and

WHEREAS, the City of Newark required additional funds for the design of Delancy Street between Avenue I and Rutherford Street; and

WHEREAS, on June 18, 2018, the City of Newark (the "City") received a letter (a copy of the authorization letter is attached hereto and made a part hereof) from the New Jersey Department of Transportation advising NJDOT had authorized an additional \$590,823.00 for the additional scope of work for the design of Delancy Street between Avenue I and Rutherford Street, with no City funds required, which was accepted by Resolution 7R3-c adopted on November 8, 2018; and

WHEREAS, the Mayor and the Director of the Department of Engineering wish to enter into and execute a contract with Michael Baker International, Inc., One Gateway Center, Suite 2330, Newark, New Jersey 07102, for the completion of the remaining design of the Delancy Street Roadway Improvements, Final Design Project, in the amount not to exceed \$590,822.19; and

WHEREAS, the Director of Engineering has determined and certified in writing that the value of this contract will exceed \$17,500.00; and

WHEREAS, this contract is awarded without competitive bidding as an exception to public bidding, pursuant to N.J.S.A. 40A:11-5(1)(a)(i), professional services; and

WHEREAS, Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq., requires a resolution of the Governing Body authorizing the award of contracts for professional services and further requires that the contract itself must be available for public inspection; and

WHEREAS, the actions contemplated by this resolution shall result in the award of a Non-Fair and Open Contract in accordance with N.J.S.A. 19:44A-20.5; and

WHEREAS, Michael Baker International, Inc., One Gateway Center, Suite 2330, Newark, New Jersey 07102, has completed and submitted a Business Entity Disclosure Certification, which certifies that Michael Baker International 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 the contract will prohibit Michael Baker International, Inc., from making any reportable contributions through the term of the contract; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that notice of the award of contracts for “Professional Services” without public bidding must be published in a local newspaper; and

WHEREAS, the Municipal Council adopted the Contractor Pay-to-Play Reform Ordinance, 6PSF-a, on August 1, 2012, 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 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 Mayor and/or his designee, the Director of the Department of Engineering are hereby authorized to enter into and execute a Non-Fair and Open Contract with Michael Baker International, Inc., located at One Gateway Center, Suite 2330, Newark, New Jersey 07102, for the design completion of the remaining Delancy Street Roadway Improvements, Final Design Project, increasing the contract amount by \$590,822.19 for a total contract amount not to exceed \$1,985,174.19.
2. The term of this contract shall be for a period of one (1) year from the date of a Notice to Proceed issued by the Director of the Department of Engineering and/or his designee.
3. This contract is awarded without competitive bidding, as an exception to public bidding pursuant to the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-5(1)(a)(i)), professional services, pursuant to the Non-Fair and Open Procedures of the State Pay-to-Play Law (N.J.S.A. 19:44A-20.5), and Michael Baker International, Inc. has completed and submitted a Business Entity Disclosure Certificate certifying that it has not made or solicited a contribution in violation of the Contractor Pay-to-Play Reform Ordinance 2:4-22C.
4. Attached hereto is the Certification of Funds from the Director of the Department of Finance,

which states that there are available sufficient legally appropriated funds in the amount \$590,822.19 for the purposes set forth herein provided from: Business Unit: NW051; Department: G19; Div./Proj.: E1930; Account#: 71280; Budget Year: B2019. A copy of the Certification of Funds issued shall be filed in the Office of the City Clerk by the Director of the Department of Economic and Housing Development together with this resolution.

5. There shall be no amendments or changes to this contract without prior approval of the Municipal Council.
6. There shall be no advance payments made against this contract in accordance with N.J.S.A. 40A:5-16.
7. The Determination of Value Letter, Business Entity Disclosure Certificate, and City of Newark Political Contribution Disclosure Form are attached and will be filed with the Office of the City Clerk by the Director of the Department of Engineering.
8. A copy of the executed contract shall be filed in the Office of the City Clerk by the Director of the Department of Engineering and shall be made available for public inspection.
9. A notice of this action shall be published in the newspaper as required by law within ten (10) days of the adoption of this resolution.

STATEMENT

This resolution authorizes the Mayor and/or his designee, the Director of the Department of Engineering, to enter into and execute a Non-Fair and Open Contract with Michael Baker International, Inc., One Gateway Center, Suite 2330, Newark, New Jersey 07102, and execute Contract #2019-05, for the Delancy Street Roadway Improvements, Final Design Project, increasing the contract amount by \$590,822.19 for a total contract amount not to exceed \$1,985,174.19, for the period of one (1) year from the date of a Notice to Proceed.