



## Legislation Details (With Text)

**File #:** 18-1495      **Version:** 1      **Name:** Soil Removal and Disposal Services Contract - Tricon Enterprises  
**Type:** Resolution      **Status:** Adopted  
**File created:** 9/19/2018      **In control:** Water Sewer Utility  
**On agenda:** 7/10/2019      **Final action:** 7/10/2019  
**Title:** Dept/ Agency: Water and Sewer Utilities  
Action: ☐ Ratifying ☒ Authorizing ☐ Amending  
Type of Service: Bid Contract  
Purpose: Contract 07-WS2018: Soil Removal and Disposal Services (Removal from Storage Yard: 63 Newark Street, Newark, New Jersey 07103)  
Entity Name: Tricon Enterprises, Inc.  
Entity Address: 323 Beers Street, Keyport, New Jersey 07735  
Contract Amount: Not to exceed \$624,000.00  
Funding Source: 2018 Budget/Department of Water and Sewer Utilities  
Contract Period: 730 consecutive calendar days commencing on the date 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:  
Bids Solicited: Six (6)  
Bids Received: Four (4)  
**Sponsors:** Council of the Whole  
**Indexes:**  
**Code sections:**

Date	Ver.	Action By	Action	Result
7/10/2019	1	Municipal Council	Adopt	Pass

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**WHEREAS**, on June 8, 2018, the City of Newark advertised Contract 07-WS2018 Soil Removal and Disposal Services (Removal from Storage Yard: 63 Newark Street, Newark, New Jersey 07103) and distributed six (6) bid packages; and

**WHEREAS**, on June 26, 2018, the Department of Water and Sewer Utilities received four (4) bids for the project in accordance with the Local Public Contract Law N.J.S.A. 40A:11-1 et seq.; and

**WHEREAS**, Tricon Enterprises, Inc., 323 Beers Street, Keyport, New Jersey 07735, submitted the lowest responsive and responsible bid according to the specifications and in the amount of \$624,000.00; and

**WHEREAS**, this contract is being awarded pursuant to fair and open procedures of the State Pay-to-Play Law, N.J.S.A. 19:44A-20.5 and pursuant to the provisions of Local Public Contract Law, N.J.S.A. 40A:11-5(1)(a)(i)); and

**WHEREAS**, the City wishes to accept the bid submitted by Tricon Enterprises, Inc., on June 26, 2018, and execute Contract 07-WS2018 Soil Removal and Disposal Services (Removal from Storage Yard: 63 Newark Street, Newark, New Jersey 07103), with Tricon Enterprises, Inc., 323 Beers Street, Keyport, New Jersey 07735 for a total amount not to exceed \$624,000.00; and

**WHEREAS**, on August 1, 2012, the Newark Municipal Council adopted the Contractor Pay-to-Play 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 and 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.

**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 responsive and responsible bid submitted on June 26, 2018 by Tricon Enterprises, Inc., 323 Beers Street, Keyport, New Jersey 07735, and execute Contract 07-WS2018 Soil Removal and Disposal Services (Removal from Storage Yard: 63 Newark Street, Newark, New Jersey 07103), with Tricon Enterprises, Inc., for a total amount not to exceed \$624,000.00.
2. The Contract term shall be 730 consecutive calendar days commencing on the date specified in the written Notice to Proceed issued by the City of Newark Department of Water and Sewer Utilities to Tricon Enterprises, Inc.
3. This Contract is being awarded under a Temporary Budget. pursuant to *N.J.A.C. 5:30-5.5*, a Temporary Budget, attached hereto is a partial Certification of Funds issued by the Director of Finance of the City of Newark, which states that funds in the amount of \$70,000.00 are available under the 2018 preliminary Budget, Business unit NW037, Department ID 750, Division/Project 7502, Account 71560. The Acting Director of the Department of Water and Sewer Utilities shall

file a copy of the Certification of Funds along with the original resolution and the executed contract in the Office of the City Clerk. The remainder of the funding for this contract will be subject to appropriation in the 2019 and 2020 Budget and funds will be certified to services being provided by the contractor.

4. There shall be no amendment or change to the contract without approval by the Newark Municipal Council.
5. There shall be no advance payments made against this contract in accordance with N.J.S.A. 40A:5-16.
6. A fully executed copy of the contract shall be filed in the Office of the City Clerk by the Acting Director of the Department of Water and Sewer Utilities.
7. This contract was solicited and awarded pursuant to the fair and open procedures in accordance with 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.
8. If required by State Law, the City Clerk shall provide the appropriate notice of the award of the 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 responsive and responsible bid submitted and execute Contract 07-WS2018 Soil Removal and Disposal Services (Removal from Storage Yard: 63 Newark Street, Newark, New Jersey 07103), with Tricon Enterprises, Inc., 323 Beers Street, Keyport, New Jersey 07735, for a total amount not to exceed \$624,000.00. The contract term shall be 730 consecutive calendar days commencing on the date specified in the written Notice to Proceed issued by the City of Newark Department of Water and Sewer Utilities.