



# City of Newark

City Hall  
920 Broad Street  
Newark, New Jersey 07102

## Legislation Text

File #: 14-1311, Version: 1

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

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

**Type of Service:** Bid Contract

**Purpose:** Repairs to Cedar Grove Reservoir Dams Contract 08-WS2012

**Entity Name:** Ritacco Construction Inc.

**Entity Address:** 10 Lawrence Street, Belleville, New Jersey 07109

**Contract Amount:** \$1,868,578.75

**Funding Source:** Department of Water and Sewer Utilities Capital Budget, and Funded by a Dam Restoration Grant from NJDEP

**Contract Period:** 270 days from 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 Packages Distributed: Twenty (20)

Bids Received: Six (6)

**WHEREAS**, the City of Newark advertised Contract 08-WS2012 Repairs to Cedar Grove Reservoir Dams on May 28, 2014; and

**WHEREAS**, on June 26, 2014, six (6) bids were received for the said project in accordance with the Local Public Contracts Law N.J.S.A. 40A:11-1 et seq.; and

**WHEREAS**, the said Repairs to Cedar Grove Reservoir Dams project is funded by a Dam Restoration Grant from the New Jersey Department of Environmental Protection (NJDEP); and

**WHEREAS**, the lowest bid was submitted by Diaco Contracting Inc, DBA Grade Construction, 110 Pennsylvania Avenue, Paterson, New Jersey 07503, in the amount of \$1,205,953.38 for Base Bid and \$1,308,440.02 for Alternate Bid; and

**WHEREAS**, said bid submitted by Diaco Contracting was rejected by the City of Newark as being materially defective due to a failure by Diaco Contracting to allocate 25% of the total contract cost to certified Minority Business Enterprises and 7% of the total contract cost to certified Women's Business Enterprises as required by City Ordinances 10:1-2 and 2:2-28.3 under the City of Newark's Affirmative Action program and required by the bid specifications; and

**WHEREAS**, Ritacco Construction Inc., 10 Lawrence Street, Belleville, New Jersey 07109, submitted the lowest responsive and responsible bid in the amount of \$1,369,153.75 under Base Bid and \$1,471,153.75 under Alternate Bid, including supplemental bid prices in the amount of \$122,425.00 for item 1, \$23,000.00 for item 2, \$95,000.00 for item 3 and \$275,000.00 for item 4,

according to the bid specifications; and

**WHEREAS**, the City of Newark wishes to accept the bid submitted by Ritacco Construction Inc., on June 26, 2014, and execute Contract 08-WS2012 Repairs to Cedar Grove Reservoir Dams, with Ritacco Construction Inc., 10 Lawrence Street, Belleville, New Jersey 07109, for their Alternate Bid in the amount of \$1,471,153.75 including Supplemental Bid item 1 in the amount of \$122,425.00 and Alternate Bid item 4 in the amount of \$275,000.00, for a combined total contract amount not to exceed \$1,868,578.75.

**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 Director of the Department of Water and Sewer Utilities, to accept the lowest responsive and responsible bid submitted on June 26, 2014 by Ritacco Construction Inc, and execute Contract 08-WS2012 Repairs to Cedar Grove Reservoir Dams, with Ritacco Construction Inc., 10 Lawrence Street, Belleville, New Jersey 07109, for their Alternate Bid in the amount of \$1,471,153.75 including Supplemental Bid item 1 in the amount of \$122,425.00 and Alternate Bid item 4 in the amount of \$275,000.00, for a combined total Contract Amount not to exceed \$1,868,578.75.
2. Funds in the amount of \$1,868,578.75 for this project are provided as follows:  
  
\$1,488,000.00 under Business Unit: NW051, Department ID: G05, Project: W15B0, Account: 71960;  
  
\$250,000.00 under Business Unit: NW051, Department ID: G05, Project: W15B0, Account: 71240;  
  
\$130,578.75 under Business Unit: NW041, Department ID: 10W, Project: 10W50, Account: 94710.
3. Attached are three (3) Certifications of Funds issued by the Acting Director of Finance of the City of Newark which state that there are, in total, available sufficient legally appropriated funds for the purposes set forth herein above. Copies of the Certifications of Funds shall be filed in the Office of the City Clerk by the Department of Water and Sewer Utilities along with the original resolution.
4. Pursuant to N.J.S.A. 27:25-17, any and all debts, expenses or obligations incurred by the Department of Water and Sewer Utilities shall be payable only from funds available to the City of Newark, and no liability or obligation shall be incurred by the Department of Water and Sewer Utilities beyond the extent to which monies are available.
5. There shall be no amendment or change to the contract without approval by the Newark Municipal Council by resolution. There shall be no advance payment on this contract in accordance with N.J.S.A. 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 the Department of Water and Sewer Utilities.
7. This contract was solicited and awarded through a fair and open process in accordance with N.J.S.A. 19:44A-20.5.
8. 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 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.
9. This contract is to be completed within 270 calendar days after issuance of a Notice to Proceed.

### **STATEMENT**

This resolution authorizes the Mayor and/or his designee, the Director of the Department of Water and Sewer Utilities, to accept the lowest responsive and responsible bid submitted on June 26, 2014 by Ritacco Construction Inc, and execute Contract 08-WS2012 Repairs to Cedar Grove Reservoir Dams with Ritacco Construction Inc., 10 Lawrence Street, Belleville, New Jersey 07109, for their Alternate Bid in the amount of \$1,471,153.75 including Supplemental Bid item 1 in the amount of \$122,425.00 and Alternate Bid item 4 in the amount of \$275,000.00, for a combined total contract amount not to exceed \$1,868,578.75.