



# City of Newark

City Hall  
920 Broad Street  
Newark, New Jersey 07102

## Legislation Text

File #: 23-0965, Version: 1

**Dept./ Agency:** Engineering

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

**Type of Service:** Bid Contract

**Purpose:** To provide for the renovation of Fairmount Heights Park.

**Entity Name:** Zenith Construction Services, Inc.

**Entity Address:** 365 Thomas Boulevard, Orange, New Jersey 07050

**Contract Amount:** Not to exceed \$618,535.00

**Funding Source:** Community Development Block Grants (CDBG)

**Funding Account Codes:** 2022 Budget/Department of Engineering/NW027-A22-EC2P0-71910-B2022, NW027-A22-EC2S0-72090-B2022, NW027-A22-EC2T0-72090-B2022, and NW027-A22-EC2Y0-72090-B2022

**Contract Period:** 180 consecutive calendar days from the date of a written Notice to Proceed issued by the Director of Engineering and/or her designee

**Contract Basis:** (X) Bid ( ) State Vendor ( ) Prof. Ser. ( ) EUS

( ) Non-Fair & Open ( ) No Reportable Contributions ( ) RFP ( ) RFQ

( ) Private Sale ( ) Grant ( ) Sub-recipient ( ) n/a

**Addition Information:**

This Bid Contract # 2023-04 will provide for Renovation of Fairmount Heights Park, located at 211-217 12<sup>th</sup> Avenue, Newark, New Jersey, Block 1813, Lot 31, consisting of, but, not limited to, site clearing, fencing, concrete work, picnic tables, landscaping, play structures and safety surfacing.

Advertisement: January 21, 2023

Bids Solicited: Two (2)

Bids Received: One (1)

Bids Rejected: Zero (0)

**WHEREAS**, on January 21, 2023, the City of Newark (the "City"), pursuant to N.J.S.A. 40A:11-1, et seq., publicly advertised and solicited bids for the Fairmount Heights Square, Contract #2023-04; and

**WHEREAS**, on February 16, 2023, the City received one (1) bid for Contract #2023-04 Renovation of Fairmount Heights Park, located 211-217 12<sup>th</sup> Avenue, Newark, New Jersey; and

**WHEREAS**, in accordance with that advertisement, the bids were received, publicly opened, and read aloud on February 16, 2023; and

**WHEREAS**, the project specifications required that bidders construct the Project in accordance therewith and with the proposed Contract Documents; and

**WHEREAS**, Zenith Construction Services, Inc., the lowest bidder on the Project, submitted a bid in the total amount of **Six Hundred Eighteen Thousand Five Hundred Thirty-Five Dollars and**

**Zero Cents (\$618,535.00)**, per the project specifications and N.J.S.A. 40A:11-1, et seq.; and

**WHEREAS**, Zenith Construction Services, Inc. possesses the required qualifications and/or identified all required subcontractors per the bid specifications such that there are no material defects in Zenith Construction Services, Inc.'s bid and therefore, it is the lowest responsible and responsive bidder for the project; and

**WHEREAS**, the Director of the Department of Engineering has determined that it is in the best interest of the City of Newark to accept the bid proposal and enter into and execute Contract #2023-04 for Renovation of Fairmount Heights Park, located at 211-217 12<sup>th</sup> Avenue, Newark, New Jersey, Block 1813, Lot 31, with the lowest responsible bidder, Zenith Construction Services, Inc., 365 Thomas Boulevard, Orange, New Jersey 07050, in the total bid amount of **Six Hundred Eighteen Thousand Five Hundred Thirty Five Dollars and Zero Cents (\$618,535.00)**; and

**WHEREAS**, the proposed project consists of, but is not limited to, site clearing, fencing, concrete work, picnic tables, landscaping, play structures and safety surfacing; and

**WHEREAS**, the public advertisement and the receipt of public bids and the award of the contract to the lowest responsible bidder, pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq. constitutes a Fair and Open Process.

**NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:**

1. The Mayor of the City of Newark and/or his designee, the Director of the Department of Engineering, are hereby authorized on behalf of the City of Newark to award Contract #2023-04 to Zenith Construction Services, Inc., 365 Thomas Boulevard, Orange, New Jersey 07050, for the total contract amount of **Six Hundred Eighteen Thousand Five Hundred Thirty Five Dollars and Zero Cents (\$618,535.00)**, for the renovation of Fairmount Heights Park located at 211-217 12<sup>th</sup> Avenue, Newark, New Jersey, Block 1813, Lot 31, for a contract term not to exceed 180 consecutive calendar days from the date of a written Notice to Proceed issued by the Director of the Department of Engineering and/or her designee.

2. The Director of the Department of Engineering has determined that it is in the best interest of the City of Newark to accept the bid proposal and enter into and execute Contract # 2023-04, for Renovation of Fairmount Heights Park, located at 211-217 12<sup>th</sup> Avenue, Newark, New Jersey, Block 1813, Lot 31, with the lowest responsible bidder, Zenith Construction Services, Inc., 365 Thomas Boulevard, Orange, New Jersey 07050, in the total bid amount of **Six Hundred Eighteen Thousand Five Hundred Thirty Five Dollars and Zero Cents (\$618,535.00)**.

3. Attached hereto are Certifications of Funds issued by the Chief Financial Officer, City of Newark, which state that there are available sufficient legally appropriated funds in the amount of **Six Hundred Eighteen Thousand Five Hundred Thirty Five Dollars and Zero Cents (\$618,535.00)**, for the purposes set forth herein. Copies of the Certification of Funds shall be filed in the Office of the City Clerk by the Director of the Department of Engineering, together with this Resolution.

BUSINESS UNIT	DEPTID	DIV/PROJECT	ACCOUNT	BUDGET REF	BUDGET AMT	CERTIFICATION AMOUNT
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NW027	A22	EC2P0	71910	B2022	900,000.00	130,141.68
NW027	A22	EC2S0	72090	B2022	1,657,334.00	462,510.34
NW027	A22	EC2T0	72090	B2022	500,000.00	4,943.06
NW027	A22	EC2Y0	72090	B2022	200,000.00	20,939.92
						<b>618,535.00</b>

4. No changes to this contract shall be allowed or authorized without prior Municipal Council approval.

5. 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 and/or his designee.

6. This contract is to be completed within a period of 180 consecutive calendar days from the issuance of a formal Notice to Proceed by the Director of the Department of Engineering.

7. 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.

8. There shall be no advance payments made against this contract in accordance with N.J.A.C. 40A:5-16.

9. 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 of the City of Newark and/or his designee, the Director of the Department of Engineering, to award Contract #2023-04, for Renovation of Fairmount Heights Park, located at 211-217 12<sup>th</sup> Avenue, Newark, New Jersey, Block 1813, Lot 31 to the lowest responsible bidder, Zenith Construction Services, Inc., 365 Thomas Boulevard, Orange, New Jersey 07050, in the total bid amount of \$618,535.00. This contract is to be completed within a period of 180 consecutive calendar days from the date of a written Notice to Proceed issued by the Director of the Department of Engineering and/or her designee.