



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 16-0659, Version: 1

Dept/ Agency: Water and Sewer Utilities

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

Type of Service: Bid Contract

Purpose: Soil Removal and Disposal Services (Removal from Storage Yard: 63 Newark Street) - Contract 08-WS2016

Entity Name: Tricon Enterprises, Inc.

Entity Address: 323 Beers Street, Keyport, New Jersey 07735

Contract Amount: Amount not to exceed \$243,010.00

Funding Source: Department of Water and Sewer Utilities 2016 City Budget

Contract Period: Ninety (90) consecutive calendar days from the date specified on 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 Solicited: Fourteen (14)

Bids Received: Nine (9)

WHEREAS, on February, 3, 2016, the City of Newark advertised Contract 08- WS2016 Soil Removal and Disposal Services (Removal from Storage Yard: 63 Newark Street) and fourteen (14) bid documents were distributed; and

WHEREAS, on March 2, 2016, the Department received nine (9) bids for the project in accordance with the Local Public Contracts Law N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the apparent lowest bid had mathematical computation errors in its submission and therefore was not the lowest responsive and responsible bid, according to the specifications; and

WHEREAS, Tricon Enterprises, Inc., 323 Beers Street, Keyport, New Jersey 07735, submitted the second lowest responsive and responsible bid according to the specifications and in the amount of \$243,010.00; and

WHEREAS, the City wishes to accept the bid submitted by Tricon Enterprises, Inc., on March 2, 2016, and execute Contract 08-WS2016 Soil Removal and Disposal Services (Removal from Storage Yard: 63 Newark Street), with Tricon Enterprises, Inc., 323 Beers Street, Keyport, New Jersey 07735, for a total amount not to exceed \$243,010.00; and

WHEREAS, on August 1, 2012, the Newark 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.

WHEREAS, the Business Entity and any of its subcontractors, if any, have certified that it is in compliance with the Contractor Pay-to-Play Reform Ordinance, 2:4-22C.

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 Business Administrator and/or his designee the Director of the Department of Water and Sewer Utilities, to accept the lowest responsive and responsible bid submitted on March 2, 2016 by Tricon Enterprises, Inc., 323 Beers Street, Keyport, New Jersey 07735, and execute Contract 08-WS2016 Soil Removal and Disposal Services (Removal from Storage Yard: 63 Newark Street), with Tricon Enterprises, Inc., for a total amount not to exceed \$243,010.00.

2. The Contract shall be completed within ninety (90) consecutive calendar days from date specified on Notice to Proceed issued by the City of Newark Department of Water and Sewer Utilities to Tricon Enterprises, Inc.

3. This Contract is being awarded under a Temporary Budget. Pursuant to *N.J.A.C. 5:30-5.5*, a Temporary Budget, attached hereto is a partial Certification of Funds issued by the Director of Finance of the City of Newark, which states that funds in an amount of \$70,000.00 are available in the 2016 Preliminary Budget, Business Unit NW037, Department ID: 750, Division 7502, Account# 71560. The Director of the Department of Water and Sewer Utilities shall file a copy of the Certification of Funds along with the original resolution and the executed contract in the Office of the City Clerk. The remainder of \$173,010.00 in funding for this contract is subject to the appropriation of funds in the 2016 Municipal Budget, and funds will be certified prior to services being provided by the contractor. The contract is subject to the availability and appropriation of sufficient funds in accordance with *N.J.A.C. 5:30-5.5(c)* and *N.J.A.C. 5:30-5.5(d)*.

4. There shall be no amendment or change to the contract without approval by the Newark Municipal Council.

5. There shall be no advance payments made against 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 pursuant to the fair and open procedures in accordance with 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 .

8. If required by State Law, the City Clerk shall provide the appropriate notice of the award of the 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 Business Administrator and/or his designee the Director of the Department of Water and Sewer Utilities, to accept the lowest responsive and responsible bid submitted by Tricon Enterprises, Inc., 323 Beers Street, Keyport, New Jersey 07735, and execute Contract 08-WS2016 Soil Removal and Disposal Services (Removal from Storage Yard: 63 Newark Street), with Tricon Enterprises, Inc., for a total amount not to exceed \$243,010.00. The contract shall be completed within 90 consecutive calendar days from the date specified on the Notice to Proceed issued by the Department of Water and Sewer Utilities.