



Legislation Details (With Text)

File #: 23-0694 **Version:** 1 **Name:** Resolution to Award a contract for LFIF-19 Doremus Avenue Newark Port Connect Project

Type: Resolution **Status:** Adopted

File created: 5/4/2023 **In control:** Engineering

On agenda: 10/4/2023 **Final action:** 10/4/2023

Title: Dept/ Agency: Engineering
 Action: () Ratifying (X) Authorizing () Amending
 Type of Service: Bid Contract
 Purpose: To provide Street Paving and Pedestrian Improvements - Local Freight Impact Fund-19, Doremus Avenue Port Newark Connect.
 Entity Name: Rockborn Trucking and Excavation, Inc.
 Entity Address: 12 Taylor Road, Wharton, New Jersey, 07885
 Contract Amount: \$4,247,945.00
 Funding Source: 2019, 2021, and 2023 Budgets/Department of Engineering /NW051, G23, E23B0, A, 71930, B2023/NW027, A21, EC1Z0, A, 71280, B2021/NW027, A19, EC9F0, A, 71280, B2019/NW045, 23A, 23A02, A, 94710, B2023
 Contract Period: 365 consecutive calendar days from the date of the issuance of a formal 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
 Additional Information:
 Bids Solicited: December 20, 2022 and January 4, 2023
 Bids Received: Seven (7)
 Bids Rejected: One (1)

Sponsors:

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
10/4/2023	1	Municipal Council	Adopt	Pass

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WHEREAS, the City of Newark, Department of Engineering, Division of Traffic and Signals (the “City”), advertised for receipt of bids on December 20, 2022 and January 4, 2023 for the Local Freight Impact Fund -19 Port Newark Connect, Contract #2022-04; and

WHEREAS, on December 21, 2022, the City provided vendors who picked up a bid with Addendum #1; and

WHEREAS, on December 27, 2022, the City provided vendors who picked up a bid with Addendum #2; and

WHEREAS, on January 11, 2023, the City provided vendors who picked up a bid with Addendum #3; and

WHEREAS, on January 12, 2023, the City provided vendors who picked up a bid with Addendum #4; and

WHEREAS, on January 13, 2023, the City provided vendors who picked up a bid with Addendum #5; and

WHEREAS, on January 31, 2023, the City received seven (7) bids for the Local Freight Impact Fund -19 Port Newark Connect Contract #2022-04; and

WHEREAS, upon review of the bids, the lowest bidder D.S. Meyer Enterprises LLC, bid proposal was rejected by the City Of Newark because the bidder failed to meet requirements for The City of Newark Compliance with Affirmative Action Plan for Construction; Minority Business Enterprise Participation In Construction Contracts; pursuant to City of Newark Ordinance §2:2-28.3; and

WHEREAS, based on a review of the bids, the Acting Director of the Department of Engineering desires to accept the bid proposal submitted by the second lowest responsive and responsible bidder, Rockborn Trucking and Excavation Inc., 12 Taylor Road, Wharton, New Jersey 07885, and execute Contract #2022-04, LFIF-19 Doremus Avenue Newark Port Connect for the total bid amount not to **exceed Four Million Two Hundred Forty-Seven Thousand Nine Hundred Forty-Five Dollars and Zero Cents (\$4,247,945.00)**.

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

1. The bid proposal submitted by the lowest bidder, D.S. Meyer Enterprises LLC, is hereby rejected due to noncompliance with the bid requirements, as a result of its failure to satisfy the City of Newark’s Affirmative Action Plan for Construction, Minority Business Enterprise Participation in Construction Contracts, pursuant to City of Newark Ordinance §2:2-28.3.

2. The Mayor and/or his designee, the Acting Director of the Department of Engineering, are hereby authorized on behalf of the City of Newark to accept the bid proposal submitted by the second lowest responsive and responsible bidder, Rockborn Trucking and Excavating Inc., 12 Taylor Road, Wharton, New Jersey 07885, and execute Contract #2022-04, LFIF-19 Doremus Avenue Port Newark Connect for the total bid amount not to exceed **Four Million Two Hundred Forty-Seven Thousand Nine Hundred Forty-Five Dollars and Zero Cents (\$4,247,945.00)**.
3. Pursuant to N.J.A.C. 5:30-5.5(a), a Temporary Budget, attached hereto is a Certification of Funds issued by the Chief Financial Officer, which states funds in the amount of \$1,648,513.00 are available from: Business Unit NW051, Dept. G23, Div./Proj. E23B0, Activity A, Account# 71930, Budget Ref. B2023; funds in the amount of \$1,021,877.00 are available from Business Unit NW027, Dept. A21, Div./Proj. EC1Z0, Activity A, Account# 71280, Budget Ref. B2021; funds in the amount of \$819,454.00 are available from Business Unit NW027, Dept. A19, Div./Proj. EC9F0, Activity A, Account# 71280, Budget Ref. B2019; funds in the amount of \$758,091.00 are available from: Business Unit NW045, Dept. 23A, Div./Proj. 23A02, Activity A, Account# 94710, Budget Ref. B2023 for the purpose set forth hereinabove.

No changes to this contract are allowed without prior Municipal Council approval.

4. A fully executed copy of the contract shall be filed in the Office of the City Clerk by the Director of the Department of Engineering.

5. This contract is to be completed within a period of 365 consecutive calendar days from the date of the issuance of a formal Notice to Proceed by the Director of the Department of Engineering.

6. The public bidding process under the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq., complies with the Fair and Open Process of the State of New Jersey Local Unit Pay-to-Play Law, N.J.S.A. 19:44A-20.5, et seq.

7. 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 Engineering, to accept the bid proposal by Rockborn Trucking and Excavation Inc., 12 Taylor Road, Wharton, New Jersey 07885, and execute Contract #2022-04, LFIF-19 Doremus Avenue Port Newark Connect for the total bid amount not to **exceed Four Million Two Hundred Forty-Seven Thousand Nine Hundred Forty-Five Dollars and Zero Cents (\$4,247,945.00)**. This contract is to be completed within a period of 365 consecutive calendar days from the date of the issuance of a formal Notice to Proceed by the Acting Director of the Department of Engineering.