



# City of Newark

City Hall  
920 Broad Street  
Newark, New Jersey 07102

## Legislation Text

File #: 20-1059, Version: 1

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

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

**Type of Service:** Professional Services Contract

**Purpose:** Amendment #1 to Professional Engineering Services for the Lead Service Line Replacement (LSLR) Program Management.

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

**Entity Address:** 110 Fieldcrest Avenue, #8, 6<sup>th</sup> Floor, Edison, New Jersey 08837

**Contract Amount:** Not to exceed \$10,609,740.00

**Funding Source:** 2019 Budget/Department of Water and Sewer Utilities/NW041-19W-19W00-94710-B2019

**Contract Period:** Commencing upon the issuance of a Notice to Proceed until completion of construction pursuant to 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:**

Resolution 7R12-c(AS) adopted on May 23, 2018, awarded a contract in an amount not to exceed \$7,340,740.00 commencing upon the issuance of Notice to Proceed to the completion of construction, pursuant to N.J.S.A. 40A:11-15(9).

Amendment #1 increases the contract amount by \$3,269,000.00 for a new total contract amount not to exceed \$10,609,740.00.

**WHEREAS**, Resolution 7R12-c(AS) adopted on May 23, 2018, authorized the Director of the Department of Water and Sewer Utilities, to execute a contract with CDM Smith, Inc., 110 Fieldcrest Avenue, #8, 6<sup>th</sup> Floor, Edison, New Jersey 08837, to provide Professional Engineering Services for Lead Service Line Replacement (LSLR) Program Management, in an amount not to exceed \$7,340,740.00, for a contract time period until completion of construction, pursuant to N.J.S.A. 40A:11-15(9); and

**WHEREAS**, the City of Newark (the "City") has embarked on the removal of an originally estimated 15,000 lead service lines. As the work has progressed, it has become clear that the number of lead service lines is significantly higher than the original estimate. Based on observations and extrapolation of data from the test pit excavations, estimates show an additional 6,000 lead service lines. CDM Smith, Inc., is requesting an Amendment #1 for in order to complete the design, bidding, public outreach and resident inspection services for the extra estimated 6,000 lead service lines; and

**WHEREAS**, the Department of Water and Sewer Utilities wishes to execute an Amendment #1 with CDM Smith, Inc., 110 Fieldcrest Avenue, #8, 6<sup>th</sup> Floor, Edison, New Jersey 08837, to continue providing Professional Engineering Services for Lead Service Line Replacement (LSLR) Program Management, for an additional \$3,269,000.00, for a total contract amount not to exceed

\$10,609,740.00, until completion of construction, pursuant to N.J.S.A. 40A:11-15(9). The amendment services are detailed in the attached CDM Smith, Inc.,’s letter dated August 17, 2020 attached hereto; 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 Contract 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 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 (1) 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-Play 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 Director of the Department of Water and Sewer Utilities, to enter into and execute an Amendment #1, with CDM Smith, Inc., 110 Fieldcrest Avenue, #8, 6<sup>th</sup> Floor, Edison, New Jersey 08837, to continue to provide Professional Engineering Services for Lead Service Line Replacement (LSLR) Program Management, for an additional \$3,269,000.00, for a total contract amount not to exceed \$10,609,740.00, until completion of construction, pursuant to N.J.S.A. 40A:11-15(9).
2. Attached hereto is a Certification of Funds issued by the Director of the Department of Finance, which states that there are available sufficient legally appropriated funds in the amount of \$3,269,000.00 for the purposes set forth herein, under the 2019 Budget, Business Unit NW041, Department ID 19W, Project 19W00, Account 94710. 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.
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 Contract 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 person) licensed to practice a recognized engineering profession by the State of New Jersey, whose performance required knowledge of an advance type in a field of learning acquired by a prolonged formal course of specialized instruction and study, as distinguished from general instruction.

5. The 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.
6. CDM Smith, Inc., 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 CDM Smith, 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 that the contract will prohibit CDM Smith, Inc., from making any reportable contributions through the term of the contract.
7. There shall be no amendment of contract without prior approval of the Municipal Council.
8. There shall be no advance payment on this contract in accordance with N.J.S.A. 40A:5-16.
9. 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 amends and authorizes the Mayor and/or his designee, the Director of the Department of Water and Sewer Utilities, to enter into and execute an Amendment #1, with CDM Smith, Inc., 110 Fieldcrest Avenue, #8, 6<sup>th</sup> Floor, Edison, New Jersey 08837, to continue to provide Professional Engineering Services for Lead Service Line Replacement (LSLR) Program Management, for an additional \$3,269,000.00, for a total contract amount not to exceed \$10,609,740.00, until completion of construction pursuant to N.J.S.A. 40A:11-15(9)