



Legislation Details (With Text)

**File #:** 20-0273      **Version:** 1      **Name:** Phase-5(B) Lead Service Line Replacement Contract 24-WS2021 - Pacific Construction LLC

**Type:** Resolution      **Status:** Adopted

**File created:** 2/18/2020      **In control:** Water Sewer Utility

**On agenda:** 3/24/2020      **Final action:** 3/24/2020

**Title:** Dept/ Agency: Water and Sewer Utilities  
Action: ( ) Ratifying (X) Authorizing ( ) Amending  
Type of Service: Bid Contract  
Purpose: Phase-5(B) Lead Service Line Replacement - Contract 24-WS2021  
Entity Name: Pacific Construction, LLC  
Entity Address: 531 US Highway 22E, #240, Whitehouse Station, New Jersey 08889  
Contract Amount: Not to exceed \$1,252,065.00  
Funding Source: 2019 Budget/Department of Water and Sewer Utilities/NW041-19W-19W00-94710-B2019  
Contract Period: For a term of 150 days from the date of 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:  
Bid Packages Distributed: Eighteen (18)  
Bids Received: Seven (7)  
Bids Rejected: Two (2)

**Sponsors:**

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
3/24/2020	1	Municipal Council	Adopt	Pass

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**WHEREAS**, the City of Newark (the “City”) advertised Contract 24-WS2021 Phase-5(B) Lead Service Line Replacement located at various locations in the City of Newark, on November 11, 2019; and

**WHEREAS**, the Department of Water and Sewer Utilities (the “Department”) distributed eighteen (18) bid packages to prospective vendors following the date of bid advertisement; and

**WHEREAS**, on December 10, 2019, the Department received seven (7) bids for said Project in accordance 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 the bids submitted by the low bidder namely, Joseph M. Sanzari Incorporated, and the second lowest bidder namely, Waters and Bugbee Incorporated were both found to be non-responsive and rejected due to various incurable bid deficiencies with the Certificate of Equal Opportunity, the Certificate of Compliance with 41 CFR 60-2, and with meeting the goals of the City of Newark’s Affirmative Action Program for utilizing a certain percentage of minorities and women; and

**WHEREAS**, Pacific Construction, LLC, 531 US Highway 22E, #240, Whitehouse Station, New Jersey 08889, submitted the lowest responsive and responsible bid, according to the specifications and in the total amount of \$1,148,915.00 for the base bid, and in the total amount of \$103,150.00 for the supplemental bid, with a combined base bid and supplemental bid total amount of \$1,252,065.00; and

**WHEREAS**, the City of Newark, wishes to accept the lowest responsible bid submitted by Pacific Construction, LLC, on December 10, 2019, and execute Contract 24-WS2021 Phase-5(B) Lead Service Line Replacement, with Pacific Construction, LLC, 531 US Highway 22E, #240, Whitehouse Station, New Jersey 08889, for the combined base bid and supplemental bid total amount not to exceed \$1,252,065.00; 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 Pacific Construction, LLC, on December 10, 2019, and execute Contract 24-WS2021 Phase-5 (B) Lead Service Line Replacement, with Pacific Construction, LLC, 531 US Highway 22E,

#240, Whitehouse Station, New Jersey 08889, for the combined base bid and supplemental bid total amount not to exceed \$1,252,065.00, for a term of 150 days from the date of 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 \$1,252,065.00, are available in the Department of Water and Sewer Utilities Capital Budget under Business Unit NW041, Department ID 19W, Division/Project 19W00, Account # 94710, Budget Ref: B2019 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 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 provisions of 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 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 Pacific Construction, LLC, on December 10, 2019, and enter into and execute Contract 24-WS2021 Phase-5(B) Lead Service Line Replacement, located at various locations in the City of Newark, with Pacific Construction, LLC, 531 US Highway 22E, #240, Whitehouse Station, New Jersey 08889, for the combined base bid and supplemental bid total amount not to exceed \$1,252,065.00, for a term of 150 days from the date of the Notice to Proceed.