



# City of Newark

City Hall  
920 Broad Street  
Newark, New Jersey 07102

## Legislation Text

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File #: 22-0790, Version: 1

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

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

**Type of Service:** Professional Services Contract

**Purpose:** To provide Engineering Analysis of High Hazard Dams.

**Entity Name:** GZA GeoEnvironmental, Inc.

**Entity Address:** 55 Lane Road, Suite 407, Fairfield, New Jersey 07004

**Contract Amount:** Not to exceed \$496,440.00

**Funding Source:** 2022 Budget/Department of Water and Sewer Utilities/NW037-750-7502-71240

**Contract Period:** Commencing upon the issuance of Notice to Proceed to the completion of construction pursuant to N.J.S.A. 40(A):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:**

**WHEREAS**, the City of Newark (the "City") requires Professional Engineering Services to conduct Engineering Analysis of High Hazard Dam for the City, and as such, the Department of Water and Sewer Utilities issued a Request for Qualifications (RFQ) on January 22, 2022; and

**WHEREAS**, the Department of Water and Sewer Utilities distributed ten (10) RFQ packages to prospective vendors following the date of Advertisement;  
and

**WHEREAS**, on February 9, 2022, the Department of Water and Sewer Utilities received three (3) proposals in response to its RFQ; and

**WHEREAS**, the City is abandoning RFQ Project in order to expand the project scope of work and has substantially revised the scope of work, pursuant to N.J.S.A. 40A:11-13.2(d); and

**WHEREAS**, due to the urgency of the project, the Director of the Department of Water and Sewer Utilities has determined to proceed with the award of a contract without a competitive process through a Non-Fair and Open process; and

**WHEREAS**, the City wishes to conduct Engineering Analysis at several high hazard dams, as well as conduct regular dam inspections on all dams; and

**WHEREAS**, the dams play a crucial role in the City's Watershed system and the City is looking to begin the Engineering Analysis immediately, per the requirements of the New Jersey Department of Environmental Protection; and

**WHEREAS**, GZA GeoEnvironmental, Inc., has been selected due to their expertise in this

area of engineering and their intimate knowledge of the City of Newark's Watershed system and all of the Dams; and

**WHEREAS**, GZA GeoEnvironmental, Inc., 55 Lane Road, Suite 407, Fairfield, New Jersey 07004, submitted a proposal for Engineering Analysis of High Hazard Dams for a total amount not to exceed Four Hundred Ninety-Six Thousand Four Hundred Forty Dollars and Zero Cents (\$496,440.00), which was found to be in the best interest of the City; and

**WHEREAS**, the City wishes to enter into and execute a Professional Engineering Services Contract with GZA GeoEnvironmental, Inc., to provide professional engineering services for Engineering Analysis of High Hazard Dams for a total contract amount not to exceed Four Hundred Ninety-Six Thousand Four Hundred Forty Dollars and Zero Cents (\$496,440.00) and for a period commencing from the issuance of a Notice to Proceed through the completion of construction, pursuant to N.J.S.A. 40A:11-15(9); and

**WHEREAS**, the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) requires that notice of the award of contracts for "Professional Services" without complete 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 Non-Fair and Open Contract, pursuant to N.J.S.A. 19:44A-20.5; and

**WHEREAS**, GZA GeoEnvironmental, Inc., has completed and submitted a Business Entity Disclosure Certificate, which certifies that GZA GeoEnvironmental, 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 GZA GeoEnvironmental, Inc., from making any reportable contributions through the term of the contract; and

**WHEREAS**, the award is in compliance with Ordinance 2:4-22C.1, which adopted the State of New Jersey's Pay-to-Play statutory requirements, pursuant to N.J.S.A. 19:44A-20.5, as may be amended and supplemented, governing eligibility for municipal contracts.

**NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:**

1. The Mayor of the City of Newark and/or his designee, the Director of the Department of Water and Sewer Utilities, is authorized to enter into and execute a Professional Engineering Services Contract with GZA GeoEnvironmental, Inc., 55 Lane Road, Suite 406, Fairfield, New Jersey 07004, to provide professional engineering services to the City's Department of Water and Sewer Utilities, for Engineering Analysis of High Hazard Dams, for a total contract amount not to exceed Four Hundred Ninety-Six Thousand Four Hundred Forty Dollars and Zero Cents (\$496,440.00), with a contract term commencing from the issuance of a Notice to Proceed through completion of construction, pursuant to N.J.S.A. 40A: 11-15(9). A copy of the Notice to Proceed will be filed with the Office of the City Clerk.
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 the Department of Finance, which states that funds in the amount of Five thousand Dollars and Zero Cents (\$5,000.00) are available under Business Unit NW037,

Department ID 750, Account # 71240, Budget Year B2022. 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 2022 Budget and funds will be certified prior to services being provided by the contractor.

3. This contract was solicited and 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 the City's Pay-to-Play Reform Ordinance, R.O. 2:4-22C.1.
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 Contracts Law, because the performance of the service required must be performed by a person(s) 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 academic instruction.
5. A copy of the fully executed contract and Determination of Value 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. GZA GeoEnvironmental, 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 GZA GeoEnvironmental, 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 GZA GeoEnvironmental, Inc., from making any reportable contributions through the term of the contract.
7. There shall be no amendment of this 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 authorizes the Mayor of the City of Newark and/or his designee, the Director of the Department of Water and Sewer Utilities, to accept the proposal from GZA GeoEnvironmental, Inc., 55 Lane Road, Suite 407, Fairfield, New Jersey 07004, and enter into and execute an agreement to provide Professional Engineering Services to the City's Department of Water and Sewer Utilities, for the Engineering Analysis of High Hazard Dams, for an amount not to exceed \$496,440.00, for a contract term commencing from issuance of the Notice to Proceed, until construction completion, pursuant to N.J.S.A. 40A: 11-15(9.)