



## Legislation Text

---

File #: 12-2245, Version: 1

---

**Dept/ Agency:** Engineering

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

**Type of Service:** Bid Contract

**Purpose:** Hank Aaron Park-Site Improvements Basketball Courts

**Entity Name:** Berto Construction Inc.

**Entity Address:** 625 Leesville Avenue, Rahway, New Jersey 07065

**Contract Amount:** \$111,460.00

**Funding Source:** City of Newark Budget/Engineering

**Contract Period:** One (1) year from the issuance of a 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:**

Bids Solicited: 2

Bids Received: 1

Bids Rejected: 1

Bids Re-Solicited: 10

Bids Received: 3

Bids Rejected: 0

Contract #10-2012(R)

**WHEREAS**, on June 26, 2012, the Department of Engineering, City of Newark, advertised for the receipt of bids for Contract #10-2012 Hank Aaron Park-Site Improvements Basketball Courts, pursuant to the Local Public Contracts Laws, N.J.S.A. 40A:11-1 et seq.; and

**WHEREAS**, two (2) bids were solicited and on July 24, 2012, the advertised, scheduled date for the public opening of bids, one (1) bid was received; and

**WHEREAS**, after a review of the bid received, the City of Newark rejected the bid pursuant to N.J.S.A. 40A:11-13.2 (a), because the lowest bid substantially exceeded the cost estimated for the goods and services; and

**WHEREAS**, on June 13, 2012, the contractor was notified by certified mail and e-mail that a re-bid would take place and was invited to participate; and

**WHEREAS**, on September 17, 2012, the Department of Engineering advertised a re-bid for the receipt of bids for Contract #10-2012R Hank Aaron Park-Site Improvements Basketball Courts; and

**WHEREAS**, ten (10) bids were re-solicited and on October 16, 2012, the advertised, scheduled date for the public opening of bids, three (3) bids were received; and

**WHEREAS**, Mikesell & Associates, the consultant retained by the City of Newark, recommends that the contract be awarded to Berto Construction Inc., 625 Leesville Avenue, Rahway, New Jersey 07065, the lowest numerical bidder; and

**WHEREAS**, the Director of the Department of Engineering has determined that it is in the best interest of the City of Newark to accept the bid proposal and execute Contract #10-2012R Hank Aaron Park-Site Improvements at Basketball Courts, with the lowest responsible bidder, Berto Construction Inc., 625 Leesville Avenue, Rahway, New Jersey 07065, for the Total Bid Amount of \$111,460.00 (One Hundred Eleven Thousand Four Hundred Sixty Dollars)(**Base Bid of \$84,000.00 + Allowance \$5,000.00 + Alternates #1 \$3,500.00 #2 \$18,160.00, and #3 \$800.00, for a Total Bid Amount of \$111,460.00**); and

**WHEREAS**, some of the major items of work to be performed pursuant to this contract are (i) repair/replace fence, (ii) repair/replace gates, (iii) concrete work, (iv) landscaping, (v) adjust basketball backboards and supports, (vi) modify basketball court striping, and (vii) nstall new benches, bleachers and a shed; and

**WHEREAS**, the public advertisement and the receipt of public bids and the award of the contract to the lowest responsible bidder, pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq., constitutes a fair and open process pursuant to the Local Pay- to -Play Law, N.J.S.A. 19:44A:20.5, et seq.

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

1. The Mayor and/or his designee, the Director of the Department of Engineering, is hereby authorized to accept the bid submitted by the lowest responsible bidder, Berto Construction Inc., 625 Leesville Avenue, Rahway, New Jersey 07065, and execute Contract #10-2012R Hank Aaron Park-Site Improvements at Basketball Courts (located at Prince Street, Springfield Avenue, Mercer Street and Broome Street, Newark, New Jersey), for the Total Bid Amount of \$111,460.00 (One Hundred Eleven Thousand Four Hundred Sixty Dollars) (**Base Bid of \$84,000.00 + Allowance \$5,000.00 + Alternates #1 \$3,500.00, #2 \$18,160.00, and #3 \$800.00**).
2. Attached hereto is a certification of funds issued by the Chief Financial Officer, City of Newark, which states that there are available sufficient, legally appropriated funds in the amount of \$111,460.00 (One Hundred Eleven Thousand Four Hundred Sixty Dollars) for the purposes set forth herein. A copy of the certification of funds shall be filed in the Office of the City Clerk by the Director of Engineering together with this resolution.
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, et seq. and in accordance with the public bid procedures pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.
4. No modifications or amendments to this contract shall be allowed or authorized without prior Municipal Council approval.
5. There shall be no advance payments made against this contract in accordance with N.J.A.C. 40A:5-16.
6. A fully executed copy of the contract shall be filed in the Office of the City Clerk, by the Director of Engineering or his designee.

7. The term of this contract shall be one (1) year from the date a formal "Notice to Proceed" is issued by the Director of Engineering or his designee.
  
8. **Funds for this contract in the amount of \$111,460.00 are provided from Fund: 027, Department: A08, Project: EU8L0, Account: 72090, Budget Year: B2008.**

**STATEMENT**

**A resolution authorizing the Mayor and/or his designee, the Director of the Department of Engineering, to award Contract #10-2012R Hank Aaron Park-Site Improvements at Basketball Courts (located at Prince Street, Springfield Avenue, Mercer Street and Broome Street, Newark, New Jersey), for the total amount of \$111,460.00 00 (One Hundred Eleven Thousand Four Hundred Sixty Dollars) ( **Base Bid of \$84,000.00 + Allowance \$5,000.00 + Alternates #1 \$3,500.00, #2 \$18,160.00, and #3 \$800.00**) to the lowest responsible bidder, Berto Construction Inc., 625 Leesville Avenue, Rahway, New Jersey 07065.**