



Legislation Details (With Text)

**File #:** 17-2231      **Version:** 1      **Name:** Maintenance and Repair of Mechanical Equipment  
**Type:** Resolution      **Status:** Adopted  
**File created:** 12/28/2017      **In control:** Water Sewer Utility  
**On agenda:** 4/18/2018      **Final action:** 4/24/2018

**Title:** Dept/ Agency: Water and Sewer Utilities  
Action: ( ) Ratifying (X) Authorizing ( ) Amending  
Type of Service: Bid Contract  
Purpose: Maintenance and Repair of Mechanical Equipment at the City’s Water and Sewer Facilities-  
Contract # 07-WS2017RR (Re-bid)  
Entity Name: Municipal Maintenance Company  
Entity Address: 1352 Taylors Lane, Cinnaminson, New Jersey 08077  
Contract Amount: Not to exceed \$1,000,000.00 for a period of two (2) years  
Funding Source: 2018-2020 Budgets/ Department of Water and Sewer Utilities  
Contract Period: Two (2) years from issuance of a Notice to Proceed  
Contract Basis: (X) Bid ( ) State Vendor ( ) Prof. Ser. ( ) EUS  
(X) Fair & Open (X) 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
4/24/2018	1	Municipal Council	Adopt	Pass
4/18/2018	1	Municipal Council	No Action Taken	

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**WHEREAS**, the City of Newark, Department of Water and Sewer Utilities, is in need of a contractor to

provide maintenance and repair of mechanical equipment at the City's Water and Sewer Facilities; and

**WHEREAS**, pursuant to the public bidding process of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., the Department of Water and Sewer Utilities advertised on December 5, 2017 in a general circulation paper, for the receipt of sealed bids for Maintenance and Repair of Mechanical Equipment at the City's Water and Sewer Facilities; and

**WHEREAS**, two (2) prospective bidders requested Bid Specifications from the Department of Water and Sewer Utilities; and

**WHEREAS**, on December 21, 2017 the Department of Water and Sewer Utilities received sealed bids from two (2) contractors for the maintenance and repair of mechanical equipment at the City's water and sewer facilities; and

**WHEREAS**, upon review of the bids submitted, the Department of Water and Sewer Utilities, determined that Municipal Maintenance Company, 1352 Taylors Lane, Cinnaminson, New Jersey 08077, submitted the lowest responsive and responsible bid in compliance with the Local Public Contracts Law *N.J.S.A. 40a:11-1 et seq.*; and

**WHEREAS**, the Department of Water and Sewer Utilities reviewed the bids and found that the objectives of competitive bidding were achieved, that favorable bid prices were received, and that Municipal Maintenance Company, 1352 Taylors Lane, Cinnaminson, New Jersey 08077, is a responsible contractor capable of executing the work in accordance with the bid specifications; and

**WHEREAS**, the City of Newark desires to award a contract to Municipal Maintenance Company, 1352 Taylors Lane, Cinnaminson, New Jersey 08077, for the Maintenance and Repair of the Mechanical Equipment at the City's Water and Sewer Facilities in a total amount not to exceed One Million Dollars and Zero Cents (\$1,000,000.00), for a period of two (2) years from the date of the Notice to Proceed; and

**WHEREAS**, the award of this contract is necessary for the efficient operation of the City's Water and Sewer Facilities, and is in compliance with the Local Public Contracts Law, *N.J.S.A. 40A:11-1 et seq.* and with the Fair and Open Process described in the New Jersey Local Unit Pay-to-Play Law, *N.J.S.A. 19:44A-20.5, et seq.*; 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 responsive and responsible bid submitted on December 21, 2017, by Municipal Maintenance Company, 1352 Taylors Lane, Cinnaminson, New Jersey 08077, and execute a contract to perform Maintenance and Repair of Mechanical Equipment at the City of Newark Water and Sewer Facilities with Municipal Maintenance Company., for a total amount not to exceed One Million Dollars and Zero Cents (\$1,000,000.00), for a period of two (2) years (with a rate of \$115.00 per hour for year one, and \$120.00 per hour for year two) for preventative maintenance and repairs, according to the bid specifications and commencing upon the issuance of a Notice to Proceed by the Department of Water and Sewer Utilities.
2. 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 is in compliance with the City's Contractor Pay-to-Play Reform Ordinance, R.O. 2:4-22C.
3. Pursuant to N.J.A.C. 5:30-5.5, Temporary Budget, attached hereto is a partial Certification of Funds from the Director of Finance which states that funds in the amount of Fifty Thousand Dollars and Zero Cents (\$50,000.00) are available in the 2018 Budget to Perform Maintenance and Repairs of Mechanical Equipment at the City of Newark Water and Sewer Facilities under Business Unit: NW037, Department ID: 750, Division/Project: 7502, Account # 71770, Budget Ref B2018. The certification shall be filed along with the original resolution in the Office of the City Clerk. The remainder of the funding for the contract will be subject to appropriation in the 2019 and 2020 Budget included in a line item for the award of this contract and said funds will be certified prior to services being provided by the contractor. There will be no expenditure of funds authorized until a Certification of Funds is obtained and a copy filed with the City Clerk.
4. Notwithstanding anything to the contrary herein, the contract shall be subject to the availability and annual appropriation of sufficient funds may be required to meet the City of Newark obligations herein, and shall be subject to immediate termination in the absence thereof with no further obligation of the City of Newark. The contract shall contain a clause indicating the foregoing.
5. There shall be no amendment or change to the contract without prior approval by the Municipal Council.
6. There shall be no advance payments made against the contract in accordance with *N.J.A.C. 40A:516*.
7. The Director of the Department of Water and Sewer Utilities shall forthwith file duly executed copies of the contract in the Office of the City Clerk.
8. 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 hereby authorizes the Mayor and/or his designee, the Director of the Department of Water and Sewer Utilities, to accept the bid and execute a contract with Municipal Maintenance Company, 1352 Taylors Lane, Cinnaminson, New Jersey 08077, for the purpose of providing Maintenance and Repair of Mechanical Equipment at the City's Water and Sewer Facilities for a combined total amount not to exceed One Million Dollars and Zero Cents (\$1,000,000.00). This contract shall be in effect for a period of two (2) years from the date of the Notice to Proceed.