



# City of Newark

City Hall  
920 Broad Street  
Newark, New Jersey 07102

## Legislation Text

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File #: 19-0859, Version: 1

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

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

**Type of Service:** Bid Contract

**Purpose:** Emergency Repair of Sewers - Contract 01-WS2019

**Entity Name:** Montana Construction Corp., Inc.

**Entity Address:** 80 Contant Avenue, Lodi, New Jersey 07644

**Total Contract Amount:** \$1,618,890.00

**Funding Source:** 2019 Budget/Department of Water and Sewer Utilities/NW038-800-8007-71970-B2019

**Contract Period:** 730 days from the 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 Packages Distributed: Eight (8)

Bids Received: Four (4)

**WHEREAS**, the City of Newark advertised Contract 01-WS2019 Emergency Repair of Sewers located at various locations in the City of Newark, on December 4, 2018; and

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

**WHEREAS**, on December 19, 2018, 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**, Montana Construction Corp., Inc., 80 Contant Avenue, Lodi, New Jersey 07644 submitted the lowest responsive and responsible bid, according to the specifications and in the total amount of \$1,618,890.00; and

**WHEREAS**, the City of Newark wishes to accept the lowest responsible bid submitted by Montana Construction Corp., Inc. on December 19, 2018, and execute Contract 01-WS2019 Emergency Repair of Sewers, with Montana Construction Corp., Inc., 80 Contant Avenue, Lodi, New Jersey 07644, for the total amount not to exceed \$1,618,890.00; 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 Acting Director of the Department of Water and Sewer Utilities, to accept the lowest responsible bid submitted by Montana Construction Corp., Inc., on December 19, 2018, and execute Contract 01-WS2019 Emergency Repair of Sewers, with Montana Construction Corp., Inc., 80 Contant Avenue, Lodi, New Jersey 07644, for the total amount not to exceed \$1,618,890.00.
2. Pursuant to N.J.A.C. 5:30-5.5(d)1(ii) (multi-year contracts), attached hereto is a partial Certification of Funds from the Chief Financial Officer, which states the funds in the amount of \$100,000.00, are available in the Water and Sewer Budget under Business Unit NW038, Department ID 800, Division/Project 8007, Account # 71970, and which shall be filed along with the original resolution in the Office of the City Clerk. The Director of the Department of Water and Sewer Utilities is further authorized to extend the contract to the full value of \$1,618,890.00 when additional funds in the amount of \$1,518,890.00 are certified from the Budget of the Department of Water and Sewer Utilities, and a copy of the Certification of Funds is filed in the Office of the City Clerk.
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 was solicited and awarded pursuant to the fair and open procedures in accordance with the State 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 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 Acting Director of the Department of Water and Sewer Utilities, to accept the lowest responsible bid submitted by Montana Construction Corp., Inc., on December 19, 2018, and execute Contract 01-WS2019 Emergency Repair of Sewers, located at various locations in the City of Newark, with Montana Construction Corp., Inc., 80 Contant Avenue, Lodi, New Jersey 07644, for the total amount not to exceed \$1,618,890.00.