

CONTRACT
COMPETITIVE CONTRACTING REQUEST FOR PROPOSAL
CC2022-04
RESOLUTION NO.#23-328
PROVIDE ENGINEERING AND REGULATORY COMPLIANCE SERVICES FOR
TRENTON WATER WORKS ON AN AS NEEDED BASIS

THIS CONTRACT, made this 7TH day of JULY 2023 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 **ARCADIS U.S. INC., 630 PLAZA DRIVE, HIGHLANDS RANCH, COLORADO 80129**("CONTRACTOR")

WHEREAS, the City has a need to **PROVIDE ENGINEERING AND REGULATORY COMPLIANCE SERVICES** for the City of Trenton, Department of Water and Sewer, Trenton Water Works.

WHEREAS, Contractor agrees to provide **ENGINEERING AND REGULATORY COMPLIANCE SERVICES** in the terms and conditions as set forth hereinafter, and the City being agreeable thereto;

NOW THEREFORE, the parties mutually agree as follows:

1. PROFESSIONAL SERVICES:

The City agrees to retain **ARCADIS U.S. INC., 630 PLAZA DRIVE, SUITE 200, HIGHLANDS RANCH, COLORADO 80129** hereinafter set forth at the request of and under the general supervision for the City of Trenton, Department of Water and Sewer, Trenton Water Works.

2. SCOPE OF SERVICES

SEE SCOPE OF SERVICES SECTION

3. DURATION OF THE CONTRACT:

This contract shall remain in full force and effect for a period of one (1) year from JULY 7, 2023, TO JULY 6 2024, in an amount not to exceed a flat annual fee of \$200,000.00.

4. 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.

5. 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.

6. INTEGRATION: Resolution #23-328 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 Administration.

7. **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.

8. **GOVERNING LAW:** This Contract shall be governed by the laws of the State of New Jersey.

9. **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,

- f. Contractor will 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.
- g. 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.
- h. 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).
- i. 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

Carol M. Spustach
ARCADIS U.S. INC.
630 PLAZA DRIVE, SUITE 200
HIGHLANDS RANCH, COLORADO 80129

9/14/23



Seal: _____

Attest: Kori S. Dunison
KORI S. DUNISON

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

ATTEST:

Brandon Garcia
BRANDON GARCIA
MUNICIPAL CLERK

CITY OF TRENTON

W. Reed Gusciora
W. REED GUSCIORA
MAYOR

9/22/23
DATE

9.15.23
DATE

RESOLUTION

No.

23 - 328

Date of Adoption

JUL 06 2023

Approved as to Form and Legality

Factual content certified by

WESLEY BRIDGES, ESQ. CITY ATTORNEY

SEAN SEMPLE, ACTING DIRECTOR OF WATER AND SEWER

Councilman/woman

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 TO MULTIPLE PROPOSERS FOR ENGINEERING AND REGULATORY COMPLIANCE SERVICES FOR TRENTON WATER WORKS ON AN AS NEEDED BASIS FOR A PERIOD OF ONE (1) YEAR FROM DATE OF AWARD IN AN AMOUNT NOT TO EXCEED \$700,000.00 – CC2022-04

WHEREAS, the City of Trenton, Department of Water and Sewer, Trenton Water Works has a need for Engineering and Regulatory Compliance Services on an as needed basis to be awarded to multiple proposers for the Department of Water and Sewer, Trenton Water Works for a period of one (1) year from date of award; and

WHEREAS, the intent of this award is to hire multiple firms to support engineering and compliance tasks/projects to let the department of Water and Sewer function smoothly on an as needed basis. The ACO's regulations often require short-term engineering and technical services that is not available with in-house staff member or difficult with current workload. On such instances, firms will be asked to assist based on their expertise in the respective field. Assignment (s) will be given to a firm with a scope of services directly with number or hours and personnel required to complete the task or through internal bidding process with a scope of the services required with number of hours and personnel required to complete the task. The four (4) firms selected represent a wide spectrum of services in water industry; and

