



Legislation Details (With Text)

File #: 12-2112 **Version:** 1 **Name:** Contract 08-2012RR Renovations to Hayes Park East Rebid
Type: Resolution **Status:** Filed
File created: 10/16/2012 **In control:** Engineering
On agenda: 2/20/2013 **Final action:** 2/20/2013

Title: Dept/ Agency: Engineering
Action: ☐ Ratifying ☒ Authorizing ☐ Amending
Type of Service: Bid Contract
Purpose: Renovation of Hayes Park East, Newark, New Jersey 07105
Entity Name: Arco Construction Group
Entity Address: 22-24 South Seventh Street, Elizabeth, New Jersey 07202
Contract Amount: \$7,511,000.00
Funding Source: City of Newark Budget/Engineering/Open-Ended
Contract Period: Twelve (12) Months from 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: 18
Bids Received: 5
Bids Rejected: 5
Bids Re-Solicited: 22
Bids Received: 8
Bids Rejected: 8
Bids Re-Solicited: 9
Bids Received: 5
Bids Rejected: 2
Contract #08-2012(RR)

Sponsors:

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
2/20/2013	1	Municipal Council	Adopt	Pass

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WHEREAS, on April 17, 2012, the Department of Engineering, City of Newark, advertised for the receipt of bids for Contract #08-2012 Renovation of Hayes Park East, Newark, New Jersey 07105, pursuant to the Local Public Contracts Laws, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, on June 12, 2012, the advertised, scheduled date for the public opening of bids, five (5) bids were received; and

WHEREAS, after a review of the bids received, the City of Newark rejected all bids pursuant to N.J.S.A. 40A:11-13.2 (a), because the lowest bid substantially exceeded the cost estimated for the goods and services; and

WHEREAS, on June 13, 2012, all contractors were notified by certified mail and email that a re-bid would take place and all were invited to participate; and

WHEREAS, on June 26, 2012, the Department of Engineering advertised a re-bid for the receipt of bids for Contract #08-2012(RR) Renovation of Hayes Park East; and

WHEREAS, on July 27, 2012, the advertised, scheduled date for the public opening of bids, eight (8) bids were received; and

WHEREAS, after a review of the bids received and bid protests received, the Department of Engineering rejected all bids pursuant to N.J.S.A. 40A:11-13.2 (d), because the contracting unit determined that it wanted to substantially revise the front-end specifications due to defects discovered in the specification language; and

WHEREAS, on September 7, 2012, all contractors were notified by certified mail and email that a re-bid would take place and all were invited to participate; and

WHEREAS, on September 28, 2012, the Department of Engineering advertised a re-bid for the receipt of bids for Contract #08-2012(RR) Renovation of Hayes Park East, Newark, New Jersey 07105; and

WHEREAS, on October 4, 2012, the advertised, scheduled date for the public opening of bids, five (5) bids were received; and

WHEREAS, the Director of the Department of Engineering, following the receipt of bid protest letters from legal counsel to ARCO Construction Group, rejected two (2) bids (Bismark Construction Co., Inc. and Berto Construction Inc.), because they were materially defective; 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 execute Contract #08-2012(RR) Renovation of Hayes Park East, Newark, New Jersey 07105, with the lowest responsible bidder, Arco Construction Group, 22-24 South Seventh Street, Elizabeth, New Jersey 07202, in the total bid amount of \$7,511,000.00 (Base Bid for \$6,885,000 + Allowance + Alternates #1, #1A, #1B, #1C, #2, #2A, #2B, and #3, for a Total Amount of \$7,511,000.00); and

WHEREAS, some of the major items of work covered by this contract are the construction of two new pre-engineered buildings, site work including a new pool, patio, multi-purpose courts, playgrounds, a skate park and picnic areas; and

WHEREAS, presently an amount of \$5,000,000.00 is identified and certified for this project, and the Director of the Department of Engineering shall not authorize work or expend additional sums in excess of the presently certified funds until a certification of funds for the balance of the contract amount is filed in the Office of the City Clerk.

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

1. The Mayor and/or his designee the Director of the Department of Engineering is hereby authorized to accept the bid submitted by the lowest responsible bidder, Arco Construction Group, 22-24 South Seventh Street, Elizabeth, New Jersey 07202, and execute Contract #08-2012(RR) Renovation of Hayes Park East, Newark, New Jersey, for a total amount not to exceed \$7,511,000.00.
2. Attached hereto are partial certifications of funds issued by the Chief Financial Officer, City of Newark, which states that there are available sufficient legally appropriated funds in the amount of \$5,000,000.00 for the purpose set forth hereinabove. 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.
3. The Mayor and/or his designee, the Director of the Department of Engineering, is hereby authorized to extend this contract to its full value of \$7,551,000.00, when a certification of funds for the balance of the funds necessary to complete the project, or \$2,551,000.00, is issued by the Director of Finance and filed in the Office of the City Clerk.
4. The term of this contract shall be one (1) year from the date a formal "Notice to Proceed" is issued by the Director of Engineering or his designee.
5. No changes to this contract shall be allowed or authorized without prior Municipal Council approval.
6. There shall be no advance payments made against this contract in accordance with N.J.A.C. 40A:5-16.
7. A fully executed copy of the contract shall be filed in the Office of the City Clerk by the Director of Engineering or his designee.

8. The public bidding process pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq. complies with the award requirements under 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. and is in compliance with the City of Newark Executive Order and Pay-to-Play (MEO-07--0001).
9. Notice of the award of this contract shall be made by the City Clerk on the form prescribed by the Office of the State Comptroller (OSC Contract Compliance from A) to the Comptroller of the State of New Jersey pursuant to N.J.S.A. 52:15C-10, as the planned expenditures for the referenced contract exceeds \$2,000,000.00.
10. Partial funds for this contract in the amount of \$5,000,000.00, is provided from Fund: NW045, Department: 007, Project: 07BY0, Account: 94710, Budget Year: B2007. The balance of the funds necessary to complete the project shall be obtained from the 2013 Budget.

STATEMENT

This resolution authorizes the Mayor and/or his designee, the Director of the Department of Engineering, to award and execute Contract #08-2012(RR) Renovation of Hayes Park East, Newark, New Jersey 07105, with the lowest responsible bidder - Arco Construction Group, 22-24 South Seventh Street, Elizabeth, New Jersey 07202, the lowest, responsible bidder for the **base bid for \$6,885,000 + Allowance + Alternates #1, #1A, #1B, #1C, #2, #2A, #2B, and #3, for a Total Amount of \$7,511,000.00.**