



Legislation Details (With Text)

File #: 20-1620 **Version:** 1 **Name:** Resolution: Montana Construction Corp. - Repair of Water Mains and Service Leaks Contract 04-WS2020

Type: Resolution **Status:** Adopted

File created: 12/9/2020 **In control:** Water Sewer Utility

On agenda: 12/29/2020 **Final action:** 12/29/2020

Title: Dept/ Agency: Water & Sewer Utilities
 Action: () Ratifying (X) Authorizing () Amending
 Type of Service: Bid Contract
 Purpose: To provide for the repair of Water Mains and Service Leaks and Disconnection of Water Services - Contract 04-WS2020.
 Entity Name: Montana Construction Corp.
 Entity Address: 80 Contant Avenue, Lodi, New Jersey 07644
 Total Contract Amount: Not to exceed \$3,626,860.00
 Funding Source: 2020 Budget/Department of Water and Sewer Utilities/Business Unit NW037, Department ID 750, Division 7505, Account 71960, Budget
 Contract Period: 730 calendar days to final completion from the date of the written Notice to Proceed
 Contract Basis: (X) Bid () State Vendor () Prof. Ser. () EUS
 (X) Fair & Open () No Reportable Contributions () RFP () RFQ
 () Private Sale () Grant () Sub-recipient () n/a
 Additional Information:
 Bid Packages Distributed: Six (6)
 Bids Received: Four (4)

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
12/29/2020	1	Municipal Council	Adopt	Pass

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WHEREAS, the City of Newark (the “City”) advertised Contract 04-WS2020 Repair of Water Mains and Service Leaks and Disconnection of Water Services located at various locations in the City of Newark on an as needed basis, on October 16, 2020; and

WHEREAS, the Department of Water and Sewer Utilities distributed six (6) bid packages to prospective vendors following the date of bid advertisement; and

WHEREAS, on October 29, 2020, four (4) bids were received for the said project in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, Montana Construction Corp., 80 Contant Avenue, Lodi, New Jersey 07644 submitted the lowest responsive and responsible bid, according to the specifications and in the total amount of \$3,626,860.00; and

WHEREAS, the City wishes to accept the lowest responsible bid submitted by Monatana Construction Corp, on October 29, 2020, and execute Contract 04-WS2020 Repair of Water Mains and Service Leaks and Disconnection of Water Services, with Montana Construction Corp., 80 Contant Avenue, Lodi, New Jersey 07644, for a total contract amount not to exceed \$3,626,860.00; and

WHEREAS, the Municipal Council adopted the Contractor Pay-to-Play Reform Ordinance, R.O. 2:4-22C, 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; candidate committees of the aforementioned candidates, and political or political party committees of the City of Newark or County of Essex; and continuing political committees or political action 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; and

WHEREAS, this contract is for an amount over \$17,500.00 and is being awarded as a Fair and Open Contract pursuant to N.J.S.A. 19:44A-20.5.

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 accept the lowest responsible bid submitted by Montana Construction Corp, on October 29, 2020, and enter into and execute Contract 04-WS2020 Repair of Water Mains and Service Leaks and Disconnection of Water Services with Montana Construction Corp., 80 Contant Avenue, Lodi, New Jersey 07644, for a total contract amount not to exceed \$3,626,860.00.
2. Pursuant to N.J.A.C. 5:30-5.5(d)1(ii) (multi-year contracts), attached hereto is a partial Certification of Funds from the Chief Financial Officer, which states the funds in the amount of Two Hundred Thousand Dollars and Zero Cents (\$250,000.00), are available in the Department of Water and Sewer Utilities Budget under Business Unit NW037, Department ID

750, Division 7505, Account 71960, and which shall be filed along with the original resolution in the Office of the City Clerk. The Director of the Department of Water and Sewer Utilities is further authorized to extend the contract to the full value of \$3,626,860.00 when additional funds in the amount of \$3,376,860.00 are certified from the 2021 Budget of the Department of Water and Sewer Utilities, and a copy of the Certification of Funds is filed in the Office of the City Clerk.

3. There shall be no amendment or change to the contract without approval by the Municipal Council.
3. There shall be no advance payment on this contract in accordance with N.J.S.A. 40A:5-16.
3. A fully executed copy of the contract shall be filed in the Office of the City Clerk, by the Department of Water and Sewer Utilities.
3. This contract was solicited and awarded pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq, and is in compliance with the City's Contractor Pay-to-Play Reform Ordinance, R.O. 2:4-22C.
3. If required by the State Law, the City Clerk shall provide the appropriate notice of the award of this contract to the State Comptroller no later than twenty (20) business days following such award, in accordance with N.J.S.A. 52:15C-10 and the Notice of the Office of the State Comptroller dated May 7, 2008.

STATEMENT

This resolution authorizes the Mayor and/or his designee, the Director of the Department of Water and Sewer Utilities, to accept the lowest responsible bid submitted by Montana Construction Corp, on October 29, 2020, and enter into and execute Contract 04-WS2020 Repair of Water Mains and Service Leaks and Disconnection of Water Services located at various locations in the City of Newark on an as needed basis, with Montana Construction Corp., 80 Contant Avenue, Lodi, New Jersey 07644, for the total amount not to exceed \$3,626,860.00 for a period of 730 calendar days to final completion from the date of the written Notice to Proceed.