



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 13-1216, Version: 2

Dept/ Agency: Engineering

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

Type of Service: Bid Contract

Purpose: Citywide Streetscape - Phase I: Mt. Prospect Avenue, Lower Broadway and Bloomfield Avenue

Entity Name: Berto Construction, Inc.

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

Contract Amount: \$4,993,902.47

Funding Source: Urban Enterprise Zone

Contract Period: 365 consecutive calendar days from issuance of a formal 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 Solicited:

Bids Received: Three (3)

Bids Rejected: One (1)

Bids Re-Solicited:

Bids Received:

Contract No. 03-2011R, Citywide Streetscape-Mt. Prospect Avenue, Lower Broadway and Bloomfield Avenue.

Resolution 7R4-A adopted April 18, 2012

Resolution 7R4-C adopted August 1, 2012 (File 12-1422)

WHEREAS, on April 18, 2012, the Municipal Council adopted Resolution 7R4-A, which authorized the award and execution of Contract No. 03-2011, Citywide Streetscape - Phase I: Mt. Prospect Avenue, Lower Broadway and Bloomfield Avenue to the lowest responsible bidder, English Paving, Inc., in the amount of \$4,855,951.04 (which amount was a typographical error); and

WHEREAS, the Municipal Council adopted amending Resolution 7R4-C, on August 1, 2012, correcting the contract amount to \$4,712,982.00; and

WHEREAS, on January 31, 2013, English Paving, Inc. requested a termination of Contract No. 03-2011, Citywide Streetscape - Phase I: Mt. Prospect Avenue, Lower Broadway and Bloomfield Avenue (a copy of the request letter is attached), by and between the City of Newark and English Paving, Inc.; and

WHEREAS, on February 20, 2013 the City of Newark, Department of Engineering, approved (a copy of the approval letter is attached) the dissolution of the contract between City of Newark and

English Paving, Inc. for Contract No. 03-2011, Citywide Streetscape - Phase I: Mt. Prospect Avenue, Lower Broadway and Bloomfield Avenue; and

WHEREAS, the Division of Traffic and Signals, Department of Engineering, City of Newark, advertised for the receipt of bids on May 1, 2013, for Contract No. 03-2011R, Citywide Streetscape: Mt. Prospect Avenue, Lower Broadway and Bloomfield Avenue, in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq; and

WHEREAS, on May 23, 2013, three (3) bids were received for Contract No. 03-2011R, Citywide Streetscape: Mt. Prospect Avenue, Lower Broadway and Bloomfield Avenue.; and

WHEREAS, based on a review of the bids, the Director of the Department of Engineering rejected the bid proposal submitted by the lowest numerical bidder, J.A. Alexander, Inc., 130-158 John F. Kennedy Drive, North, Bloomfield, New Jersey 07003, because the contract documents require that at the time of the bid, that a minimum of 25% of the total project costs will be awarded to a Minority Business Enterprise("MBE"), and J.A. Alexander, Inc. only had Small Business Enterprise ("SBE") listed on the contract documents they submitted and sought to supplement their bid proposal after the bids were received and opened; and

WHEREAS, based on a review of the bids, the Director of the Department of Engineering desires to accept the bid proposal submitted by the lowest and responsible bidder, Berto Construction, Inc., 625 Leesville Avenue, Rahway, New Jersey 07065 and execute Contract No. 03-2011R, Citywide Streetscape: Mt. Prospect Avenue, Lower Broadway and Bloomfield Avenue, for the total bid amount of \$4,993,902.47.

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, are hereby authorized on behalf of the City of Newark to accept the bid proposal submitted by the lowest responsible bidder, Berto Construction, Inc., 625 Leesville Avenue, Rahway, New Jersey 07065 and execute Contract No. 03-2011R, Citywide Streetscape: Mt. Prospect Avenue, Lower Broadway and Bloomfield Avenue, for the total bid amount of \$4,993,902.47.
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 \$4,993,902.47 for the purpose set forth hereinabove. Copies of the Certification of Funds issued shall be filed in the Office of the City Clerk by the Director of the Department of Engineering together with this resolution.
3. No changes to this contract are allowed without prior Municipal Council approval.
4. A fully executed copy of the contract shall be filed in the Office of the City Clerk by the Director of the Department of Engineering.
5. This contract is to be completed within a period of 365 consecutive calendar days from

issuance of a formal Notice to Proceed by the Director of the Department of Engineering.

6. The public bidding process under the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq., complies with the Fair and Open Process of the State of New Jersey Local Unit Pay-to-Play Law, N.J.S.A. 19:44A-20.5, et seq.
7. 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.
8. Funds for this contract in the amount of \$4,993,902.47 is provided as below: Fund 051, Dept. G09, Project A19A0, Account 71930, Budget Year B2009.

STATEMENT

This resolution authorizes the Mayor and/or his designee, the Director of the Department of Engineering, to accept the bid proposal submitted by the lowest responsible bidder, Berto Construction, Inc., 625 Leesville Avenue, Rahway, New Jersey 07065 and execute Contract No. 03-2011R, Citywide Streetscape: Mt. Prospect Avenue, Lower Broadway and Bloomfield Avenue, for the total bid amount of \$4,993,902.47.