



Legislation Details (With Text)

**File #:** 17-1949      **Version:** 1      **Name:** Flanagan Contracting Group, Inc.  
**Type:** Resolution      **Status:** Adopted  
**File created:** 11/6/2017      **In control:** Economic and Housing Development  
**On agenda:** 1/10/2018      **Final action:** 1/10/2018

**Title:** Dept/ Agency: Economic and Housing Development  
Action: ( ) Ratifying (X) Authorizing ( ) Amending  
Type of Service: Bid Contract  
Purpose: Construction of Mulberry Commons  
Entity Name: Flanagan Contracting Group, Inc.  
Entity Address: Flanagan Contracting Group, Inc., 90 Old Camplain Road, Hillsborough, New Jersey 08844  
Contract Amount: Amount not to exceed \$9,994,000.00  
Funding Source: Bus Unit: NW026, Account 32105, Cert. Amount: \$3,638,624.00, Bud Ref: B2017; Bus Unit: NW045, Dept. 007, Account 94710, Cert. Amount: \$5,880,095.82, Bud Ref: B2007; Bus Unit: NW045, Dept. 007, Account 94710, Cert. Amount: \$475,280.18, Bud Ref: B2007  
Contract Period: One year from the date of the Notice to Proceed  
Contract Basis: (X) Bid ( ) State Vendor ( ) Prof. Ser. ( ) EUS ( ) Fair & Open ( ) No Reportable Contributions ( ) RFP ( ) RFQ ( ) Private Sale ( ) Grant ( ) Sub-recipient ( ) n/a  
(Address/Block/Lot/Ward)  
Mulberry Commons, located at Block 159, Lot 10.02, Block 166, Lots 1.03, 1.05 and Block 167, Lot 10.02  
Additional Information:  
Bids solicited:  
Bids received: Six (6)

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
1/10/2018	1	Municipal Council	Adopt	Pass

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**Entity Address:** Flanagan Contracting Group, Inc., 90 Old Camplain Road, Hillsborough, New Jersey 08844  
**Contract Amount:** Amount not to exceed \$9,994,000.00  
**Funding Source:** 2007, 2016, and 2017 Budgets/Capital Funds/Department of Economic and Housing Development/ Bus Unit: NW026, Account 32105, Cert. Amount: \$3,638,624.00, Bud Ref: B2017; Bus Unit: NW045, Dept. 007, Account 94710, Cert. Amount: \$5,880,095.82, Bud Ref: B2007; Bus Unit: NW045, Dept. 007, Account 94710, Cert. Amount: \$475,280.18, Bud Ref: B2007  
**Contract Period:** One (1) year from the date of the Notice to Proceed  
**Contract Basis:** (X) Bid ( ) State Vendor ( ) Prof. Ser. ( ) EUS

Fair & Open  No Reportable Contributions  RFP  RFQ  
 Private Sale  Grant  Sub-recipient  n/a

**(Address/Block/Lot/Ward)**

Mulberry Commons, located at Block 159, Lot 10.02; Block 166, Lots 1.03, 1.05 and Block 167, Lot 10.02

**Additional Information:**

Bids solicited:

Bids received: Six (6)

**WHEREAS**, on July 7, 2016, as a result of various redevelopment agreements within the Downtown Core District Redevelopment Plan and a proposed project over 10 years in the making, the City of Newark received the following properties from the Newark Housing Authority: Block 159, Lot 10.02, Block 166, Lots 1.03, 1.05 and Block 167, Lot 10.02, for the purpose of constructing a park, which was formerly referred to as Triangle Park and is currently referred to as Mulberry Commons; and

**WHEREAS**, on February 7, 2017, Resolution 7R1-a (S/AS) was approved to retain Sage and Coombe Architects, LLP (the "Architects") to provide the architectural design of Mulberry Commons, and the Architects produced the drawings; and

