



## Legislation Details (With Text)

**File #:** 17-0014      **Version:** 1      **Name:** Broad St. at South St., Tichenor St. and Lincoln Park Pedestrian Safety Project  
**Type:** Resolution      **Status:** Adopted  
**File created:** 1/6/2017      **In control:** Engineering  
**On agenda:** 5/9/2017      **Final action:** 5/9/2017

**Title:** Dept/ Agency: Engineering  
Action: ☐ Ratifying ☒ Authorizing ☐ Amending  
Type of Service: Bid Contract  
Purpose: Broad Street at South Street, Tichenor Street and Lincoln Park Pedestrian Safety Project  
Entity Name: Berto Construction Inc.  
Entity Address: 625 Leesville Avenue, Rahway, New Jersey 07065  
Contract Amount: An amount not to exceed \$2,263,406.89  
Funding Source: Federal Highway Authority/NJ Department of Transportation  
Contract Period: 365 consecutive calendar days from the issuance of a formal Notice to Proceed by the Director of the Department of Engineering  
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:  
Bids Received: (1)  
Bids Rejected:  
Bids Re-Solicited:  
Bids Received:  
Grant award was for \$2,662,843. Contract amount is \$2,263,406.89. The \$399,436.19 is being reserved for change orders.

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
5/9/2017	1	Municipal Council	Adopt	Pass

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**WHEREAS**, the Division of Traffic and Signals, Department of Engineering, City of Newark, advertised for receipt of bids in 2015, the only bid received was rejected because it substantially exceeded the engineer's cost estimate pursuant to N.J.S.A. 40A:11-13.2(a); and

**WHEREAS**, the Division of Traffic and Signals, Department of Engineering, City of Newark, advertised a second time for receipt of bids; bids were advertised on April 28, 2016, May 5, 2016 and May 12, 2016, for Contract No. 04-2014(R), Federal Project No. STP 7628(103) CON, Broad Street at South Street, Tichenor Street and Lincoln Park Pedestrian Safety Project; and

**WHEREAS**, on June 2, 2016, the Division of Traffic and Signals received one (1) bid from Berto Construction Inc. Contract No. 04-2014(R), Federal Project No. STP 7628(103) CON, Broad Street at South Street, Tichenor Street and Lincoln Park Pedestrian Safety Project, in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

**WHEREAS**, based on a review of the bid, the Director of the Department of Engineering, desires to accept the bid proposal submitted by the lowest responsible bidder Berto Construction Inc., 625 Leesville Avenue, Rahway, New Jersey 07065 and execute Contract No. 04-2014(R), Federal Project No. STP 7628(103) CON, Broad Street at South Street, Tichenor Street and Lincoln Park Pedestrian Safety Project, for an amount not to exceed \$2,263,406.89 (Two Million Two-Hundred Sixty-Three Thousand Four Hundred and Six Dollars and Eighty-Nine Cents) for a period of 365 consecutive calendar days from the issuance of a formal Notice to Proceed by the Director of the Department of Engineering.

**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, are hereby authorized on behalf of the City of Newark to accept the bid proposal submitted by the lowest responsible bidder, Berto Construction Inc., 625 Leesville Avenue, Rahway, New Jersey 07065 and execute Contract No. 04-2014(R), Federal Project No. STP 7628(103) CON, Broad Street at South Street, Tichenor Street and Lincoln Park Pedestrian Safety Project, for an amount not to exceed \$2,263,406.89 (Two Million Two-Hundred Sixty-Three Thousand Four Hundred and Six Dollars and Eighty-Nine Cents) for a period of 365 consecutive calendar days from the issuance of a formal Notice to Proceed by the Director of the Department of Engineering.
2. Attached hereto are 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 \$2,263,406.89 (Two Million Two-Hundred Sixty-Three Thousand Four Hundred and Six Dollars and Eighty-Nine Cents) for the purpose set forth hereinabove. Copies of the Certification of Funds issued shall be filed in the Office of the City Clerk by the Director of the

Department of Engineering together with this resolution.

3. No changes to this contract are allowed without prior Municipal Council approval.
4. 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.
5. This contract is to be completed within a period of 365 consecutive calendar days from the issuance of a formal Notice to Proceed by the Director of the Department of Engineering.
6. 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.
7. Funds in the amount of \$2,263,406.89 (Two Million Two-Hundred Sixty-Three Thousand Four Hundred and Six Dollars and Eighty-Nine Cents) are provided as below:

\$2,263,406.89

Fund 051, Dept. G17, Project E17U0, Account 71930, Budget Year B2017.

### **STATEMENT**

This resolution authorizes the Mayor and/or his designee, the Director of the Department of Engineering, to accept the bid proposal submitted by the lowest responsible bidder, Berto Construction Inc., 625 Leesville Avenue, Rahway, New Jersey 07065 and execute Contract No. 04-2014(R), Federal Project No. STP 7628(103) CON, Broad Street at South Street, Tichenor Street and Lincoln Park Pedestrian Safety Project, for an amount not to exceed \$2,263,406.89 (Two Million Two-Hundred Sixty-Three Thousand Four Hundred and Six Dollars and Eighty-Nine Cents) subject to the approval of the New Jersey Department of Transportation (DOT) for a period of 365 consecutive calendar days from the issuance of a formal Notice to Proceed by the Director of the Department of Engineering.