



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 22-0514, Version: 1

Dept/ Agency: Water and Sewer Utilities

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

Type of Service: Professional Services Contract

Purpose: Amendment #1 to Engineering Services for Construction Phase of South Street and Adam Street Area Drainage Improvements.

Entity Name: Michael Baker International, Inc.

Entity Address: 100 Airside Drive, Moon Township, Pennsylvania 15108

Contract Amount: Not to exceed \$783,037.42

Funding Source: 2022 Budget/Department of Water and Sewer Utilities/NW038-800-8003-71280 B2022

Contract Period: Until Project completion 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-b(S/AS) adopted on May 30, 2018, awarded a contract in the amount of \$517,430.09 until project completion pursuant to N.J.S.A. 40A: 11-15(9) .

This Amendment #1 will increase the contract amount by \$265,607.33 for a new total contract amount of \$783,037.42.

WHEREAS, Resolution 7R12-b(s/as) adopted on May 30, 2018, authorized the Director of the Department of Water and Sewer Utilities to execute a contract with Michael Baker International, Inc., 100 Airside Drive, Moon Township, Pennsylvania 15108, to provide Engineering Services for Construction Phase of South Street and Adam Street Area Drainage Improvements, in an amount not to exceed \$517,430.09 for a contract time period until project completion per N.J.S.A. 40A:11-15(9); and

WHEREAS, the City of Newark is currently involved in the construction of the South and Adam Street Area Drainage Improvements contract with the construction managerial services of Michael Baker International, Inc. The construction contract has recently expanded, which requires extended construction management services and design services from Michael Baker International, Inc.; and

WHEREAS, the Department of Water and Sewer Utilities wishes to execute amendment #1 with Michael Baker International, Inc., 100 Airside Drive, Moon Township, Pennsylvania 15108, to continue providing Engineering Services for Construction Phase of South Street and Adam Street Area Drainage Improvements, until project completion per N.J.S.A. 40A:11-15(9). The amendment scope of services are detailed in the attached Michael Baker International letters dated January 26, 2021, June 29, 2021, July 30, 2021 and October 19, 2021; 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 agreements without public advertising for bids and

bidding and requires that the contract be made available for public inspection; and

WHEREAS, Michael Baker International, Inc., has completed and submitted a Business Entity Disclosure Certificate which certifies that Michael Baker International, Inc., has not made any reportable contributions to a political or candidates committee in the City of Newark in the previous one year, and that the contract will prohibit Michael Baker International, Inc., from making any reportable contributions through the term of the contract; and

WHEREAS, the Municipal Council adopted the Contractor Pay-to-Pay 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 Amendment #1, with Michael Baker International, Inc., 100 Airside Drive, Moon Township, Pennsylvania 15108-2783, to continue to provide Engineering Services for Construction Phase of South Street and Adam Street Area Drainage Improvements, for an additional \$265,607.33, for a total contract amount not to exceed \$783,037.42, until project completion per N.J.S.A. 40A: 11-15(9).
2. Pursuant to N.J.A.C. 5:30-5.5, Temporary Budget, attached hereto is a partial Certification of Funds issued by the Director of Finance of the City of Newark, which states that funds in the amount of \$ 5,000.00, are available in the 2022 Water and Sewer Budget under Business Unit NW038, Department ID 800, Project 8003, Account 71280, Year B2022. The remainder of the funding for the contract will be subject to appropriation in the 2022 Budget and included in a line item for the award of this contract and said funds will be certified prior to services being provided by the contractor. There will be no expenditure of funds authorized until a Certification of Funds is obtained and a copy filed with the City Clerk.
3. This contract was solicited and awarded pursuant to the non-fair and open procedures in accordance with the State Pay-to-Play Law (N.J.S.A. 1944A-20.5), and pursuant to the provisions of the Local Public Contracts Law.
4. The Director of the Department of Water and Sewer Utilities shall forthwith file a duly executed copy of this contract in the Office of the City Clerk.
5. Michael Baker International, Inc., has completed and submitted a Business Entity Disclosure Certificate, which shall be placed on file in the City Clerk's Office by the Director of the Department of Water and Sewer Utilities, certifying 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 year, and that the contract will prohibit Michael Baker International, Inc., from making any reportable contributions through the term of the contract.

6. There shall be no amendment or change to the contract without approval by the Newark Municipal Council.
7. There shall be no advance payments made against this contract in accordance with N.J.A.C. 40A:5-16.
8. 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 Amendment #1, with Michael Baker International, Inc., 100 Airside Drive, Moon Township, Pennsylvania 15108-2783, to continue to provide Engineering Services for Construction Phase of South Street and Adam Street Area Drainage Improvements, for an additional \$265,607.33, for a total contract amount not to exceed \$783,037.42, until completion of the project per N.J.S.A. 40A: 11-15(9).