WHEREAS, a request for competitive contracting request for proposal was advertised in accordance with N.J.S.A. 19:44A-20.4 et seq, and nine (9) sealed proposals were received on November 30, 2022 at 11:00am by the Purchasing Agent in the Division of Purchasing, and were evaluated by the evaluation committee based on criteria that included, experience, understanding of requirements and cost; and

WHEREAS, the proposals of PS&S, P.O. Box 4039, Warren, NJ 07059 in an amount not to exceed (\$150,000.00), Suburban Consulting Engineers, 96 US Highway 206 – Suite 101, Flanders, NJ 07836 (\$150,000.00), Arcadis U.S., Inc., 630 Plaza Drive -Suite 200, Highlands Ranch, Colorado 80129 (\$200,000.00) and Remington & Vernick Engineers, 232 Kings Highway East, Haddonfield, NJ 08033 (\$200.00.00) 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 \$700,000.00 for multiple proposers is available in the following account number CY'23 3-05- -55-5505-861-005 pending temporary/final approved budget for a period of one (1) year from date of award; and

CC2022-04
REQUEST FOR A COMPETITIVE CONTRACTING PROPOSAL
FOR
GENERAL ENGINEERING AND REGULATORY COMPLIANCE SERVICES
FOR
TRENTON WATER WORKS
FOR A PERIOD OF ONE (1) YEAR
WITH AN OPTION TO EXTEND THE CONTRACT (S) FOR ONE ADDITIONAL YEAR

I. INTRODUCTION

A. Purpose of the Request for Competitive Contracting Proposal (CC)

The City of Trenton is requesting competitive contraction proposals through a fair and open process in accordance with N.J.S.A. 19:44A-20.4 AND 40A:11-2(6) ET SEQ proposals from qualified companies (the "Firm or Firms") to provide the services described in the scope of work defined below. This contract (s) shall be awarded for a period of one (1) year; with an option to extend one (1) additional year to multiple Respondents.

It is the intent of the Department of Water & Sewer ("Trenton Water Works") to solicit proposals from Respondents that have expertise in the provision of services described below. Respondents must demonstrate that they will have the continuing capabilities to perform these services.

The City of Trenton is seeking professional engineering services as needed for architectural and engineering design, permitting, compliance, and environmental engineering services for the City of Trenton's water supply, treatment, transmission, and distribution systems. The consultants will have a close working relationship with the City's Department of Water & Sewer.

Successful respondents will, on an "as needed" basis, be assigned and required to provide services in all aspects of engineering, including, but not limited to, sealed plans, shop drawings, bid specifications, reports, permitting, technical responses to regulatory authorities and meeting attendance.

B. Background

Trenton Water Works (TWW) is a Division within the City of Trenton's Department of Water and Sewer. TWW provides service to approximately 63,000 metered customers and 217,000 people in the City of Trenton as well as portions of Ewing, Hamilton, Hopewell, and Lawrence Townships through approximately 655 miles of transmission and distribution mains. The water distribution system is made up of four (4) 1 Million

Gallon above ground storage tanks, one 600,000-gallon hydro pillar, a 1.2-MG standpipe for system storage, and a 80-million gallon reservoir (Pennington Reservoir).

In addition to regulatory oversight by the New Jersey Department of Environmental Protection (NJDEP) for production and distribution of drinking water, treatment of sanitary wastewater, material storage, etc., TWW is under the regulated by the Board of Public Utilities (BPU) with respect to its service to drinking water customers in Ewing, Hamilton, 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 1 year from the date of contract Notice to Proceed. The total contract value to be award shall not to exceed \$700,000. The total contract value will be divided amongst 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 for water facilities (i.e., treatment facilities, pump stations, administrative building) and distribution system improvements
3. Capital Improvement Planning
4. Homeland Security and Water Quality Accountability Act Support (including asset management)
5. Water Quality and Hydraulic Modeling
6. Development of Standard Operating Procedures
7. Geographic Information System Mapping and Support
8. Water quality studies and treatment optimization
9. Condition assessments of large diameter pipes
10. Non-Revenue Water Program assistance
11. 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%.