Legislation Text

File #: 22-0464, **Version:** 1

Dept/ Agency: Engineering
Action: ( ) Ratifying (X) Authorizing ( ) Amending
Type of Service: Professional Services Contract
Purpose: To provide Construction Management and Inspection Services.
Entity Name: KS Engineers, P.C.
Entity Address: 2 Riverfront Plaza, 3rd Floor, Newark, New Jersey 07102
Contract Amount: Not exceed $452,198.41
Funding Source: FHWA/NJDOT
Contract Period: 365 consecutive calendar days from the date of the formal Notice to Proceed by the Acting Director of the Department of Engineering
Contract Basis: ( ) Bid ( ) State Vendor (X) Prof. Ser. ( ) EUS
( ) Fair & Open ( ) No Reportable Contributions ( ) RFP ( ) RFQ
( ) Private Sale ( ) Grant ( ) Sub-recipient ( ) n/a
Addition Information:
Federal Highway Administration funds are procured and administered by the City of Newark in accordance with 49 CFR Part 18 - Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Government, and the City of Newark follows the competitive negotiation/qualification requirements defined by the Brooks Act, 40 U.S.C**.** § 1101 et seq.

WHEREAS, the City's Department of Engineering, Division of Traffic and Signals, is in need of Construction Management and Inspection Services relating to the Broad Street Phase II Pedestrian Safety Improvements; and

WHEREAS, Federal Highway Administration (FHWA) provides opportunities for Local Agencies, such as the City of Newark (the "City"), to receive Federal Aid Highway Program (FAHP or Federal Aid) through New Jersey Department of Transportation (NJDOT) and North Jersey Transportation Planning Authority (NJTPA); and

WHEREAS, the City was notified on February 25, 2016 by the North Jersey Transportation Planning Authority (NJTPA) that the City was eligible to use Federal Highway Safety Improvement Program (HSIP) funds for construction management and inspection services for the Broad Street Phase II Pedestrian Safety Improvements; and

WHEREAS, the City applied for grant funding to the North Jersey Transportation Planning Authority (NJTPA) from the FY 2016 Local Safety Program and the FY 2017 Local Safety Program; which applications were authorized, ratified and the grant awards accepted and ratified by Resolution 7R4-e, adopted on June 15, 2016 (Broad Street Phase II Pedestrian Safety Improvements**)**; and

WHEREAS, City of Newark, "Local Public Agency" which receives federal aid funds, are responsible for administering their projects and meeting all federal aid requirements; and

WHEREAS, all contracts for engineering and design services related to construction projects will comply with the requirements of 23 U.S.C. § 112 and 23 CFR 172, which allows for competitive negotiations; and

WHEREAS, consultant services funded wholly or partially with FHWA funds are procured and administered by the City in accordance with 49 CFR Part 18 - Uniform Administrative Requirements for Grants and Cooperative Agreements; to State and Local Government, and the City follows the competitive negotiation/qualification requirements defined by the Brooks Act 40 U.S.C. § 1101 et seq.; and

WHEREAS, applicable Federal laws and regulations do not permit any State or local requirements that limit competition, except those related directly to the qualifications of consulting firms to perform the work in a competent and responsible manner; and

WHEREAS, the City, publicly advertised a Request for Proposal (RFP) on August 17, 2021, for the Broad Street Phase II Pedestrian Safety Improvements, Construction Management and Inspection Services; and

WHEREAS, on September 28, 2021, two (2) firms (Consulting and Municipal Engineers Associates and KS Engineers P.C.) submitted their responses to the Request for Proposal (RFP); and

WHEREAS, the selection committee of personnel from the Department of Engineering, Division of Traffic and Signals and North Jersey Transportation Planning Authority (NJTPA) after carefully reviewing the two (2) proposals unanimously selected KS Engineers P.C., 2 Riverfront Plaza, 3rd Floor, Newark, New Jersey 07102, for Broad Street Phase II Pedestrian Safety Improvements, Construction Management and Inspection Services because their proposal was found to fulfill the requirements of the Request for Proposal (RFP), showed project understanding and meets all project team experience requirements; and

WHEREAS, the City was notified by the Federal Highway Administration (FHWA) on February 22, 2022, that it has authorized funding for Broad Street Phase II Pedestrian Safety Improvements, Construction Management and Inspection Services, in the amount not to exceed Four Hundred Fifty-Two Thousand One Hundred Ninety-Eight Dollars and Forty-One Cents ($452,198.41); and

WHEREAS, the Acting Director of the Department of Engineering desires to accept the proposal submitted KS Engineers P.C., 2 Riverfront Plaza, 3rd Floor, Newark, New Jersey 07102, for Broad Street Phase II Pedestrian Safety Improvements, Construction Management and Inspection Services, in the amount not to exceed Four Hundred Fifty-Two Thousand One Hundred Ninety-Eight Dollars and Forty-One Cents ($452,198.41).

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 Acting Director of the Department of Engineering, are hereby authorized on behalf of the City of Newark, to accept the technical proposal dated September 28, 2021 and Cost Proposal dated September 28, 2021, submitted

powered by Legistar™

by KS Engineers P.C., 2 Riverfront Plaza, 3rd Floor, Newark, New Jersey 07102, and enter into and execute Contract #2021-04PS, for Broad Street Phase II Pedestrian Safety Improvements, Construction Management and Inspection Services, in the amount not to exceed Four Hundred Fifty-Two Thousand One Hundred Ninety-Eight Dollars and Forty-One Cents ($452,198.41).

2. Attached hereto is a Certification of Funds issued by the City's Acting Chief Financial Officer, which states that there are available sufficient legally appropriated funds for the purpose set forth hereinabove.

3. Funds for this contract in the amount of Four Hundred Fifty-Two Thousand One Hundred Ninety-Eight Dollars and Forty-One Cents ($452,198.41) is provided as below: Fund 051, Dept. G22, Project E22E0, Account# 71280, Budget Year B2022.

4. A copy of the Certification of Funds issued shall be filed in the Office of the City Clerk by the Acting Director of the Department of Engineering.

5. No changes to this contract are allowed without prior Municipal Council approval.

6. A fully executed copy of the contract shall be filed in the Office of the City Clerk by the Acting Director of the Department of Engineering and made available for inspection.

7. This contract is to be completed within a period of (365) consecutive calendar days from the issue of a formal Notice to Proceed by the Acting Director of the Department of Engineering. A copy of the Notice to Proceed shall be filed with the Office of the City Clerk.

8. Federal Highway Administration funds are procured and administered by the City in accordance with 49 CFR Part 18 - Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Government, and the City follows the competitive negotiation/qualification requirements defined by the Brooks Act 40 U.S.C. § 1101 et seq.

9. There shall be no advance payments made against this contract in accordance with N.J.S.A. 40A:5-16.

10. A Notice of this action shall be published in the newspaper authorized by law to publish legal advertisements and as required by law within ten (10) days of adoption of this Resolution.

STATEMENT

This Resolution authorizes the Mayor of the City of Newark and/or his designee, the Acting Director of the Department of Engineering, on behalf of the City of Newark, to accept the technical proposal dated September 28, 2021 and Cost Proposal dated September 28, 2021, submitted by KS Engineers, P.C., 2 Riverfront Plaza, 3rd Floor, Newark, New Jersey 07102, and enter into and execute Contract #2021-04PS, for Broad Street Phase II Pedestrian Safety Improvements, Construction Management and Inspection Services, in the amount not to exceed $452,198.41 for the period of (365) consecutive calendar days from the issue of a formal Notice to Proceed by the Acting Director of the Department of Engineering.

powered by Legistar™

powered by Legistar™