



Legislation Details (With Text)

File #: 18-0035 **Version:** 1 **Name:** T.R. Weniger, Inc.
Type: Resolution **Status:** Adopted
File created: 1/10/2018 **In control:** Economic and Housing Development
On agenda: 5/10/2018 **Final action:** 5/10/2018
Title: Dept/ Agency: Economic and Housing Development
Action: ☐ Ratifying ☒ Authorizing ☐ Amending
Type of Service: Remediation Services Agreement
Purpose: Remediation of Mt. Pleasant Avenue Site Phase I, 2-23 Mt. Pleasant Avenue (North Ward)
Entity Name: T.R. Weniger, Inc.
Entity Address: 1900 New Brunswick Avenue, Piscataway, New Jersey, 08854
Contract Amount: Not to exceed \$206,000.00
Funding Source: EPA Brownfield Multipurpose Grant
Contract Period: From the date of issuance of a Notice to Proceed by the Acting Director of the Department of Economic and Housing Development through June 30, 2018
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
5/10/2018	1	Municipal Council	Adopt	Pass

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Additional Information:

WHEREAS, the City of Newark (the "City") issued a public Bid Advertisement soliciting sealed proposals in the Star-Ledger with a due date of October 26, 2017, for Remediation of the Mount Pleasant Avenue Site - Phase I, 2-24 Mt. Pleasant Avenue, Newark, New Jersey, Contract #2017-MP, 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 Addendum #2, being November 2, 2017; and

WHEREAS, the bid of T.R. Weniger, Inc. ("Weniger"), 1900 New Brunswick Avenue, Piscataway, New Jersey 08854, in the base amount of \$174,000.00; plus the amount of \$20,000.00 for Allowance #1 (Owner's Allowance) entitled Unforeseen Conditions and Plan Review Fee; plus the amount of \$12,000.00 for Alternate No. 1 entitled "Site Restoration and Seeding" for a total bid in the amount of \$206,000.00, is the lowest responsive and responsible bid and complies with the requirements of the Local Public Contracts Law and the bid documents; and

WHEREAS, the City desires to enter into an Agreement with Weniger to undertake Remediation Services, as set forth in the bid specification in an amount not to exceed \$206,000.00, for a period from the date of issuance of a Notice to Proceed by the Acting Director of the Department of Economic and Housing Development through June 30, 2018; and

WHEREAS, this contract is for an amount over \$17,500.00 and is being awarded as a fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, pursuant to N.J.A.C. 5:30-5.4, attached hereto is a certification of funds from the Finance Director of the City of Newark, which states (1) that there are sufficient funds in the amount of \$206,000.00 for the purpose set forth herein above and (2) that the line appropriations which shall be charged are as follows:

Bus. Unit	Dept. ID	Div./Proj.	Activity	Account#	Budget Ref.
NW051	G13	D13E0	A	72090	B2013; and

WHEREAS, N.J.S.A. 59:4-6 provides that neither the public entity nor a public employee is liable for an injury caused by the plan or design of public property or any improvement thereto where the plan or design was approved in advance of construction or improvement by the Authority or a public employee exercising discretionary authority to give such approval on its behalf where such plan or design was prepared in conformity with standards previously approved by the Authority; and

WHEREAS, the City desires to record its approval of said plans and design for the purpose of plan and design immunity provided by N.J.S.A. 59:4-6.

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 Acting Director of the Department of Economic and Housing Development, are authorized and directed to enter into and execute an Agreement to provide Remediation Services with T.R. Weniger, Inc., 1900 New Brunswick Avenue, Piscataway, New Jersey 08854, in the base amount of \$174,000.00; plus the amount of \$20,000.00, for Allowance #1 (Owner's Allowance) entitled Unforeseen Conditions and Plan Review Fee; plus the amount of \$12,000.00 for Alternate No. 1 entitled "Site Restoration and Seeding;" pursuant to the bid submitted to the City dated October 25, 2017, in response to the City's Bid Advertisement soliciting sealed proposals in the Star-Ledger with a due date of October 26, 2017, for Remediation of the Mount Pleasant Avenue Site - Phase I, 2-24 Mt. Pleasant Avenue, Newark New Jersey, Contract # 2017-MP, copies of which are on file in the

Office of the City Clerk and are available upon request, in an amount not to exceed \$206,000.00 for a period from the date of issuance of a Notice to Proceed by the Acting Director of the Department of Economic and Housing Development through June 30, 2018.

2. The term of the Contract shall be from the date of issuance of a Notice to Proceed by the Acting Director of the Department of Economic and Housing Development through June 30, 2018.
3. 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 in accordance with the requirements of the Local Public Contracts Law N.J.S.A. 40A:11-1 et seq., and Weniger has certified that it has not made or solicited a contribution in violation of the Contractor Pay-to-Play Reform Ordinance, 6PSF-a, adopted August 1, 2012.
4. A Certification of Funds from the Chief Financial Officer stating that there are sufficient and available funds for this purpose, is attached hereto.
5. A copy of the executed Agreement and Notice to Proceed herein authorized shall be filed in the Office of the City Clerk by the Acting Director of the Department of Economic and Housing Development and shall be made available for public inspection.
6. A notice of this action shall be published in the newspaper authorized by law to publish legal advertisements and as required by law within 10 days of the adoption of this resolution.
7. There shall be no advance payments against this contract pursuant to N.J.S.A. 40A:5-16.
8. The design, specifications, and plans for Remediation of the Mount Pleasant Avenue Site - Phase I, 2-24 Mt. Pleasant Avenue, Newark, New Jersey, Contract # 2017-MP, are hereby approved for the purpose of the immunity to be provided in accordance with N.J.S.A. 59:4-6.

STATEMENT

This resolution authorizes the Mayor and/or his designee, the Acting Director of the Department of Economic and Housing Development, to enter into and execute an Agreement to provide Remediation Services for the Mount Pleasant Avenue Site - Phase I, 2-24 Mt. Pleasant Avenue, Newark New Jersey, Contract # 2017-MP with T.R. Weniger, Inc., 1900 New Brunswick Avenue, Piscataway, New Jersey 08854, in a total amount not to exceed Two Hundred Six Thousand Dollars and Zero Cents (\$206,000.00), for the period from the date of issuance of a Notice to Proceed by the Acting Director of the Department of Economic and Housing Development through June 30, 2018.