



## Legislation Details (With Text)

**File #:** 12-2032      **Version:** 1      **Name:** Montana Construction Corp. - Emergency Repair of Sewers - Contract 01-WS2012 (Re-bid)  
**Type:** Resolution      **Status:** Filed  
**File created:** 10/7/2012      **In control:** Water Sewer Utility  
**On agenda:** 1/16/2013      **Final action:** 1/16/2013

**Title:** Dept/ Agency: Water and Sewer Utilities  
Action: ☐ Ratifying ☒ Authorizing ☐ Amending  
Type of Service: Bid Contract  
Purpose: To provide Emergency Repair of Sewers Contract 01-WS2012 (Re-bid)  
Entity Name: Montana Construction Corp.  
Entity Address: 80 Contant Ave, Lodi, New Jersey 07644  
Contract Amount: \$2,197,660.00  
Funding Source: Department of Water and Sewer Utilities budget  
Contract Period: Seven Hundred Thirty (730) days from the date of the Notice to Proceed  
Contract Basis: ☒ Bid ☐ State Vendor ☐ Prof. Ser. ☐ EUS  
☐ Fair & Open ☐ No Reportable Contributions ☐ RFP ☐ RFQ  
☐ Private Sale ☐ Grant ☐ Sub-recipient ☐ n/a  
Additional Information:  
Bids Solicited: Six (6)  
Bids Received: Two (2)  
Bids Rejected: Two (2)  
Bids Re-Solicited: Three (3)  
Bids Received: Three (3)

### Sponsors:

### Indexes:

### Code sections:

Date	Ver.	Action By	Action	Result
1/16/2013	1	Municipal Council	Adopt	Pass

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**WHEREAS**, the City of Newark advertised Contract 01-WS2012 Emergency Repair of Sewers on August 2, 2012; and

**WHEREAS**, on August 14, 2012, two (2) bids were received for the said project, and the bids were rejected due to the reason that the low bidder failed to identify firms that would achieve compliance with the City's Affirmative Action goals, and other bid irregularities; and

**WHEREAS**, the City of Newark revised the Specifications and on August 17, 2012 re-advertised Contract 01-WS2012 (Re-bid) Emergency Repair of Sewers, and three (3) bids were received on September 7, 2012 for the said project in accordance with the Local Public Contracts Law N.J.S.A. 40A:11-1 et seq.; and

**WHEREAS**, Montana Construction Corp Inc., 80 Contant Avenue, Lodi, New Jersey 07644, submitted the lowest responsive and responsible bid in the amount of \$2,197,660.00, according to the bid specifications; and

**WHEREAS**, the City of Newark wishes to accept the bid submitted by Montana Construction Corp Inc., on September 7, 2012, and execute Contract 01-WS2012 (Re-bid) Emergency Repair of Sewers, with Montana Construction Corp Inc., 80 Contant Avenue, Lodi, New Jersey 07644, for the total amount not to exceed \$2,197,660.00.

**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 Acting Director of the Department of Water and Sewer Utilities, to accept the lowest responsive and responsible bid submitted on September 7, 2012 by Montana Construction Corp Inc., and execute Contract 01-WS2012 (Re-bid) Emergency Repair of Sewers with Montana Construction Corp Inc., 80 Contant Avenue, Lodi, New Jersey 07644, for the total amount not to exceed \$2,197,660.00.
2. Pursuant to N.J.A.C. 5:30-5.5, attached hereto is a Partial Certification of Funds from the Director of Finance, which states that funds in the amount of \$400,000.00 are available in the 2012 Temporary Budget under Business Unit: NW038, Department ID: 800, Division: 8007, Account: 71970. The certification shall be filed along with the original resolution in the Office of the City Clerk. The remainder of the funding for this contract will be subject to appropriation in the 2012, 2013 and 2014 Budget and funds will be certified prior to services being provided by the contractor.
3. Attached is the Certification of Funds issued by the Director of Finance of the City of Newark, which states that there are available sufficient legally appropriated funds for the purposes set forth herein above. A copy of the Certification 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.
3. 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.

3. There shall be no amendment or change to the contract without approval by the Newark Municipal Council. There shall be no advance payment on this contract in accordance with N.J.S.A. 40A:5-16.
3. A fully executed copy of the contract shall be filed in the Office of the City Clerk by the Acting Director of the Department of Water and Sewer Utilities.
3. This contract was solicited and awarded through a fair and open process in accordance with N.J.S.A. 19:44A-20.5.
3. 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.

### **TIME OF COMPLETION**

This contract is to be completed within seven hundred thirty (730) calendar days after issuance of a Notice to Proceed.

### **STATEMENT**

This resolution authorizes the Mayor and/or his designee, the Acting Director of the Department of Water and Sewer Utilities, to accept the lowest responsive and responsible bid submitted on September 7, 2012 by Montana Construction Corp Inc., 80 Contant Avenue, Lodi, New Jersey 07644 and execute Contract 01-WS2012 (Re-bid) Emergency Repair of Sewers for the period of seven hundred thirty (730) calendar days, for a total contract amount not to exceed \$2,197,660.00.