



Legislation Details (With Text)

**File #:** 21-1700      **Version:** 1      **Name:** Resolution: Underground Utilities - Valley Road Corrosion Control Chemical Feed System - Phase II 10-WS2021 (Re-Bid)

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

**File created:** 11/15/2021      **In control:** Water Sewer Utility

**On agenda:** 12/15/2021      **Final action:** 12/15/2021

**Title:** Dept/ Agency: Water and Sewer Utilities  
Action: ( ) Ratifying (X) Authorizing ( ) Amending  
Type of Service: Bid Contract  
Purpose: Valley Road Corrosion Control Chemical Feed System - Phase II Improvements - Contract 10-WS2021 (Rebid)  
Entity Name: Underground Utilities Corporation  
Entity Address: 711 Commerce Road, Linden, New Jersey 07036  
Contract Amount: Not to exceed \$1,344,123.00  
Funding Source: 2021 Budget/Department of Water and Sewer Utilities/NW037-750-7505-71960-B2021  
Contract Period: 260 calendar days to substantial completion and 330 days from final completion from the date of the issuance of a 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:  
Bid Packages Distributed: Six (6)  
Bids Received: three (2)

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
12/15/2021	1	Municipal Council	Adopt	Pass

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**WHEREAS**, the City of Newark advertised Contract 10-WS2021 Re-bid Valley Road Corrosion Control Chemical Feed System - Phase II Improvements in the City of Newark, on October 28, 2021; and

**WHEREAS**, the Department of Water and Sewer Utilities (the "Department") distributed six (6) bid packages to prospective vendors following the date of bid advertisement; and

**WHEREAS**, on October 28, 2021, 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**, the City rejected the lowest numerical bid from CMS Construction, Inc., in the amount of \$1,257,500.00 as non-responsive; and

**WHEREAS**, Underground Utilities Corporation, 711 Commerce Road, Linden, New Jersey 07036 submitted the lowest responsive and responsible bid, according to the specifications and in the bid total amount of \$1,344,500.00; and

**WHEREAS**, the City of Newark wishes to accept the lowest responsible bid submitted by Underground Utilities Corporation on October 28, 2021, and execute Contract 10-WS2021 Re-bid Valley Road Corrosion Control Chemical Feed System - Phase II Improvements, with Underground Utilities Corporation, 711 Commerce Road, Linden, New Jersey 07036, for the bid total amount not to exceed \$1,344,500.00, for a period of 260 calendar days to substantial completion and 330 days from final completion from the date of the issuance of a written Notice to Proceed; 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 of the City of Newark and/or his designee, the Director of the Department of Water and Sewer Utilities, to accept the lowest responsible bid submitted by Underground Utilities Corporation, on October 28, 2021, and enter into and execute Contract 10-WS2021 Re-bid Phase-2(A) Sewer Cleaning and Rehabilitation, with Underground Utilities Corporation, 711 Commerce Road, Linden, New Jersey 07036, for bid total amount not to exceed \$1,344,500.00, for a period of 260 calendar days to substantial completion and 330 days from final completion from the date of the issuance of a written

Notice to Proceed.

2. Pursuant to N.J.A.C. 5:30-5.5(d)1(ii) (multi-year contracts), attached hereto is a partial Certification of Funds from the Chief Financial Officer, which states the funds in the amount of Fifty Thousand Dollars and Zero Cents (\$50,000.00), are available in the Department of Water and Sewer Utilities Budget under Business Unit NW037, Department ID 750, Division 7505, Account 71960 B2021. The Director of the Department of Water and Sewer Utilities is further authorized to extend the contract to the full value of \$1,344,123.00 when additional funds in the amount of \$1,294,123.00 are certified from the 2022 Budget of the Department of Water and Sewer Utilities, and a copy of the Certification of Funds is filed 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. The Department of Water and Sewer Utilities shall file a fully executed copy of the contract in the Office of the City Clerk.
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 the 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 of the City of Newark and/or his designee, the Director of the Department of Water and Sewer Utilities, to accept the lowest responsible bid submitted by Underground Utilities Corporation on October 28, 2021, and enter into and execute Contract 10-WS2021 Re-bid Valley Road Corrosion Control Chemical Feed System - Phase II Improvements, located in the City of Newark, with Underground Utilities Corporation, 711 Commerce Road, Linden, New Jersey 07036, for the bid total amount not to exceed \$1,344,500.00, for a period of 260 calendar days to substantial completion and 330 days from final completion from the date of the issuance of a written Notice to Proceed.