



## Legislation Details (With Text)

**File #:** 17-0913      **Version:** 1      **Name:** Pequannock Sludge Lagoon Remediation - Spectraserv Inc  
**Type:** Resolution      **Status:** Adopted  
**File created:** 5/4/2017      **In control:** Water Sewer Utility  
**On agenda:** 7/12/2017      **Final action:** 7/12/2017

**Title:** Dept/ Agency: Water and Sewer Utilities  
Action: ☐ Ratifying ☒ Authorizing ☐ Amending  
Type of Service: Bid Contract  
Purpose: Pequannock Sludge Lagoon Remediation - Contract 06-WS2017 (Rebid)  
Entity Name: Spectraserv, Inc.  
Entity Address: 75 Jacobus Avenue, Kearny, New Jersey 07032  
Total Contract Amount: Amount not to exceed \$1,175,000.00  
Funding Source: Department of Water and Sewer Utilities Capital Budget  
Contract Period: 730 calendar 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:  
Initial Advertisement of Bids:  
Bid Packages Distributed in February 2017: Eleven (11)  
Bids Received in March 2017: One (1)  
Bids Rejected: One (1)  
Re-advertisement  
Bid Packages Distributed: Six (6)  
Bids Received: Two (2)  
Partial certification of funds in the amount of \$200,000.00

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
7/12/2017	1	Municipal Council	Adopt	Pass

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**WHEREAS**, on February 2, 2017 the City of Newark advertised Contract 06-WS2017 Pequannock Sludge Lagoon Remediation; and

**WHEREAS**, on February 23, 2017 the Department of Water and Sewer Utilities ("Department") received one (1) bid for said project in accordance with the Local Public Contracts Law N.J.S.A. 40A:11-1 et seq.; and

**WHEREAS**, on March 10, 2017 the Department rejected the bid, as nonresponsive due to failure to meet MBE and WBE requirements; and

**WHEREAS**, on March 14, 2017 the City of Newark advertised Contract 06-WS2017 (Rebid) Pequannock Sludge Lagoon Remediation; and

**WHEREAS**, the Department of Water and Sewer Utilities ("Department") distributed six (6) bid packages to prospective vendors following the date of bid advertisement; and

**WHEREAS**, on April 6, 2017, the Department received two (2) bids for said project in accordance with the Local Public Contracts Law N.J.S.A. 40A:11-1 et seq.; and

**WHEREAS**, Spectraserv Inc., 75 Jacobus Avenue, Kearny, New Jersey 07032 submitted the lowest responsive and responsible bid, according to the specifications and in the total amount of \$1,175,000.00; and

**WHEREAS**, the City of Newark wishes to accept the lowest responsible bid submitted by Spectraserv Inc., on April 6, 2017, and execute Contract 06-WS2017 (Rebid) Pequannock Sludge Lagoon Remediation, with Spectraserv Inc., 75 Jacobus Avenue, Kearny, New Jersey 07032, for the total amount not to exceed \$1,175,000.00; 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 of 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 party or candidate committees, in excess of certain thresholds; and

**WHEREAS**, this contract is for an amount over \$17,500.00 and is being awarded as a Fair and Open contract pursuant to N.J.S.A. 19:44A-20.5.

**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 Director of the Department of Water and Sewer Utilities, to accept the lowest responsible bid submitted by Spectraserv Inc., on April 6, 2017, and execute Contract 06-WS2017 (Rebid) Pequannock Sludge Lagoon Remediation, with Spectraserv Inc., 75 Jacobus Avenue, Kearny, New Jersey 07032, for the total amount not to exceed \$1,175,000.00 for a term of 730 calendar days from the Notice to Proceed.
2. Pursuant to N.J.A.C. 5:30-5.5(d)1(ii) (multi-year contracts), attached hereto is a partial Certification of Funds from the Chief Financial Officer, which states that funds in the amount of \$200,000.00, are available in the Water and Sewer Budget under Business Unit NW037, Department ID 750, Division 7505, Account 71960, and which shall be filed along with the original resolution in the Office of the City Clerk. The Director of the Department of Water and Sewer Utilities is further authorized to extend the contract to the full value of \$1,175,000.00 when additional funds in the amount of \$975,000.00 are certified from the Budget of the Department of Water and Sewer Utilities, and a copy of the Certification of Funds is filed in the Office of the City Clerk.
3. There shall be no amendment or change to the contract without approval by the Newark Municipal Council.
3. 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 Department of Water and Sewer Utilities.
3. This contract was solicited and awarded pursuant to the fair and open procedures in accordance with the State Pay-to-Play Law (N.J.S.A. 19:44A-20.5), and pursuant to the provisions of the Local Public Contracts Law N.J.S.A. 40A:11-5(1)(a)(i), and the Contractor Pay-to-Play Reform Ordinance, R.O. 2:4-22C.
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.

**STATEMENT**

This resolution authorizes the Mayor and/or his designee, the Director of the Department of Water and Sewer Utilities, to accept the lowest responsible bid submitted by Spectraserv Inc., 75 Jacobus Avenue, Kearny, New Jersey 07032, and execute Contract 06-WS2017 (Rebid) Pequannock Sludge Lagoon Remediation, , for the total amount not to exceed \$1,175,000.00, for a term of 730 calendar days from the Notice to Proceed.