



# City of Newark

City Hall  
920 Broad Street  
Newark, New Jersey 07102

## Legislation Text

File #: 12-1180, Version: 1

**Dept/ Agency:** Water & Sewer Utilities

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

**Type of Service:** Bid Contract

**Purpose:** Concrete Sidewalk Restoration over Water/Sewer Utility Excavations

**Entity Name:** Nagi Construction Co., Inc.

**Entity Address:** 51 Great Hills Road, Millburn, New Jersey 07041

**Contract Amount:** \$192,000.00

**Funding Source:** City of Newark Budget/Water & Sewer Utilities Partial Cert. provided for \$100,000.00/Remainder \$92,000.00 to be appropriated in the 2012 and 2013 Municipal Budget

**Contract Period:** 365 days from 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 Received: 2

**WHEREAS**, the City of Newark advertised Contract 03-WS2012 Concrete Sidewalk Restoration over Water/Sewer Utility Excavations on March 21, 2012 and the contract included the replacement of approximately 14,000 square feet of concrete sidewalk construction, and on April 11, 2012, two (2) bids were received for the said project in accordance with the Local Public Contracts Law N.J.S.A. 40A:11-1 et seq., and both bids were rejected due to having material defects that cannot be cured; and

**WHEREAS**, on April 24, 2012 the City of Newark re-advertised Contract 03-WS2012 (Re-bid) Concrete Sidewalk Restoration over Water/Sewer Utility Excavations, and on May 4, 2012 received two (2) bids for the said project in accordance with the Local Public Contracts Law N.J.S.A. 40A:11-1 et seq.; and

**WHEREAS**, Nagi Construction Co., Inc., 51 Great Hills Road, Millburn, New Jersey 07041 submitted the lowest responsive and responsible bid according to the specifications and in the amount of \$192,000.00; and

**WHEREAS**, the City of Newark wishes to accept the lowest responsible bid submitted by Nagi Construction Co., Inc., on May 4, 2012, and execute Contract 03-WS2012 (Re-bid) Concrete Sidewalk Restoration over Water/Sewer Utility Excavations, with Nagi Construction Co., Inc., 51 Great Hills Road, Millburn, New Jersey 07041, for the presently available and certified amount of \$100,000.00, and extend the contract to its full value of \$192,000.00 when the balance of funds become available; and

**WHEREAS**, the Mayor of the City of Newark signed into law Executive Order Number MEO-07-0001 (hereinafter "Pay-to-Play Executive Order"), which requires reporting of political

contributions to Newark Municipal Candidates and prohibits certain political contributions during the duration of the contract; 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. This resolution authorizes the Mayor of the City of Newark and/or his designee, the Acting Director of the Department of Water and Sewer Utilities, to accept the lowest responsive and responsible bid submitted on May 4, 2012 by Nagi Construction Co., Inc., and execute Contract 03-WS2012 (Re-bid) Concrete Sidewalk Restoration over Water/Sewer Utility Excavations with Nagi Construction Co., Inc., 51 Great Hills Road , Millburn, New Jersey 07041 for the presently available and certified amount of \$100,000.00, and further authorized to extend the contract to its full value of \$192,000.00 when balance of funds become available.
2. Pursuant to N.J.A.C. 5:30-5.5, attached hereto is a partial certification from the Comptroller which states the funds in the amount of \$100,000.00 are available in the 2012 Temporary Municipal Budget as follows: Business Unit: NW037, Department ID: 750, Division: 7505, Account: 71960. The certification shall be filed along with the original resolution in the Office of the City Clerk. The remainder of the funding for this contract will be subject to appropriation in the 2012 and 2013 Municipal Budget and funds will be certified prior to services being provided by the contractor.
3. There shall be no amendment or change to the contract without approval by the Newark 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 is being awarded pursuant to the fair and open procedures of the Pay-to-Play Law N.J.S.A 19:44A-20.5 and pursuant to the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-5 (1) (a) (i)), and is in compliance with Executive Order MEO-07-0001, effective March 31, 2007.
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 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.

**TIME OF COMPLETION**

This contract is to be completed within 365 calendar days after issuance of a notice to proceed.

**STATEMENT**

This Resolution authorizes the Mayor of the City of Newark, and/or his designee, the Acting Director of the Department of Water and Sewer Utilities, to accept the lowest responsive and responsible bid submitted on May 4, 2012 by Nagi Construction Co., Inc, 51 Great Hills Road , Millburn, New Jersey 07041 and execute Contract 03-WS2012 (Re-bid) Concrete Sidewalk Restoration over Water/Sewer Utility Excavations with Nagi Construction Co., Inc., in the presently available and certified amount of \$100,000.00, and further authorizes to extend this contract to its full value of \$192,000.00 when balance of funds become available.