**WHEREAS**, on September 7, 2017, Resolution 7R2-a was approved to retain Cambridge Construction Management, Inc. (the "Construction Managers") to provide construction management services of Mulberry Commons, and the Construction Managers assisted in coordinating the bid for the construction of Mulberry Commons; and

**WHEREAS**, the Construction Managers prepared the bid documents, and bids were advertised on June 30, 2017 for receipt on August 31, 2017, which was subsequently postponed to September 15, 2017; and

**WHEREAS**, prior to the receipt of bids on September 15, 2017, certain defects were found in the bid documents, and Counsel recommended that receipt of bids be cancelled and that the bid documents be substantially revised; and

**WHEREAS**, the bid documents were substantially revised and re-advertised for receipt of proposals on September 28, 2017; but due to errors in the drawings posted on the Construction Manager's website, the bid process was again cancelled on September 22, 2017; and

**WHEREAS**, on September 27, 2017, based on Counsel's recommendation, the City of Newark, Department of Economic and Housing Development (the "Department") re-advertised the bids for the Mulberry Commons-Phase 1 Project; and

**WHEREAS**, on October 13, 2017, the Department received six (6) bids for the Mulberry Commons-Phase 1 Project in accordance with Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

**WHEREAS**, based on a review of all of the bids, the Department desires to accept the bid proposal submitted by the lowest responsible bidder, Flanagan Contracting Group, Inc., 90 Old Camplain Road, Hillsborough, New Jersey 08844 and execute a contract for the Mulberry Commons-Phase 1 Project for the amount not to exceed \$9,994,000.00.

**WHEREAS**, the bid of \$9,994,000.00 is a result of selecting Alternate Deductions 1 through 3, which results in the following:

\$10,486,000.00, Base Bid  
- \$375,000.00, Shade Structure  
- \$45,000.00, Perforated Graphic Screens  
- \$72,000.00, Wood Benches/Platforms  
= \$9,994,000.00, Base Bid after Alternate Deductions 1-3.

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

1. The Mayor and/or the Acting Deputy Mayor/Director of the Department of Economic and Housing Development of the City are hereby authorized to accept the bid proposal submitted by the lowest responsible bidder, Flanagan Contracting Group, Inc., 90 Old Camplain Road, Hillsborough, New Jersey 08844, and to execute a contract for the Mulberry Commons-Phase 1 Project located at Block 159, Lot 10.02, Block 166, Lots 1.03, 1.05 and Block 167, Lot 10.02, for an amount not to exceed \$9,994,000.00.
2. Attached hereto are the Certifications of Funds issued by the Director of Finance of the City of Newark, which states that: (1) there are available sufficient legally appropriated funds in the amount of \$9,994,000.00 for the purpose set forth hereinabove, and; (2) the line appropriation of the official budget, which shall be charged is as follows:  
  
Bus Unit: NW026, Account 32105, Amt.: \$3,638,624.00, Bud Ref: B2017;  
Bus Unit: NW045, Dept. 007, Account 94710, Amt: \$5,880,095.82, Bud Ref: B2007;  
Bus Unit: NW045, Dept. 007, Account 94710, Amt: \$475,280.18, Bud Ref: B2007
3. The term of the Contract is for one (1) year from the Notice to Proceed or the length of the Project as provided under N.J.A.C. 40A:11-15(9).
4. The Acting Deputy Mayor/Director of the Department of Economic and Housing Development shall file a fully executed copy of the contract and the Certifications of Funds in the Office of the City Clerk.
5. The public bidding process complies with the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.
6. This resolution shall take effect immediately.

**STATEMENT**

This Resolution authorizes the Mayor and/or his designee, the Acting Deputy Mayor/Director of the Department of Economic and Housing Development, to accept the bid proposal submitted by the lowest responsible bidder, Flanagan Contracting Group, Inc., 90 Old Camplain Road, Hillsborough, New Jersey 08844, and to execute a contract for the Mulberry Commons-Phase 1 Project for an amount not to exceed \$9,994,000.00, for a term of one (1) year from the Notice to Proceed.