



Legislation Text

File #: 21-1700, Version: 1

Dept/ Agency: Water and Sewer Utilities

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

Type of Service: Bid Contract

Purpose: Valley Road Corrosion Control Chemical Feed System - Phase II Improvements - Contract 10-WS2021 (Rebid)

Entity Name: Underground Utilities Corporation

Entity Address: 711 Commerce Road, Linden, New Jersey 07036

Contract Amount: Not to exceed \$1,344,123.00

Funding Source: 2021 Budget/Department of Water and Sewer Utilities/NW037-750-7505-71960-B2021

Contract Period: 260 calendar days to substantial completion and 330 days from final completion from the date of the issuance of a 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:

Bid Packages Distributed: Six (6)

Bids Received: three (2)

WHEREAS, the City of Newark advertised Contract 10-WS2021 Re-bid Valley Road Corrosion Control Chemical Feed System - Phase II Improvements in the City of Newark, on October 28, 2021; and

WHEREAS, the Department of Water and Sewer Utilities (the "Department") distributed six (6) bid packages to prospective vendors following the date of bid advertisement; and

WHEREAS, on October 28, 2021, the Department received two (2) bids for said project in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the City rejected the lowest numerical bid from CMS Construction, Inc., in the amount of \$1,257,500.00 as non-responsive; and

WHEREAS, Underground Utilities Corporation, 711 Commerce Road, Linden, New Jersey 07036 submitted the lowest responsive and responsible bid, according to the specifications and in the bid total amount of \$1,344,500.00; and

WHEREAS, the City of Newark wishes to accept the lowest responsible bid submitted by Underground Utilities Corporation on October 28, 2021, and execute Contract 10-WS2021 Re-bid Valley Road Corrosion Control Chemical Feed System - Phase II Improvements, with Underground Utilities Corporation, 711 Commerce Road, Linden, New Jersey 07036, for the bid total amount not to exceed \$1,344,500.00, for a period of 260 calendar days to substantial completion and 330 days

from final completion from the date of the issuance of a written Notice to Proceed; 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 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 Underground Utilities Corporation, on October 28, 2021, and enter into and execute Contract 10-WS2021 Re-bid Phase-2(A) Sewer Cleaning and Rehabilitation, with Underground Utilities Corporation, 711 Commerce Road, Linden, New Jersey 07036, for bid total amount not to exceed \$1,344,500.00, for a period of 260 calendar days to substantial completion and 330 days from final completion from the date of the issuance of a written Notice to Proceed.
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 Fifty Thousand Dollars and Zero Cents (\$50,000.00), are available in the Department of Water and Sewer Utilities Budget under Business Unit NW037, Department ID 750, Division 7505, Account 71960 B2021. The Director of the Department of Water and Sewer Utilities is further authorized to extend the contract to the full value of \$1,344,123.00 when additional funds in the amount of \$1,294,123.00 are certified from the 2022 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 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 in the Office of the City Clerk.
3. 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., and is in compliance with the City's Contractor Pay-to-Play Reform Ordinance, R.O. 2:4-22C.

3. If required by the 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 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 Underground Utilities Corporation on October 28, 2021, and enter into and execute Contract 10-WS2021 Re-bid Valley Road Corrosion Control Chemical Feed System - Phase II Improvements, located in the City of Newark, with Underground Utilities Corporation, 711 Commerce Road, Linden, New Jersey 07036, for the bid total amount not to exceed \$1,344,500.00, for a period of 260 calendar days to substantial completion and 330 days from final completion from the date of the issuance of a written Notice to Proceed.