



Legislation Details (With Text)

File #: 18-1894 **Version:** 1 **Name:** Phase-1(A) Lead Service Line Replacement Contract 11-WS2018(Re-bid)
Type: Resolution **Status:** Adopted
File created: 12/10/2018 **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: Phase-1(A) Lead Service Line Replacement - Contract 11-WS2018 (Re-bid)
Entity Name: Pacific Construction, LLC.
Entity Address: 531 US Highway 22E, #240, Whitehouse Station, New Jersey 08889
Total Contract Amount: \$3,830,525.00
Funding Source: 2018 Budget/Department of Water and Sewer Utilities
Contract Period: 365 days from issuance of a 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: Seventeen (17)
Bids Received and Rejected: Five (5)
Bid Packages Distributed: Fourteen (14)
Bids Received: Seven (7)

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 11-WS2018 Phase-1(A) Lead Service Line Replacement located at various locations in the City of Newark, on July 10, 2018; and

WHEREAS, the Department of Water and Sewer Utilities ("Department") distributed seventeen (17) bid packages to prospective vendors following the date of bid advertisement; and

WHEREAS, on August 9, 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, the Department of Water and Sewer Utilities reviewed the bids, and rejected all bids for being over the City's appropriation; pursuant to N.J.S.A. 40A:11-13.2b; and

WHEREAS, the City of Newark re-advertised Contract 11-WS2018 (Re-bid) Phase-1(A) Lead Service Line Replacement located at various locations in the City of Newark, on October 22, 2018; and

WHEREAS, the Department of Water and Sewer Utilities distributed Fourteen (14) bid packages to prospective vendors following the date of re-bid advertisement; and

WHEREAS, on November 20, 2018, the Department received seven (7) bids for the said project in accordance with the Local Public Contracts Law N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, Pacific Construction, LLC, 531 US Highway 22E, #240, Whitehouse Station, New Jersey 08889 submitted the lowest responsive and responsible bid, according to the specifications and in the total amount of \$3,607,575.00 for the base bid, and in the total amount of \$222,950.00 for the supplemental bid, with a combined base bid and supplemental bid total amount of \$3,830,525.00; and

WHEREAS, the City of Newark wishes to accept the lowest responsive and responsible bid submitted by Pacific Construction, LLC, on November 20, 2018, and execute Contract 11-WS2018 (Re-bid) Phase-1(A) Lead Service Line Replacement, with Pacific Construction, LLC, 531 US Highway 22E, #240, Whitehouse Station, New Jersey 08889, for the combined base bid and supplemental bid total amount not to exceed \$3,830,525.00; 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 Acting Director of the Department of Water and Sewer Utilities, to accept the lowest responsible bid submitted by Pacific Construction, LLC, on November 20, 2018, and execute Contract 11-WS2018 (Re-bid) Phase-1(A) Lead Service Line Replacement, with Pacific Construction, LLC, 531 US Highway 22E, #240, Whitehouse Station, New Jersey 08889, for the combined base bid and supplemental bid total amount not to exceed \$3,830,525.00.
2. Attached hereto is a Certification of Funds from the Chief Financial Officer, which states that funds in the amount of \$3,830,525.00, are available in the Water and Sewer Utilities Capital Budget under Business Unit NW041, Department ID 18W, Project 18W00, Account 94710, Budget Ref:2018 and which shall be filed along with the original resolution 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 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 Pacific Construction, LLC, on November 20, 2018, and execute Contract 11-WS2018 (Re-bid) Phase-1(A) Lead Service Line Replacement, located at various locations in the City of Newark, with Pacific Construction, LLC, 531 US Highway 22E, #240, Whitehouse Station, New Jersey 08889, for the combined base bid and supplemental bid total amount not to exceed \$3,830,525.00.