



Legislation Details (With Text)

File #: 14-0025 **Version:** 1 **Name:** SPECIAL CONF 012814 - Netting Facility at Freeman Street CSO
Type: Resolution **Status:** Filed
File created: 1/8/2014 **In control:** Water Sewer Utility
On agenda: 2/5/2014 **Final action:** 2/6/2014

Title: Dept/ Agency: Water and Sewer Utilities
Action: () Ratifying (X) Authorizing () Amending
Type of Service: Bid Contract
Purpose: Construction of Netting Facility at Freeman Street - Contract 11-WS2004
Entity Name: Montana Construction Corp. Inc.
Entity Address: 80 Contant Avenue, Lodi, New Jersey 07644
Total Contract Amount: \$1,696,446.00
Funding Source: Department of Water and Sewer Utilities Capital Budget
Contract Period: 180 days from 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: N/A
Bid Packages Distributed: Fifteen (15)
Bids Received: Seven (7)

Sponsors: Council of the Whole

Indexes:

Code sections:

| Date | Ver. | Action By | Action | Result |
|----------|------|-------------------|--------|--------|
| 2/6/2014 | 1 | Municipal Council | Adopt | Pass |

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WHEREAS, on December 6, 2013, the City of Newark publicly advertised a Notice to

Contractors Bid Advertisement for the construction of a Phase-III(C) Netting Facility at Freeman Street, located in the East Ward in the City of Newark, Contract No. 11-WS2004 (a copy of the advertisement is attached hereto and made a part hereof); and

WHEREAS, the Department of Water and Sewer Utilities distributed fifteen (15) bid packages to prospective vendors following the date of bid advertisement; and

WHEREAS, on January 7, 2014, seven (7) 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, Montana Construction Corp. Inc., 80 Contant Avenue, Lodi, New Jersey 07644, submitted the lowest responsive and responsible bid according to the specifications, in the amount of \$1,696,446.00 (a copy of the Bid Tabulation Sheet is attached hereto and made a part hereof); and

WHEREAS, Contract 11-WS2004 Phase-III(C) Netting Facility at Freeman Street is funded by a low-interest loan from the New Jersey Department of Environmental Protection ("NJDEP") and the New Jersey Environmental Infrastructure Trust, and for which the City of Newark received an approval from the NJDEP; and

WHEREAS, the Acting Director of the City of Newark's Department of Water and Sewer Utilities recommends the City enter into and execute Contract No. 11-WS2004 with Montana Construction Corp. Inc., for the construction of a Phase-III(C) Netting Facility at Freeman Street, for a total amount not to exceed \$1,696,446.00 (a copy of the Bid Evaluation and Recommendation is attached hereto and made a part hereof).

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 enter into and execute a contract with Montana Construction Corp. Inc., 80 Contant Avenue, Lodi, New Jersey 07644, for the construction of a Phase-III(C) Netting Facility at Freeman Street for the total amount not to exceed \$1,696,446.00.
2. The construction described in, and required by, this contract is to be completed within 180 calendar days after issuance of a Notice to Proceed.
3. Attached is the Certification of Funds issued by the Acting 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 for this project, more specifically as follows: Business Unit NW044, Department ID S05, Div/Project 05S20, Account 94710.
4. There shall be no amendment or change to the contract without approval by the Newark Municipal Council.
5. 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, and all the documents herein, including the Certification of Funds and the Original Resolution, shall be filed in the Office of the City Clerk, by the Acting Director of the Department of Water and Sewer Utilities.
7. A fully executed copy of the contract shall be filed with the New Jersey Department of Environmental Protection by the Acting Director of the Department of Water and Sewer Utilities.
8. This contract was solicited and awarded through a publicly advertised bid in accordance with New Jersey's "Local Public Contracts Law," N.J.S.A 40A:11-1 et seq., which is a "fair and open process" in accordance with the "New Jersey Local Unit Pay-to-Play" law, N.J.S.A. 19:44A-20.4 et seq., and in accordance with the City of Newark's "Executive Order On Contract Pay-to-Play Reform," MEO-07-0001, and "Contractor Pay-to-Play Reform Ordinance."
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 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 Acting Director of the Department of Water and Sewer Utilities, to enter into and execute a contract with Montana Construction Corp. Inc., 80 Contant Avenue, Lodi, New Jersey 07644, for the construction of a Phase -III(C) Netting Facility at Freeman Street, for a total amount not to exceed \$1,696,446.00, with said construction to be completed within a period of 180 days from the Notice to Proceed.