



## Legislation Details (With Text)

**File #:** 16-1882      **Version:** 1      **Name:** Demolition and Remediation Contract with Yannuzzi  
**Type:** Resolution      **Status:** Adopted  
**File created:** 12/5/2016      **In control:** Economic and Housing Development  
**On agenda:** 4/5/2017      **Final action:** 4/5/2017

**Title:** Dept./ Agency: Economic and Housing Development  
Action: ☐ Ratifying ☒ Authorizing ☐ Amending  
Type of Service: Bid Contract  
Purpose: Demolition and Remediation of Former Northern NJ Oil Site 2078-2090 McCarter Hwy.  
(Block 827.01, Lots 11/12) and Former Lionetti Oil Site 123-129 Riverside Avenue (Block 725, Lot 12)  
and Former Maas and Waldstein Site 2104-2118 McCarter Highway (Block 827, Lot 1)  
Entity Name: Yannuzzi Group, Inc.  
Entity Address: 135 Kinnelon Road, Suite 102, Kinnelon, New Jersey 07405  
Contract Amount: Amount not to exceed \$588,830.00  
Funding Source: United States Environmental Protection Agency Cleanup Grants, Community  
Development Block Grant  
Contract Period: One year from the date of issuance of a Notice to Proceed by the Deputy  
Mayor/Director of the Department of Economic and Housing Development  
Contract Basis: ☒ Bid ☐ State Vendor ☐ Prof. Ser. ☐ EUS  
☐ Fair & Open ☐ No Reportable Contributions ☐ RFP ☐ RFQ  
☐ Private Sale ☐ Grant ☐ Sub-recipient ☐ n/a  
Additional Information:

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
4/5/2017	1	Municipal Council	Adopt	Pass

**Dept./ Agency:** Economic and Housing Development  
**Action:** ☐ Ratifying ☒ Authorizing ☐ Amending  
**Type of Service:** Bid Contract  
**Purpose:** Demolition and Remediation of Former Northern NJ Oil Site 2078-2090 McCarter Hwy.  
(Block 827.01, Lots 11/12) and Former Lionetti Oil Site 123-129 Riverside Avenue (Block 725, Lot 12)  
and Former Maas and Waldstein Site 2104-2118 McCarter Highway (Block 827, Lot 1)  
**Entity Name:** Yannuzzi Group, Inc.  
**Entity Address:** 135 Kinnelon Road, Suite 102, Kinnelon, New Jersey 07405  
**Contract Amount:** Amount not to exceed \$588,830.00  
**Funding Source:** United States Environmental Protection Agency Cleanup Grants, Community  
Development Block Grant  
**Contract Period:** One year from the date of issuance of a Notice to Proceed by the Deputy  
Mayor/Director of the Department of Economic and Housing Development  
**Contract Basis:** ☒ Bid ☐ State Vendor ☐ Prof. Ser. ☐ EUS  
☐ Fair & Open ☐ No Reportable Contributions ☐ RFP ☐ RFQ  
☐ Private Sale ☐ Grant ☐ Sub-recipient ☐ n/a  
**Additional Information:**

**WHEREAS**, the City of Newark, Department of Engineering (the “City”) issued a public Bid Advertisement soliciting sealed proposals in the Star-Ledger on July 28, 2016, with a due date of August 23, 2016, for Demolition and Environmental Remediation Services, at Former Northern NJ Oil Site, 2078-2090 McCarter Highway (Block 827.01, Lots 11/12), Former Lionetti Oil Site 123-129 Riverside Avenue (Block 725, Lot 12) and Former Maas and Waldstein Site 2104-2118 McCarter Highway (Block 827, Lot 1), City of Newark, New Jersey, Contract # 2016-06, in accordance with the requirements of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. (the “LPCL”); and

**WHEREAS**, bids were publicly received and opened at the time and place specified in the Bid Advertisement, being August 23, 2016, and received three (3) bids from the companies listed below at the bid price shown:

