



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 20-0847, Version: 1

Dept./ Agency: Law

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

Type of Service: Professional Services Contract

Purpose: To provide Professional Public Utility Management Services.

Entity Name: Anthony J. Scillia, LLC

Entity Address: 2244 Dorchester Street West, Furlong, Pennsylvania 18925

Contract Amount: Not to exceed \$200,000.00

Funding Source: 2020 Budget/Law Department

Contract Period: November 1, 2019 through October 31, 2020

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:

Expert Professional Utility Management Services, to assist the City of Newark in an appeal of 2018 Passaic Valley Sewer Commission User Charges.

WHEREAS, the City of Newark (the “City”) has a need to acquire expert Professional Public Utility Management Services as those services relate to the development and application of Utility User Charge Systems; and

WHEREAS, Professional Public Utility Management Services, are exempt from the requirement for public bidding, pursuant to Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, the Department of Law is in the midst of an appeal of the sewer charges assessed against it by the Passaic Valley Sewer Commission (the “PVSC”), specifically the Third and Fourth Quarter 2018 User Charges; and

WHEREAS, Anthony J. Scillia, LLC, 2244 Dorchester Street West, Furlong, Pennsylvania 18925 (“Scillia”), a retired Professional Engineer with over forty (40) years experience in the industry and Municipal Utilities Management, submitted a proposal wherein it is uniquely qualified to provide the expertise required to support this appeal; it has local institutional knowledge of PVSC, with many years of hands on utility operating and management experience. Moreover, it has provided other municipalities with specialized services in analyzing and developing utility system rate structures, and has extensive experience in evaluating and remediating, utility operations, including billing and customer service systems throughout the United States and internationally; and

WHEREAS, in order to meet statutory deadlines by which to file its appeal of the PVSC charges, the City retained Scillia's services under a Non-Fair and Open Contract that was under the contract threshold; and

WHEREAS, the Department of Law, in consultation with the Department of Water and Sewer Utilities, seeks to retain Scillia to provide Expert Professional Public Utility Management Services to assist the City with its appeal of the 2018 Third and Fourth Quarter Sewer User Charges that PVSC assessed against the City; and

WHEREAS, the Mayor and/or his designee, the Corporation Counsel wish to enter into and execute a contract with Anthony J. Scillia, LLC, to provide Professional Expert Public Utility Management Services, in an amount not to exceed Two Hundred Thousand Dollars and Zero Cents (\$200,000.00), for the period of November 1, 2019 through October 31, 2020; 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 for an amount over \$17,500.00 pursuant to N.J.S.A. 19:44A-20.5; and

WHEREAS, Anthony J. Scillia, LLC, has completed and submitted a Business Entity Disclosure Certification, which certifies that it has not made any reportable contributions to a political or candidate committee in the City of Newark in the prior year, and that the contract will prohibit Anthony J. Scillia, LLC, from making any reportable contributions through the term of the contract; and

WHEREAS, 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, adopted 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 and County of Essex 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 Corporation Counsel are authorized to enter into and execute a contract with Anthony J. Scillia, LLC, 2244 Dorchester Street West, Furlong, Pennsylvania 18925, to provide expert Professional Engineering Services, specifically Public Utility Management Consulting Services as those services relate to the development and application of Utility User Charge Systems, to assist the City in its appeal of its 2018 Third and Fourth Quarter Sewer User Charges by Passaic Valley Sewerage Commission. The contract amount shall not exceed Two Hundred Thousand Dollars and Zero Cents (\$200,000.00), for the period of November 1, 2019 through October 31, 2020.
2. The Municipal Council ratifies this contract from November 1, 2019, to the date of the adoption of this authorizing resolution.
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); pursuant to the Non-Fair and Open Procedures of the State Pay-to-Play Law, N.J.S.A. 19:44A-20.5, and the Business Entity has certified that it has not made or solicited a contribution in violation of the Contractor Pay-to-Play Reform Ordinance 2:4-22C.
4. Attached is a Partial Certification of Funds from the Director of the Department of Finance/Chief Financial Officer, which states that funds in the amount of Ten Thousand Dollars and Zero Cents (\$10,000.00), shall be charged to the following: Account Code Line: Business Unit NW011, Dept. 040, Div/Proj 0401, Account #71260, Budget Ref: B2020. The remainder of the funding for this contract will be subject to appropriation in the 2020 Budget.
5. The Business Disclosure Entity Certification and the Determination of Value shall be placed on file with this resolution.
6. The Corporation Counsel shall file a copy of the executed agreement herein authorized, in the Office of the City Clerk and the same shall be made available for public inspection.
7. 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 the adoption of this resolution.
8. There shall be no amendments or changes of this contract without approval of the Municipal Council and there shall be no advance payments on this contract in accordance with N.J.S.A. 40A:5-16.

STATEMENT

This resolution ratifies and authorizes the Mayor and/or his designee, the Corporation Counsel, to enter into and execute a contract with Anthony J. Scillia, LLC 2244 Dorchester Street West, Furlong, Pennsylvania 18925 to provide expert Professional Public Utility Management Services as those services relate to the development and application of Utility User Charge Systems, to assist the City in its appeal of its 2018 Third and Fourth Quarter Sewer User Charges by Passaic

Valley Sewerage Commission. The contract amount shall not exceed Two Hundred Thousand Dollars and Zero Cents (\$200,000.00), for the period of November 1, 2019 through October 31, 2020.