



## Legislation Text

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File #: 23-0593, Version: 1

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

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

**Type of Service:** Bid Contract

**Purpose:** To provide Concrete Sidewalk Restoration over Water/Sewer Utility Excavations - Contract 03-WS2022 (Re-Bid).

**Entity Name:** AA Berms, LLC

**Entity Address:** 106 Mill Street, Belleville, New Jersey 07109

**Contract Amount:** Not to exceed \$639,500.00

**Funding Source:** Capital Budget/Department of Water and Sewer Utilities/NW037-750-7505-71960-B2023

**Contract Period:** 730 calendar days from the date of 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:**

This contract will provide Concrete Sidewalk Restoration over Water/Sewer Utility Excavations - Contract 03-WS2022 (Re-Bid) for the Department of Water and Sewer Utilities.

1<sup>st</sup> Advertisement: November 18, 2022

2<sup>nd</sup> Advertisement: April 6, 2023

Bid Packages Distributed: Four (4)

Bids Received: Three (3)

**WHEREAS**, on November 18, 2022, the City of Newark, Department of Water and Sewer Utilities (the "Department") advertised to solicit bids for contractor (s) to provide Concrete Sidewalk Restoration Over Water/Sewer Utility Excavations, located at various locations in the City of Newark; and

**WHEREAS**, the Department distributed five (5) bid packages to prospective vendors following the date of bid advertisement; and

**WHEREAS**, on December 9, 2022, the Department received four (4) bids for said Project in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

**WHEREAS**, after review of the bids the Department determined that all bids be rejected as non-responsive for failure to comply with MBE/WBE Utilization requirements and/or for being substantially over funding authorization; and

**WHEREAS**, on March 23, 2023, the Department re-advertised Contract 03-WS2022 Re-Bid for Concrete Sidewalk Restoration Over Water/Sewer Utility Excavations, located at various locations in the City of Newark; and

**WHEREAS**, the Department distributed Four (4) bid packages to prospective vendors following the date of bid advertisement; and

**WHEREAS**, on April 6, 2023, the Department received three (3) bids for said Project in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

**WHEREAS**, AA Berms LLC., P.O. Box 180, Belleville, New Jersey 07109 submitted the lowest responsive and responsible bid, according to the specifications and in the total amount of Six Hundred Thirty Nine Thousand Five Hundred Dollars and Zero Cents (\$639,500.00); and

**WHEREAS**, the City wishes to accept the lowest responsible bid submitted by AA Berms LLC., on April 6, 2023, and execute Contract 03-WS2022 Re-Bid for Concrete Sidewalk Restoration over Water/Sewer Utility Excavations, with AA Berms LLC., P.O. Box 180, Belleville, New Jersey 07109, for the total amount not to exceed Six Hundred Thirty Nine Thousand and Five Hundred Dollars and Zero Cents (\$639,500.00); and

**WHEREAS**, 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., as a public bid, which constitutes a Fair and Open Process.

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

1. The Mayor of the City of Newark and/or his designee, the Director of the Department of Water and Sewer Utilities, are authorized to enter into and execute Contract 03-WS2022 Re-Bid for Concrete Sidewalk Restoration Over Water/Sewer Utility Excavations, with AA Berms LLC., P.O. Box 180, Belleville, New Jersey 07109, for bid total amount not to exceed Six Hundred Thirty Nine Thousand and Five Hundred Dollars and Zero Cents (\$639,500.00), the lowest responsible bidder for a period of 730 calendar days, commencing from the date of the issuance of a written Notice to Proceed.
2. Pursuant to N.J.A.C. 5:30-5.5(a), Temporary Budget, attached hereto is a partial Certification of Funds from the Chief Financial Officer, which states the funds in the amount of \$5,000.00, are available in the Department of Water and Sewer Utilities Budget under Business Unit NW037, Department ID 750, Division 7502, Account 71960 B2023. Pursuant to N.J.A.C. 5:30-5.5(d)1(ii) Multi-year Contracts, the Director of the Department of Water and Sewer Utilities is authorized to extend the contract to the full value of \$639,500.00 when additional funds in the amount of \$634,500.00 are certified from the 2023 and 2024 Budgets of the Department of Water and Sewer Utilities in accordance with the time at which the respective work or services are performed or liability for payment incurred. A copy of the Certification of Funds shall be 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 and Notice to Proceed in the Office of the City Clerk.
3. If required by State Law, the Acting 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 AA Berms LLC on April 6, 2023, and enter into and execute 03-WS2022 Re-Bid for Concrete Sidewalk Restoration Over Water/Sewer Utility Excavations with AA Berms LLC., P.O. Box 180, Belleville, New Jersey 07109, for the total bid amount of \$639,500.00 for a period of 730 calendar days, commencing from the date of the issuance of a written Notice to Proceed.