

# RESOLUTION

21-449

No. \_\_\_\_\_

Date of Adoption

October 7, 2021

Approved as to Form and Legality

Factual content certified by

CITY ATTORNEY

MARK LAVENBERG, DIRECTOR OF WATER AND SEWER

Councilman /woman

CALDWELL-WILSON

presents the following Resolution:

**RESOLUTION AWARDING A CONTRACT THROUGH A FAIR AND OPEN PROCESS IN ACCORDANCE WITH N.J.S.A. 19:44 A-20.4 ET SEQ., AWARDED TO MULTIPLE VENDORS FOR ENGINEERING AND REGULATORY COMPLIANCE SERVICES ON AN AS NEEDED BASIS FOR A PERIOD OF ONE (1) YEAR FROM OCTOBER 8, 2021 TO OCTOBER 7, 2022 IN AN AMOUNT NOT TO EXCEED \$800,000.00- RFP2021-32**

**WHEREAS**, the City has a need for Engineering and Regulatory Compliance Services on an as needed basis for a period of one (1) year for the City of Trenton Department of Water and Sewer. The intent of this award is to hire multiple firms to support the many engineering and compliance functions of the Department of Water and Sewer on an as needed basis. The ACOs and regulations often require short-term engineering and technical expertise that is not available with in-house staff. Firms will be asked to assist based on their expertise. In addition, firms may be asked to provide cost estimates for tasks before the work is assigned; and

**WHEREAS**, the five (5) winning firms were selected to represent a wide range of backgrounds and expertise relevant to Water and Sewer utilities that assist with the following prices: fire alarm system construction oversight, stack testing issues, assistance in managing the leak detection grant project, condition assessment of large pipes, additional cleaning and lining specifications, grand application support, structural assessments on an emergency basis, review of any structural changes to Cortland Street office improvements, developer reviews support as needed, district metering study for water loss control, Non-revenue water billing issues, assistance with legionella and other water quality issues, distribution and storage related, filtration plant treatment studies and upgrades, pressure study for North Olden Avenue, interconnection testing and reporting (annual requirements), master permit (annual requirement), compliance audit for Water and Sewer facilities, permit applications and corrections based on Compliance Audit findings, emergency action plans for various Emergency Scenarios related to changes in Distribution and Water Storage (due to switch from Reservoir to Tanks), and oversight of complicated construction projects, such as those related to the Fiber Optic line, SCADA, and distribution system upgrades; and

**WHEREAS**, a Request for Proposals was advertised, and ten (10) proposals were received on June 15, 2021 and were evaluated by a committee based on criteria that included, experience, understanding of requirements and cost; and

# RESOLUTION

**WHEREAS**, the proposals of Jacobs Engineer, 412 Mt. Kemble Avenue, Suite #100, P.O. Box 1936, Morristown, New Jersey 07960-1936 (\$200,000.00) , Paulus, Sokolowski and Sartor, LLC, 3 Mountainview Blvd, Warren, New Jersey 07059 (\$150,000.00), CDM Smith, 110 Fieldcrest Avenue, #8, 6<sup>th</sup> Floor, Edison, New Jersey 08837 (\$150,000.00), Barton & Loguidice, 443 Electronics Parkway, Liverpool, New York 13088 (\$150,000.00), and Suburban Consulting Engineers, 96 US Highway 206, Suite #101, Flanders, New Jersey 07836 (\$150,000.00) were deemed to have the necessary qualifications and expertise for the performance of the services at the rates budgeted; and

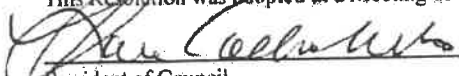
**WHEREAS**, funds in an amount not to exceed \$800,000.00 have been certified to be available in the following account number for TY'2021, from October 8, 2021 to December 31, 2021, 2-05- -55-5500-899 (\$110,000.00), and CY' 2022, from January 1, 2022 to October 7, 2022, 2-05- -55-5500-899 (\$690,000.00). The City shall award this contract for a period of one (1) year from October 8, 2021 to October 7, 2022.

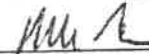
**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Trenton as follows:

1. The Mayor is hereby authorized to execute contracts with multiple vendors for Engineering and Regulatory Compliance Services on an as needed basis for a period of one (1) year for the City of Trenton Department of Water and Sewer for the said purposes in the manner prescribed by law for the City of Trenton from October 8, 2021 to October 7, 2022.
2. This contract is awarded pursuant to the authority set forth in the Local Public Contracts Law at N.J.S.A. 40A:11-4.5.
3. A notice of this action shall be printed once in the official newspaper for the City of Trenton and the Resolution and contract shall remain on file in the City Clerk's Office.

