



## Legislation Details (With Text)

**File #:** 18-1898      **Version:** 1      **Name:** PHASE-1(A) SEWER CLEANING AND REHABILITATION - CONTRACT 11-WS2017 (RE-BID)  
**Type:** Resolution      **Status:** Adopted  
**File created:** 12/10/2018      **In control:** Water Sewer Utility  
**On agenda:** 2/6/2019      **Final action:** 2/6/2019

**Title:** Dept/ Agency: Water and Sewer Utilities  
Action: ☐ Ratifying ☒ Authorizing ☐ Amending  
Type of Service: Bid Contract  
Purpose: Phase-1(A) Sewer Cleaning and Rehabilitation - Contract 11-WS2017 (Re-bid)  
Entity Name: Montana Construction Corporation, Inc.  
Entity Address: 80 Contant Avenue, Lodi, New Jersey 07644  
Total Contract Amount: \$2,669,111.00  
Funding Source: Department of Water and Sewer Utilities Budget  
Contract Period: 320 days from date in written 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:  
Advertised Date: June 1, 2018  
Bid Packages Distributed: Five (5)  
Bids Received and Rejected: Two (2)  
Re-advertised: October 15, 2018  
Bid Packages Distributed: Six (6)  
Bids Received: Two (2)

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
2/6/2019	1	Municipal Council	Adopt	Pass

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**WHEREAS**, the City of Newark advertised Contract 11-WS2017 Phase-1(A) Sewer Cleaning and Rehabilitation located at various locations in the City of Newark, on June 1, 2018; and

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

**WHEREAS**, on July 3, 2018, the Department received two (2) 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 all bids were rejected due to incurable defects, and 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-WS2017 (Re-bid) Phase-1(A) Sewer Cleaning and Rehabilitation located at various locations in the City of Newark, on October 15, 2018; and

**WHEREAS**, the Department of Water and Sewer Utilities distributed six (6) bid packages to prospective vendors following the date of re-bid advertisement; and

**WHEREAS**, on November 15, 2018, the Department received two (2) bids for said 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 \$2,642,811.00 for the base bid, and in the total amount of \$26,300.00 for the supplemental bid, with a combined base bid and supplemental bid total amount of \$2,669,111.00; and

**WHEREAS**, the City of Newark wishes to accept the lowest responsible bid submitted by Montana Construction Corporation, Inc. on November 15, 2018, and execute Contract 11-WS2017 (Re-bid) Phase-1(A) Sewer Cleaning and Rehabilitation, with Montana Construction Corporation, Inc., 80 Contant Avenue, Lodi, New Jersey 07644, for the combined base bid and supplemental bid total amount not to exceed \$2,669,111.00; 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 Montana Construction Corporation, Inc., on November 15, 2018, and execute Contract 11-WS2017 (Re-bid) Phase-1(A) Sewer Cleaning and Rehabilitation, with Montana Construction Corporation, Inc., 80 Contant Avenue, Lodi, New Jersey 07644, for the combined base bid and supplemental bid total amount not to exceed \$2,669,111.00.
2. Attached hereto is a Certification of Funds from the Chief Financial Officer, which states that funds in the amount of \$2,669,111.00, are available in the Water and Sewer Capital Budget under Business Unit NW044, Department ID 11G, Project 11SA0, Account # 94710, 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 Montana Construction Corporation, Inc., on November 15, 2018, and execute Contract 11-WS2017 (Re-bid) Phase-1(A) Sewer Cleaning and Rehabilitation, located at various locations in the City of Newark, with Montana Construction Corporation, Inc., 80 Contant Avenue, Lodi, New Jersey 07644, for the combined base bid and supplemental bid total amount not to exceed \$2,669,111.00.