



Legislation Details (With Text)

**File #:** 23-0477      **Version:** 1      **Name:** Resolution: Bid Contract - Bismark Construction Corporation - Maintenance and Repair: Swimming Pools  
**Type:** Resolution      **Status:** Adopted  
**File created:** 3/27/2023      **In control:** Administration  
**On agenda:** 5/3/2023      **Final action:** 5/3/2023

**Title:** Dept/ Agency: Administration/Division of Central Purchasing  
Action: ( ) Ratifying (X) Authorizing ( ) Amending  
Type of Service: Bid Contract(s)  
Purpose: To provide for maintenance and repair services: Swimming Pools.  
Entity Name(s)/Address(s): Bismark Construction Corporation, 207-209 Berkeley Avenue, Newark, New Jersey 07107  
Contract Amount: Not to exceed \$2,000,000.00  
Funding Source: 2023 Budget/Department of Public Works, Division of Public Buildings/NW011-060-0604-71770-B2023  
Contract Period: To be established for a period not to exceed twenty-four (24) consecutive months, commencing upon a fully executed contract  
Contract Basis: (X) Bid ( ) State Vendor ( ) Prof. Ser. ( ) EUS  
( ) Fair & Open ( ) No Reportable Contributions ( ) RFP ( ) RFQ  
( ) Private Sale ( ) Grant ( ) Sub-recipient ( ) N/A  
Additional Information:  
This contract will provide maintenance and repair services for swimming pools to the City's Department of Public Works, Division of Public Buildings.

Advertisement Date: March 2, 2023  
Bids Downloaded: Six (6)  
Bids received: One (1)

**Sponsors:**

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
5/3/2023	1	Municipal Council	Adopt	Pass

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Advertisement Date: March 2, 2023

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**WHEREAS**, on March 2, 2023, the City of Newark (the "City") through its Purchasing Agent, QPA, advertised to solicit bids for contractors to provide Maintenance and Repair services to the City's Swimming Pools for the Department of Public Works, Division of Public Buildings, as described in the attached bid proposal; and

**WHEREAS**, the Division of Central Purchasing published the bid package on the City's electronic procurement portal to provide a broader access and download capability to potential bidders; and

**WHEREAS**, on March 23, 2023, the Division of Central Purchasing received one (1) bid in responses to this advertisement; and

**WHEREAS**, the Manager of the Department of Public Works, Division of Public Buildings, recommended that a single award be made to Bismark Construction Corporation, 207-209 Berkeley Avenue, Newark, New Jersey 07107, the only responsive and responsible bidder; and

**WHEREAS**, the Purchasing Agent, QPA, concurs with the recommendation from the Manager of the Department of Public Works, Division of Public Buildings that a single award be made to Bismark Construction Corporation, 207-209 Berkeley Avenue, Newark, New Jersey 07107, the only responsive and responsible bidder; and

**WHEREAS**, pursuant to N.J.S.A. 40A:11-24, the recommended bidder consented to holding their prices beyond sixty (60) days; and

**WHEREAS**, pursuant to N.J.S.A. 19:44A-20.5 et seq., solicitations through public bidding in accordance with N.J.S.A. 40A:11-1 et seq. meets the requirements of the Fair and Open Process.

**NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:**

1. The Mayor of the City of Newark and/or his designees, the Business Administrator and/or the Purchasing Agent, QPA, are hereby authorized to enter into and execute a contract with Bismark Construction Corporation, 207-209 Berkeley Avenue, Newark, New Jersey 07107 to provide Maintenance and Repair: Swimming Pools for the City's Department of Public Works, Division of Public Buildings, whose bid was received on the advertised due date and determined to be the only responsive and responsible bidder in accordance with the bid specifications. The term of the contract will be established for a period not to exceed twenty-four (24) consecutive months, pursuant to N.J.S.A. 40A:11-15.
2. There shall be no amendment or change of this contract without the approval of the Municipal

Council by Resolution.

3. There shall be no advance payment on this contract in accordance with N.J.S.A. 40A:5-16. Funds for 2023 and subsequent years are contingent upon appropriations, pursuant to N.J.A.C. 5:30-5.5(d).
4. This is an open-ended contract to be used as needed during the term of the contract. Thus, for any and all expenditures against this contract, a certification of the availability of sufficient funds, as required by N.J.A.C. 5:30-5.5(b)(2), shall be executed before a contractual liability is incurred each time an order is placed from Account Code Line: Department of Public Works, Division of Sanitation NW011-060-0604-71770-B2023. All services performed under this contract shall be paid by the agency requesting the service. Other user departments/offices and applicable funding sources will be presented with the Certification of Funds signed by the Chief Financial Officer on an as needed basis. This contract shall not exceed Two Million Dollars and Zero Cents (\$2,000,000.00) for one (1) vendor for twenty-four (24) consecutive months with start date commencing when the contract is fully executed.
5. The Purchasing Agent, QPA, shall file a copy of the Resolution and the duly executed copy of the contract in the Office of the City Clerk.
6. If required by State Law, the Acting 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 of the City of Newark and/or his designees, the Business Administrator and/or the Purchasing Agent, QPA, to enter into and execute a contract with Bismark Construction Corporation, 207-209 Berkeley Avenue, Newark, New Jersey 07107, to provide Maintenance and Repair of Swimming Pools in the City of Newark, at an amount not to exceed \$2,000,000.00 for a period not to exceed twenty-four (24) consecutive months with the start date commencing upon the full execution of the contract.