	Aye	Nay	Abstain	Absent		Aye	Nay	Abstain	Absent		Aye	Nay	Abstain	Absent
BLAKELEY	✓				MUSCHAL	✓				MCBRIDE		✓		
CALDWELL. WILSON	✓				RODRIGUEZ		✓							
HARRISON	✓				VAUGHN		✓							

This Resolution was adopted at a Meeting of the City Council of the City of Trenton on October 7, 2021

  
 \_\_\_\_\_  
 President of Council

  
 \_\_\_\_\_  
 City Clerk

**PROFESSIONAL SERVICES CONTRACT**

**RFP2021-32**

**RESOLUTION 21-449**

**ENGINEERING AND REGULATORY COMPLIANCE SERVICES ON AN AS NEEDED BASIS**

**THIS CONTRACT**, made this 7<sup>TH</sup> day of **OCTOBER 2021** by and between the **CITY OF TRENTON, 319 EAST STATE STREET, TRENTON, NEW JERSEY 08608** a Municipal Corporation of the State of New Jersey, ("City") and **JACOBS ENGINEERING, 412 MT. KEMBLE AVENUE, SUITE 100, MORRISTOWN, NEW JERSEY 07960-1936** (CONTRACTOR").

**WHEREAS**, the City has a need **FOR ENGINEERING AND REGULATORY COMPLIANCE SERVICES ON AN AS NEEDED BASIS** for the City of Trenton, Department of Water and Sewer.

**WHEREAS**, Contractor agrees to provide **FOR ENGINEERING AND REGULATORY COMPLIANCE SERVICES ON AN AS NEEDED BASIS** for the City of Trenton, Department of Water and Sewer in accordance with the terms and conditions as set forth hereinafter, and the City being agreeable thereto;

**NOW THEREFORE**, the parties mutually agree as follows:

**FOR ENGINEERING AND REGULATORY COMPLIANCE SERVICES ON AN AS NEEDED BASIS** for the City agrees to retain **JACOBS ENGINEERING, 412 MT. KEMBLE AVENUE, SUITE 100, MORRISTOWN, NEW JERSEY 07960-1936** ("the request of and under the general supervision of the City of Trenton, Department of Water and Sewer.

**1. SCOPE OF SERVICES**

**SEE ATTACHED SCOPE OF SERVICES**

**DURATION OF THE CONTRACT:**

This contract shall remain in full force and effect for a period of one (1) year from October 8, 2021 to October 7, 2022 in an amount not to exceed \$200,000.00.

- 2. STATUS OF CONTRACTOR:** It is expressly understood by and between the parties hereto that the status of the Contractor retained to carry out the services set forth in this agreement is that of an Independent Contractor. It is further understood by and between the parties that is not intended nor shall it be construed, that the contractor is an agent, employee, or officer of the City of Trenton.
- 3. NOTICES:** Any notices required to be delivered to either party pursuant to this Contract shall be in writing to their respective addresses. The parties shall be responsible for notifying each other of any change of address.
- 4. INTEGRATION:** **Resolution #21-449** and this contract constitutes the entire agreement between the parties and any representation that may have been made prior to the execution of this Contract are nonbonding, void, and of no effect and neither party has relied on any such prior representations in entering into this Contract with the City of Trenton, Department of Water and Sewer.
- 5. ENFORCEABILITY:** If any term or condition of this Contract or its application to any party or circumstances shall be deemed invalid or unenforceable, the remainder of the Contract and its application to other parties and circumstances shall not be affected.
- 6. GOVERNING LAW:** This Contract shall be governed by the laws of the State of New Jersey.

