



Legislation Details (With Text)

**File #:** 16-0816      **Version:** 1      **Name:** Contract 01-2016 (REBID) Belleville Reservoir System Surge Tank Inspection, Cleaning and Repairs - Hutton Construction  
**Type:** Resolution      **Status:** Adopted  
**File created:** 5/10/2016      **In control:** Water Sewer Utility  
**On agenda:** 6/15/2016      **Final action:** 6/15/2016

**Title:** Dept/ Agency: Water and Sewer Utilities  
Action: ( ) Ratifying (X) Authorizing ( ) Amending  
Type of Service: Bid Contract  
Purpose: Belleville Reservoir System Surge Tank Inspection, Cleaning and Repairs Contract 01-WS2016 (REBID)  
Entity Name: Hutton Construction, LLC  
Entity Address: 41 Village Park Road, Cedar Grove, New Jersey 07009  
Contract Amount: Amount not to exceed \$293,319.00  
Funding Source: Department of Water and Sewer Utilities Budget  
Contract Period: Ninety (90) calendar days from date specified on 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:  
Bids Solicited: Two (2)  
Bids Received: Two (2)

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
6/15/2016	1	Municipal Council	Adopt	Pass

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**WHEREAS**, on January 5, 2016 the City of Newark advertised Contract 01-WS2016 Belleville Reservoir System Surge Tank Inspection, Cleaning and Repairs and;

**WHEREAS**, on January 28, 2016 the Department of Water and Sewer Utilities (“Department”) received two (2) bids for said project in accordance with the Local Public Contracts Law N.J.S.A. 40A:11-1 et. seq.; and

**WHEREAS**, on April 12, 2016 the Department rejected both bidders as one was nonresponsive, due to failure to meet WBE and MBE requirements, and the other due to substantially exceeding cost estimates; and

**WHEREAS**, on April 14, 2016, the City of Newark advertised Contract 01- WS2016 (REBID) Belleville Reservoir System Surge Tank Inspection, Cleaning and Repairs and two (2) bid documents were distributed; and

**WHEREAS**, on May 5, 2016, the Department received two (2) bids for said project in accordance with the Local Public Contracts Law N.J.S.A. 40A:11-1 et. seq.; and

**WHEREAS**, Hutton Construction, LLC, 41 Village Park Road, Cedar Grove, New Jersey 07009, submitted the lowest responsive and responsible bid according to the specifications and in the amount of \$293,319.00; and

**WHEREAS**, the City wishes to accept the bid submitted by Hutton Construction, LLC, on May 5, 2016, and execute Contract 01-WS2016 (REBID) Belleville Reservoir System Surge Tank Inspection, Cleaning and Repairs, with Hutton Construction, LLC, 41 Village Park Road, Cedar Grove, New Jersey 07009, for a total not to exceed \$293,319.00; 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.

**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 Business Administrator and/or his designee the Director of the Department of Water and Sewer Utilities, to accept the lowest responsive and responsible bid submitted on May 5, 2016 by Hutton Construction, LLC, and execute Contract 01-WS2016 (REBID) Belleville Reservoir System Surge Tank Inspection, Cleaning and Repairs, with Hutton Construction, LLC, 41 Village Park Road, Cedar Grove, New Jersey 07009, for a total amount not to exceed \$293,319.00.
2. The Contract shall be completed within Ninety (90) calendar days from date specified on written Notice to Proceed issued by the City of Newark Department of Water and Sewer

Utilities to Hutton Construction, LLC.

3. Pursuant to N.J.A.C. 5:30-5.5, attached hereto is a partial Certification of Funds issued by the Acting Director of Finance of the City of Newark which states that funds in an amount of \$100,000.00 are available in the 2016 Preliminary Budget, Business Unit NW037, Department ID: 750, Division 7505, Account: 71960. The Director of the Department of Water and Sewer Utilities shall file a copy of the Certification of Funds along with the original resolution and the executed contract in the Office of the City Clerk. The remainder of \$193,319.00 in funding for this contract will be subject to appropriation in the 2016 Municipal Budget and funds will be certified prior to services being provided by the contractor, and the contract shall be subject to the availability and appropriation of sufficient funds in accordance with N.J.A.C. 5:30-5.5(c) and N.J.A.C. 5:30-5.5(d).
4. There shall be no amendment or change to the contract without approval by the Newark Municipal Council.
5. There shall be no advance payments made against this contract in accordance with N.J.S.A. 40A:5-16.
6. A fully executed copy of the contract shall be filed in the Office of the City Clerk by the Director of the Department of Water and Sewer Utilities.
7. This contract was solicited and awarded pursuant to the fair and open procedures in accordance with 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 is in compliance with the City's Contractor Pay-to-Play Reform Ordinance, R.O. 2:4-22C.
8. If required by State Law, the City Clerk shall provide the appropriate notice of the award of the 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 Business Administrator and/or the Director of the Department of Water and Sewer Utilities, to accept the lowest responsive and responsible bid and execute Contract 01-WS2016 (REBID) Belleville Reservoir System Surge Tank Inspection, Cleaning and Repairs, with Hutton Construction, LLC, 41 Village Park Road, Cedar Grove, New Jersey 07009, for a total amount not to exceed \$293,319.00. This contract shall be completed within ninety (90) calendar days from date specified on Notice to Proceed issued by the City of Newark Department of Water and Sewer Utilities to Hutton Construction, LLC.