Yannuzzi Group, Inc. Kinnelon, New Jersey	\$858,611.00
Caravella Demolition, Inc. East Hanover, New Jersey	\$869,432.00
Aurora Environmental, Inc. Union Beach, New Jersey	\$1,450,240.00

**WHEREAS**, upon review of the bid received from the apparent lowest bidder, Yannuzzi Group, Inc., a discrepancy was noted with respect to the item totals for the individual bid items numbered 1-5, and the total for bid items 1-5; and

**WHEREAS**, in response to a request for clarification as to the discrepancy between the item totals for the individual bid items, and the total for all bid items, the apparent lowest bidder, Yannuzzi Group, Inc., by letter dated September 6, 2016, attached hereto, confirmed in relevant part that: (1) the total for bid items 1-5 for the Former Lionetti Site is \$187,715.00; (2) the total for bid items 1-5 for the Former Northern NJ Oil Site, Lot 11, is \$286,275.00; (3) the total for bid items 1-5 for the Former Northern NJ Oil Site, Lot 12, is \$189,365.00, consistent with the item totals contained in the bid submitted for the individual bid items, therefore the total amount of the bid submitted by Yannuzzi Group, Inc., is \$663,355.00; and

**WHEREAS**, the Yannuzzi Group, Inc., submitted the lowest responsive and responsible bid, as calculated prior to and after the clarification of the arithmetic error, and complies with the requirements of the Local Public Contracts Law and the bid documents; and

**WHEREAS**, with respect to that portion of the bid pertaining to the Former Northern NJ Oil Site, Lot 11, sufficient funding is only available to contract for the performance of items (1) Demolition: Aboveground Bulk Storage Tanks & Other Equipment and the requisite chain link fence and gate as set forth in item (5); and

**WHEREAS**, in Article 5, Section 5.2.2 of the Instructions to Bidders as contained in the bid documents, the City “expressly reserved the right to eliminate and reject any or all of the items in the Bid... to obtain proper and adequate work within the funds available;” and

**WHEREAS**, the City desires to exercise its right pursuant to Article 5, Section 5.2.2 to

eliminate Bid Item 2 (Remedial Excavation), Bid Item 3 (Remedial Excavation: Post-excavation Sample Collection and Analysis: TCL+30/TAL Analytical Parameters), and Bid Item 4 (Remedial Excavation: Post-excavation Sample Collection and Analysis: Extractable Petroleum Hydrocarbons (EPH) Category II) as set forth at page 00 4000-4, Bid Form of Proposal, relevant to the Former Northern NJ Oil Site Lot 11, due to the fact that sufficient funding is not available for the performance of these bid items; and

**WHEREAS**, the City desires to exercise its right, as set forth in the Notice to Bidders and bid specifications, "to waive nonmaterial informalities or irregularities in a Bid received; and to accept the Bid of the apparent lowest bidder, Yannuzzi Group, for the performance of (1) bid items 1-5 for the Former Lionetti Site in the amount of \$187,715.00; (2) bid items 1 and 5 for the Former Northern NJ Oil Site, Lot 11, in the amount of \$211,750.00; and (3) bid items 1-5 for the Former Northern NJ Oil Site, Lot 12, in the amount of \$189,365.00, for a total contract price not to exceed \$588,830.00; and

**WHEREAS**, the Municipal Council adopted the Contractor Pay-to-Play Reform Ordinance, R.O. 2:4-22C, which forbids the award of a contract to 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 part or candidate committees, in excess of certain thresholds.

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

1. The City hereby rejects Former Northern NJ Oil Site Lot 11, Bid Item 2 (Remedial Excavation), Bid Item 3 (Remedial Excavation: Post-excavation Sample Collection and Analysis: TCL+30/TAL Analytical Parameters), and Bid Item 4 (Remedial Excavation: Post-excavation Sample Collection and Analysis: Extractable Petroleum Hydrocarbons (EPH) Category II) as set forth at page 00 4000-4, and as contained in the bid of Yannuzzi Group, Inc., in accordance with Article 5, Section 5.2.2, of the Instructions to Bidders, as the bid items are not within the funds available.

