



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 20-0205, Version: 1

Dept/ Agency: Water and Sewer Utilities

Action: () Ratifying (X) Authorizing () Amending

Type of Service: Bid Contract

Purpose: South Street and Adams Street Drainage Improvements - Contract 12-WS2017

Entity Name: CMS Construction, Inc.

Entity Address: 521 North Avenue, Plainfield, New Jersey 07060

Total Contract Amount: Not to exceed \$3,830,096.10

Funding Source: 2019 Budget/Department of Water and Sewer Utilities/NW044-19C-19C01-94710-B2019

Contract Period: 219 days to final completion from the 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: N/A

Bid Distributed: Eight (8)

Bid Received: Two (2)

WHEREAS, the City of Newark advertised Contract 12-WS2017 South Street and Adams Street Drainage Improvements, on September 23, 2019; and

WHEREAS, the Department of Water and Sewer Utilities (the "Department") distributed eight (8) bid packages to prospective vendors following the date of bid advertisement; and

WHEREAS, on November 13, 2019, 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, CMS Construction Inc., 521 North Avenue, Plainfield, New Jersey 07060, submitted the lowest responsive and responsible bid, according to the specifications and in the total amount of \$3,830,096.10; and

WHEREAS, the City of Newark wishes to accept the lowest responsible bid submitted by CMS Construction Inc, on November 13, 2019, and execute Contract 12-WS2017 South Street and Adams Street Drainage Improvements, with CMS Construction Inc., 521 North Avenue, Plainfield, New Jersey 07060, for the total amount \$3,830,096.10; 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 CMS Construction Inc., on November 13, 2019, and to enter into and execute Contract 12-WS2017 South Street and Adams Street Drainage Improvements, with CMS Construction Inc., 521 North Avenue, Plainfield, New Jersey 07060, for an amount not to exceed \$3,830,096.10, for a period of 219 days to final completion from the written Notice to Proceed.
2. Attached hereto is a Certification of Funds from the Chief Financial Officer, which states that funds in the amount of \$3,830,096.10 are available in the Water and Sewer Capital Budget under Business Unit NW044, Department ID 19C, Div./Proj. 19C01, 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 CMS Construction Inc., on November 13, 2019, and enter into and execute Contract 12-WS2017 South Street and Adams

Street Drainage Improvements, with CMS Construction Inc, 521 North Avenue, Plainfield, New Jersey 07060, for an amount not to exceed \$3,830,096.10 for a period of 219 days to final completion from the written Notice to Proceed.