



## Legislation Details (With Text)

**File #:** 17-1142      **Version:** 1      **Name:** Emergency Repair of Sewers Contract # 01-WS2017  
**Type:** Resolution      **Status:** Adopted  
**File created:** 5/31/2017      **In control:** Water Sewer Utility  
**On agenda:** 8/2/2017      **Final action:** 8/2/2017  
**Title:** Dept/ Agency: Water and Sewer Utilities  
Action: ( ) Ratifying (X) Authorizing ( ) Amending  
Type of Service: Bid Contract  
Purpose: Emergency Repair of Sewers Contract 01-WS2017  
Entity Name: Montana Construction Corporation, Inc.  
Entity Address: 80 Contant Avenue, Lodi, New Jersey 07644  
Contract Amount: Not to Exceed \$1,741,895.00  
Funding Source: 2017, 2018, 2019 Budgets/ Department of Water and Sewer Utilities  
Contract Period: 730 Calendar days commencing on a date to be specified on a written 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:  
Bids Solicited: Five (5)  
Bids Received: Two (2)  
**Sponsors:** Council of the Whole

### Indexes:

### Code sections:

Date	Ver.	Action By	Action	Result
8/2/2017	1	Municipal Council	Adopt	Pass

**Dept/ Agency:** Water and Sewer Utilities  
**Action:** ( ) Ratifying (X) Authorizing ( ) Amending  
**Type of Service:** Bid Contract  
**Purpose:** Emergency Repair of Sewers Contract 01-WS2017  
**Entity Name:** Montana Construction Corporation, Inc.  
**Entity Address:** 80 Contant Avenue, Lodi, New Jersey 07644  
**Contract Amount:** Not to Exceed \$1,741,895.00  
**Funding Source:** 2017, 2018, 2019 Budgets/ Department of Water and Sewer Utilities  
**Contract Period:** 730 Calendar days commencing on a date to be specified on a written 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:**  
Bids Solicited: Five (5)  
Bids Received: Two (2)

**WHEREAS,** the City of Newark advertised Emergency Repair of Sewers Contract 01-WS2017

January 3, 2017, to perform emergency repair of the existing sewer system on an as needed basis, and on January 24, 2017, two (2) bids were received for said project in accordance with the Local Public Contracts Law N.J.S.A. 40A:11-1 et seq.; and

**WHEREAS**, the lowest responsible bid was submitted by Montana Construction Corporation, Inc., 80 Contant Avenue, Lodi, New Jersey 07644, in the amount of \$ 1,741,895.00; and

**WHEREAS**, Montana Construction Corporation, Inc.'s bid was reviewed by the City of Newark's Department of Water and Sewer Utilities and was found to be a responsible bid and responsive to the bid specifications, and accordingly the Director of the Department of Water and Sewer Utilities recommends that Contract 01-WS2017 be awarded to Montana Construction Corporation, Inc., 80 Contant Avenue, Lodi, New Jersey 07644, in the amount not to exceed \$1,741,895.00, for a period of 730 calendar days, commencing on a date to be specified on a written Notice to Proceed; 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; 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.

**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 enter into and execute Contract 01-WS2017, Emergency Repair of Sewers, with Montana Construction Corporation, Inc., 80 Contant Avenue, Lodi, New Jersey 07644, in the amount not to exceed \$1,741,895.00, for a period of 730 calendar days, commencing on a date to be specified on a written 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, which states the funds in the amount of \$100,000.00, are available in the 2017 Temporary Budget under Business Unit NW038, Department ID 800, Division/Proj. 8007, Account 71970, and which shall be filed along with the original resolution in the Office of the City Clerk. The remainder of the funding for this contract is subject to appropriation of legally sufficient funds. Immediately after the final budget adoption, a certification of funds shall be prepared for the remaining balance of contract work during 2018.
3. Certifications of Funds from the City of Newark's 2017, 2018 and 2019 annual budgets shall be obtained for the balance of the contract amount by the Director of the Department of Water and Sewer Utilities and shall be filed with the original resolution in the Office of the City Clerk. Each such Certification of Funds shall be for an amount not less than the total value of all work or services to be performed by Montana Construction Corporation, Inc., during the respective budget year.

4. Notwithstanding anything to the contrary herein, the contract shall be subject to the availability and appropriation annually of sufficient funds as may be required to meet the City of Newark's obligations herein, and shall be subject to immediate termination in the absence thereof with no further obligation of the City of Newark. The contract shall contain a clause indicating the foregoing.
5. There shall be no amendment or change to the contract without approval by the Newark Municipal Council.
6. There shall be no advance payment on this contract in accordance with N.J.S.A. 40A:5-16.
7. 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.
8. This contract was solicited and 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 Contracts Law N.J.S.A. 40A:11-5 (1)(a)(i), and is in compliance with the City's Contractor Pay-to-Play reform Ordinance, R.O. 2:4-22C.
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 Director of the Department of Water and Sewer Utilities, to enter into and execute Contract 01-WS2017, Emergency Repair of Sewers, with Montana Construction Corporation, Inc., 80 Contant Avenue, Lodi, New Jersey 07644, in the amount not to exceed \$1,741,895.00, for a period of 730 calendar days, commencing on a date to be specified on a written Notice to Proceed.