2. The City hereby exercises its discretion to waive all nonmaterial informalities or irregularities with respect to the bid of Yannuzzi Group, Inc., received on August 23, 2016.

3. The Mayor and/or his designee, the Deputy Mayor/Director of the Department of Economic and Housing Development, are hereby authorized on behalf of the City of Newark to enter into Contract # 2016-06 with Yannuzzi Group, Inc., 135 Kinnelon Road, Suite 102, Kinnelon, New Jersey 07405, to provide Demolition and Environmental Remediation Services at Former Northern NJ Oil Site 2078-2090 McCarter Highway (Block 827.01, Lots 11/12), Former Lionetti Oil Site 123-129 Riverside Avenue (Block 725, Lot 12) City of Newark, New Jersey and Former Maas and Waldstein Site, 2104-2118 McCarter Highway (Block 827, Lot 1).

4. The contract shall be for an amount not to exceed Five Hundred Eighty-Eight Thousand Eight Hundred Thirty Dollars and Zero Cents (\$588,830.00) which represents the amount remaining on the existing appropriation for such services, as well as those eligible activities funded from the Hazardous Discharge Site Remediation Fund, the New Jersey Department of Environmental Protection, the United States Environmental Protection Agency and/or other third party funds.

5. This contract is being awarded pursuant to the fair and open procedures of the State Pay-to-Play Law (N.J.S.A. 19:44A-20.5) and pursuant to the provisions of the Local Public Contacts Law (N.J.S.A. 40A:11-5(1)(a)(i)); is in compliance with the City's Contractor Pay-to-Play Reform Ordinance, R.O. 2:4-22C.

6. Attached hereto are Certification of Funds from the Finance Director of the City of Newark, which states (1) that there are sufficient funds in the amount of \$588,830.00 for the purpose set forth herein above; and (2) that the line appropriation which shall be charged is as follows:

<u>Bus. Unit</u>	<u>Dept.</u>	<u>Div./Proj.</u>	<u>Activity</u>	<u>Acct. #</u>	<u>Budget Ref.</u>
NW027	A15	EC5D0	A	72090	B2015
NW051	G16	D1610	A	72090	B2016
NW051	G13	D13B0	A	72090	B2013
NW051	G12		D12W0	A	72090
					B2012

7. A fully executed copy of this contract and Notice to Proceed shall be filed in the Office of the City Clerk by the Deputy Mayor/Director of the Department of Economic and Housing Development.

8. There shall be no advance payments against this contract pursuant to N.J.S.A. 40A:5-16.

9. A notice of this action shall be published in the newspaper authorized by law to publish a legal advertisement and as required by law within ten (10) days of the adoption of this Resolution.

### **STATEMENT**

This resolution authorizes the Mayor and/or his designee, the Deputy Mayor/Director of the Department of Economic and Housing Development to enter into and execute a contract with Yannuzzi Group Inc, at 135 Kinnelon Road, Suite 102, Kinnelon, New Jersey 07405, to provide Demolition and Environmental Remediation Services at the Former Northern NJ Oil Site, 2078-2090 McCarter Highway (Block 827.01 Lots 11/12), the Former Lionetti Oil Site 123-129 Riverside Avenue (Block 725 Lot 12), and the Former Maas and Waldstein Site, 2104-2118 McCarter Highway (Block 827, Lot 1) City of Newark, New Jersey, in an amount not to exceed Five Hundred Eighty-Eight Thousand Eight Hundred Thirty Dollars (\$588,830.00), upon issuance of a Notice to Proceed by the Deputy Mayor/Director of the Department of Economic and Housing Development.