## 7. MISCELLANEOUS PROVISIONS:

- a. Contractor, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, sex, gender identity or expression, affectional or sexual orientation, disability or nationality. Contractor will take affirmative action to ensure that such applicants are recruited and employed and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, sex, affectional, gender identity or expression, sexual orientation. Such action shall include, but is not limited to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause;
- b. Contractor, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, sex, gender identity or expression, affectional or sexual orientation.
- c. Contractor, where applicable, agrees to comply with the regulations promulgated by the Treasurer pursuant to P.L. 1975, c. 127, as amended and supplemented from time to time and the American with Disabilities Act.
- d. Contractor, where applicable, agrees to attempt to schedule minority and female workers consistent with the applicable county employment goals prescribed by N.J.A.C. 17:27-5.2 promulgated by the Treasurer pursuant to P.L. 1975, c. 127, as amended and supplemented from time to time or in accordance with a binding determination of the applicable county employment goals determined by the Affirmative Action Office pursuant to N.J.A.C. 17:27-5.2, amended and supplemented from time to time.
- e. Contractor, where applicable, agrees to inform in writing appropriate recruitment agencies in the area, including employment agencies, placement bureaus, colleges, universities, labor unions that it does not discriminate on the basis of age, creed, color, national origin, ancestry, marital status, sex, gender identity or expression, affectional, sexual orientation, disability or nationality and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.
- f. Contractor, where applicable, agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, race, creed, color, national origin, ancestry, marital status, sex, gender identity or expression, affectional, sexual orientation, disability or nationality. Contractor will conform these employment goals consistent with statutes and court decisions of the State of New Jersey, and applicable Federal law and Federal court decisions.
- g. Contractor, where applicable, shall furnish such reports or other documents to the Affirmative Action Office as may be requested by the office from time to time in order to carry out the purposes of these regulations. Contractor shall furnish such information as may be requested by the Affirmative Action Office for conducting a compliance investigation pursuant to Subchapter 10 of the Administrative Code [N.J.A.C. 17:27].
- h. Contractor, shall submit along with the signed contract one of the following as evidence of compliance with N.J.A.C. 17-27:

1. Appropriate evidence that the Independent contractor is operating under an existing Federally approved or sanctioned affirmative action program.
2. A certificate of employee information report approval issued in accordance with N.J.A.C. 17:27-4.
3. An initial employee information report (Form AA#302) provided by the Affirmative Action Office and completed by the contractor in accordance with N.J.A.C. 17:27-4

Russell H  
**JACOBS ENGINEERING**  
**412 MT. KEMBLE AVENUE, SUITE 100**  
**MORRISTOWN, NEW JERSEY 07960-1936**

Seal: Damaris Orama  
**DAMARIS ORAMA**  
**NOTARY PUBLIC OF NEW JERSEY**  
**ID# 2354870**  
**Attest: My Commission Expires Jan. 26, 2022**

11/9/21  
**DATE**

**IN WITNESS WHEREOF**, the parties have hereunto set their hands and seals the day and year above written.

**ATTEST:**  
[Signature]  
**MATTHEW H. CONLON, RMC**  
**MUNICIPAL CLERK**

**CITY OF TRENTON**  
[Signature]  
**W. REED GUSCIORA, ESQ.**  
**MAYOR**

1/20/22  
**DATE**

11.24.21  
**DATE**

Hopewell, and Lawrence Townships. Furthermore, the City of Trenton is subject to the oversight of the Division of Community Affairs (DCA) with a Memorandum of Understanding (MOU).

## **II. SCOPE OF WORK**

Trenton Water Works is seeking qualified engineering consulting firms to submit proposals to provide the necessary services to comply with environmental regulatory compliance issues for the period of one (1) year from the date of contract Notice to Proceed. The total contract value to be awarded shall not exceed \$800,000. The total contract value will be divided between 1 and 5 of the most qualified firms as determined through TWW's evaluation process. Contract value offered to each respective firm will be determined at TWW's discretion. The minimum contract value shall be \$100,000.

Experience desired for this contract include, but are not limited to:

1. Regulatory Compliance Support & Permitting - Air, Water, Wastewater, Land Use, Underground Storage Tanks, Spill Prevention, etc.
2. General Engineering Services: Including the study, planning, design and bid, and construction oversight of capital improvement projects.
3. Distribution System Capital Improvement Planning
4. Homeland Security and Water Quality Accountability Act Support
5. Water Quality and Hydraulic Modeling
6. Emergency Response Plan and Emergency Action Plan Assistance
7. Development of Standard Operating Procedures
8. Geographic Information System Mapping and Support
9. Resident Project Representative services for construction projects
10. Feasibility studies
11. Water quality and treatment studies and design
12. Condition assessments of large diameter pipes
13. Unaccounted for water assistance
14. Interconnection upgrade coordination and design
15. Geotechnical studies

Winning firms may be required to submit subtask cost proposals prior to authorization of support services related to this contract. Work done to formulate the cost proposals will not be compensated. Additionally, hiring and retaining a subconsultants (if needed) shall be limited to mark-up percentage of 10%.