



Legislation Details (With Text)

**File #:** 16-1191      **Version:** 1      **Name:** Netting Facility at Delavan Av, 4th Av & Roanoke Av - Underground Utilities  
**Type:** Resolution      **Status:** Adopted  
**File created:** 7/13/2016      **In control:** Water Sewer Utility  
**On agenda:** 10/19/2016      **Final action:** 10/19/2016

**Title:** Dept/ Agency: Water and Sewer Utilities  
Action: ( ) Ratifying (X) Authorizing ( ) Amending  
Type of Service: Bid Contract  
Purpose: Netting Facility at Delavan Avenue, Fourth Avenue and Roanoke Avenue Contract 03/05/06 -WS2006 (Rebid)  
Entity Name: Underground Utilities Corporation  
Entity Address: 711 Commerce Road, Linden, New Jersey 07036  
Total Contract Amount: Amount not to exceed \$4,448,080.00  
Funding Source: 2016 Budget/Department of Water and Sewer Utilities Capital  
Contract Period: 450 calendar days from the 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: N/A  
Bids Distributed: Six (6)  
Bids Received: Four (4)

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
10/19/2016	1	Municipal Council	Adopt	Pass

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**WHEREAS**, on December 21, 2015 the City of Newark advertised Contract 03/05/06-WS2006

Netting Facility at Delavan Avenue, Fourth Avenue, and Roanoke Avenue; and

**WHEREAS**, on January 27, 2016 the Department of Water and Sewer Utilities (“Department”) received four (4) bids for said project in accordance with the Local Public Contracts Law N.J.S.A. 40A:11-1 et. seq.; and

**WHEREAS**, on May 18, 2016 the Department rejected all bids, as the lowest and second lowest bids were nonresponsive as they failed to meet Minority Business Enterprise (MBE) and Woman Business Enterprise (WBE) requirements, and the third and fourth lowest bids were over the City’s appropriation; and

**WHEREAS**, on May 23, 2016 the City of Newark advertised Contract 03/05/06-WS2006 (Rebid) Netting Facility at Delavan Avenue, Fourth Avenue, and Roanoke Avenue; and

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

**WHEREAS**, on June 21, 2016, the Department received four (4) bids for said project in accordance with the Local Public Contracts Law N.J.S.A. 40A:11-1 et seq.; and

**WHEREAS**, Underground Utilities Corporation, 711 Commerce Road, Linden, New Jersey 07036 submitted the lowest responsive and responsible bid, according to the specifications and in the total amount of \$4,448,080.00; and

**WHEREAS**, the City of Newark wishes to accept the lowest, responsible bid submitted by Underground Utilities Corp, on June 21, 2016, and execute Contract 03/05/06-WS2006 (Rebid) Netting Facility at Delavan Avenue, Fourth Avenue, and Roanoke Avenue, with Underground Utilities Corporation, 711 Commerce Road, Linden, New Jersey 07036, for the total amount not to exceed \$4,448,080.00; 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 Underground Utilities Corporation, on June 21, 2016, and execute Contract 03/05/06-WS2006

(Rebid) Netting Facility at Delavan Avenue, Fourth Avenue, and Roanoke Avenue with Underground Utilities Corporation, 711 Commerce Road, Linden, New Jersey 07036, for the total amount not to exceed \$4,448,080.00 for a term of 450 calendar days from the Notice to Proceed.

2. Attached hereto is a Certification of Funds from the Chief Financial Officer, which states that funds in the amount of \$4,448,080.00, are available in the Water and Sewer Capital Budget under Business Unit NW044, Department ID S07, Division/Project 07S0B, Account # 94710, and which shall be filed along with the original resolution in the Office of the City Clerk.
3. There shall be no amendment or change to the contract without approval by the Newark 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 fair and open procedures in accordance with the State Pay-to-Play Law (N.J.S.A. 19:44A-20.5), and pursuant to the provisions of the Local Public Contracts Law N.J.S.A. 40A:11-5(1)(a)(i), and the Contractor Pay-to-Play Reform Ordinance, R.O. 2:4-22C.
3. If required by 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 on June 21, 2016, and execute Contract 03/05/06-WS2006 (Rebid) Netting Facility at Delavan Avenue, Fourth Avenue, and Roanoke Avenue, with Underground Utilities Corporation, 711 Commerce Road, Linden, New Jersey 07036, for the total amount not to exceed \$4,448,080.00 for a term of 450 calendar days from the Notice to Proceed.