



## Legislation Details (With Text)

**File #:** 20-0274      **Version:** 1      **Name:** Phase-6(A) Lead Service Line Replacement Contract 26-WS2022 - Pacific Construction LLC

**Type:** Resolution      **Status:** Adopted

**File created:** 2/18/2020      **In control:** Water Sewer Utility

**On agenda:** 3/10/2020      **Final action:** 3/10/2020

**Title:** Dept/ Agency: Water and Sewer Utilities  
Action: ☐ Ratifying ☒ Authorizing ☐ Amending  
Type of Service: Bid Contract  
Purpose: Phase-6(A) Lead Service Line Replacement - Contract 26-WS2022  
Entity Name: Pacific Construction, LLC  
Entity Address: 531 US Highway 22E, #240, Whitehouse Station, New Jersey 08889  
Total Contract Amount: Not to exceed \$6,573,250.00  
Funding Source: 2019 Budget/Department of Water and Sewer Utilities Budget-NW041-19W-19W00-94710  
Contract Period: 280 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: N/A  
Bid Packages Distributed: Sixteen (16)  
Bids Received: Eight (8)  
Bids Rejected: One (1)

**Sponsors:** Council of the Whole

### Indexes:

### Code sections:

Date	Ver.	Action By	Action	Result
3/10/2020	1	Municipal Council	Adopt	Pass

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**WHEREAS**, the City of Newark advertised Contract 26-WS2022 Phase-6(A) Lead Service Line Replacement located at various locations in the City of Newark, on November 11, 2019; and

**WHEREAS**, the Department of Water and Sewer Utilities ("Department") distributed Sixteen (16) bid packages to prospective vendors following the date of bid advertisement; and

**WHEREAS**, on December 12, 2019, 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 the low bidder namely, Spiniello Companies's bid, was found to be non-responsive due to incurable bid deficiencies with regards to meeting the City of Newark's Affirmative Action Program goals for utilization of minorities and women, and due to missing certification showing the bidder leases, owns or controls necessary equipment, and therefore rejected; 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 \$5,944,500.00 for the base bid, and in the total amount of \$628,750.00 for the supplemental bid, with a combined base bid and supplemental bid total amount of \$6,573,250.00; and

**WHEREAS**, the City of Newark wishes to accept the lowest responsible bid submitted by Pacific Construction, LLC, on December 12, 2019, and execute Contract 26-WS2022 Phase-6(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 \$6,573,250.00; 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 Pacific Construction, LLC, on December 12, 2019, and execute Contract 26-WS2022 Phase-6 (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 \$6,573,250.00, with 280 days from the Notice to Proceed.

2. Attached hereto is a Certification of Funds from the Chief Financial Officer, which states that funds in the amount of \$6,573,250.00, are available in the Water and Sewer Utilities Capital Budget under Business Unit NW041, Department ID 19W, Project 19W00, Account # 94710, Budget Ref:B2019 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.
4. There shall be no advance payment on this contract in accordance with N.J.S.A. 40A:5-16.
5. 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.
6. This contract was solicited and awarded pursuant to the provisions of the Local Public Contracts Law N.J.S.A. 40A:11-1 et seq., and is in compliance with the City's Contractor Pay-to-Play Reform Ordinance, R.O. 2:4-22C.
7. If required by the 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 Mayor and/or his designee, the Director of the Department of Water and Sewer Utilities, to accept the lowest responsible bid submitted by Pacific Construction, LLC, on December 12, 2019, and execute Contract 26-WS2022 Phase-6(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 \$6,573,250.00 with 280 days from the Notice to Proceed.