



Legislation Details (With Text)

File #: 18-1586 **Version:** 1 **Name:** Repair of Water Mains & Service Leaks 04-WS2018 - Montana Construction
Type: Resolution **Status:** Adopted
File created: 10/2/2018 **In control:** Water Sewer Utility
On agenda: 12/19/2018 **Final action:** 12/19/2018

Title: Dept/ Agency: Water and Sewer Utilities
Action: ☐ Ratifying ☒ Authorizing ☐ Amending
Type of Service: Bid Contract
Purpose: Repair of Water Mains and Service Leaks and Disconnection of Water Services - Contract 04-WS2018
Entity Name: Montana Construction Corporation, Inc.
Entity Address: 80 Contant Avenue, Lodi, New Jersey 07644
Total Contract Amount: Not to exceed \$3,930,310.00
Funding Source: 2018 Budget/Department of Water and Sewer Utilities
Contract Period: 730 days from the issuance 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: N/A
Bid Packages Distributed: Five (5)
Bids Received: Two (2)

Sponsors: Council of the Whole

Indexes:

Code sections:

| Date | Ver. | Action By | Action | Result |
|------------|------|-------------------|--------|--------|
| 12/19/2018 | 1 | Municipal Council | Adopt | Pass |

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WHEREAS, the City of Newark advertised Contract 04-WS2018 Repair of Water Mains and Service Leaks and Disconnection of Water Services located at various locations in the City of Newark on an as needed basis, on August 13, 2018; and

WHEREAS, the Department of Water and Sewer Utilities distributed five (5) bid packages to prospective vendors following the date of bid advertisement; and

WHEREAS, on August 28, 2018, the Department of Water and Sewer Utilities received two (2) bids for the project in accordance with Local Public Contracts Law N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, Montana Construction Corporation, Inc., 80 Contant Avenue, Lodi, New Jersey 07644 submitted the lowest responsive and responsible bid, according to the specifications and in the total amount of \$3,930,310.00; and

WHEREAS, the City of Newark wishes to accept the lowest responsible bid submitted by Montana Construction Corporation, Inc., on August 28, 2018, and execute Contract 04-WS2018 Repair of Water Mains and Service Leaks and Disconnection of Water Services, with Montana Construction Corporation, Inc., 80 Contant Avenue, Lodi, New Jersey 07644, for the total amount not to exceed \$3,930,310.00; 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 Montana Construction Corporation, Inc., on August 28, 2018, and execute Contract 04-WS2018 Repair of Water Mains and Service Leaks and Disconnection of Water Services with Montana Construction Corporation, Inc., 80 Contant Avenue, Lodi, New Jersey 07644, for the total amount not to exceed \$3,930,310.00.
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 the funds in the amount of \$100,000.00, 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 Acting Director of the Department of Water and Sewer Utilities is further authorized to extend the contract to the full value of

\$3,930,310.00 when additional funds in the amount of \$3,830,310.00 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 is in compliance with the City's 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 Acting Director of the Department of Water and Sewer Utilities, to accept the lowest responsible bid submitted by Montana Construction Corporation, Inc., and execute Contract 04-WS2018 Repair of Water Mains and Service Leaks and Disconnection of Water Services located at various locations in the City of Newark, on an as needed basis, with Montana Construction Corporation, Inc., for the total amount not to exceed \$3,930,310.00 for the term of 730 days from the issuance of the Notice to Proceed.