



Legislation Details (With Text)

File #: 18-0844 **Version:** 1 **Name:** Replacement of Fire Hydrants Contract 05-WS2017(Re-bid) - Underground Utilities Corp.
Type: Resolution **Status:** Adopted
File created: 5/25/2018 **In control:** Water Sewer Utility
On agenda: 7/11/2018 **Final action:** 7/11/2018

Title: Dept/ Agency: Water and Sewer Utilities
Action: ☐ Ratifying ☒ Authorizing ☐ Amending
Type of Service: Bid Contract
Purpose: Replacement of Fire Hydrants - Contract 05-WS2017(Re-bid)
Entity Name: Underground Utilities Corporation
Entity Address: 711 Commerce Road, Linden, New Jersey 07036
Total Contract Amount: Not to exceed \$1,275,000.00
Funding Source: Department of Water and Sewer Utilities Capital Budget
Contract Period: 365 calendar days from 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:
Bid Packages Distributed: Twelve (12)
Bids Received and Rejected: Eight (8)
Re-advertised: April 9, 2018
Bid Packages Distributed: Seven (7)
Bids Received: Five (5)

Sponsors: Council of the Whole

Indexes:

Code sections:

| Date | Ver. | Action By | Action | Result |
|-----------|------|-------------------|--------|--------|
| 7/11/2018 | 1 | Municipal Council | Adopt | Pass |

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WHEREAS, the City of Newark advertised Contract 05-WS2017 Replacement of Fire Hydrants located at various locations in the City of Newark, on November 9, 2017; and

WHEREAS, the Department of Water and Sewer Utilities ("Department") distributed twelve (12) bid packages to prospective vendors following the date of bid advertisement; and

WHEREAS, on November 30, 2017, the Department received eight (8) bids for said project in accordance with the Local Public Contracts Law N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the Department of Water and Sewer Utilities reviewed the bids, and rejected seven (7) bids as non-responsive to the bid specifications and specifically to the City of Newark's Affirmative Action Program and the Minority Business Enterprise/Women Business Enterprise (MBE/WBE) utilization requirements as this requirement is a material condition of the bid that cannot be cured or waived, and one (1) bid was rejected for being over the City's appropriation, pursuant to N.J.S.A. 40A:11-13.2b; and

WHEREAS, on April 9, 2018 the City of Newark re-advertised Contract 05-WS2017(Re-bid) Replacement of Fire Hydrants; and

WHEREAS, the Department distributed seven (7) bid packages to prospective vendors following the date of re-bid advertisement; and

WHEREAS, on April 27, 2018, the Department received five (5) bids for said project in accordance with the Local Public Contracts Law N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, Underground Utilities Corporation, 711 Commerce Road, Linden, New Jersey 07036 submitted the lowest responsive and responsible bid, according to the specifications and in the total amount of \$1,275,000.00; and

WHEREAS, the City of Newark wishes to accept the lowest responsible bid submitted by Underground Utilities Corporation, on April 27, 2018, and execute Contract 05-WS2017(Re-bid) Replacement of Fire Hydrants, with Underground Utilities Corporation, 711 Commerce Road, Linden, New Jersey 07036, for the total amount not to exceed \$1,275,000.00; 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 Underground Utilities Corporation, on April 27, 2018, and execute Contract 05-WS2017(Re-bid) Replacement of Fire Hydrants with Underground Utilities Corporation, 711 Commerce Road, Linden, New Jersey 07036, for the total amount not to exceed \$1,275,000.00 for a term of 365 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 \$50,000.00, are available in the Water and Sewer Utilities Budget under Business Unit NW037, Department ID 750, Division/Project 7505, Account # 71960, Budget Ref: B2018 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 \$1,275,000.00 when additional funds in the amount of \$1,225,000.00 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 Underground Utilities Corporation, on April 27, 2018, and execute Contract 05-WS2017(Re-bid) Replacement of Fire Hydrants located at various locations in the City of Newark, with Underground Utilities Corporation, 711 Commerce Road, Linden, New Jersey 07036, for the total amount not to exceed \$1,275,000.00 for a term of 365 calendar days from the Notice to Proceed.