



## Legislation Details (With Text)

**File #:** 22-0255      **Version:** 1      **Name:** Resolution: Bid Contract(s): Rehabilitation of various bridge structures - CMS Construction, Inc.  
**Type:** Resolution      **Status:** Adopted  
**File created:** 2/24/2022      **In control:** Engineering  
**On agenda:** 5/4/2022      **Final action:** 5/4/2022

**Title:** Dept./ Agency: Engineering  
Action: ☐ Ratifying ☒ Authorizing ☐ Amending  
Type of Service: Bid Contract - Construction/Renovation Contract  
Purpose: Contract #2021-03, Rehabilitation of Twelve (12) Various Bridge Structures  
Entity Name: CMS Construction, Inc.  
Entity Address: 521 North Avenue, Plainfield, New Jersey 07060  
Contract Amount: Not to exceed \$892,407.00  
Funding Source: Capital Budget (Bond Proceeds 2021)  
Funding Account Codes: NW045-21A-21A27-B2021  
Contract Period: 180 days from the date of a written Notice to Proceed issued by the Director of the Department of Engineering and/or his designee  
Contract Basis: ☒ Bid ☐ State Vendor ☐ Prof. Ser. ☐ EUS  
☐ Non-Fair & Open ☐ No Reportable Contributions ☐ RFP ☐ RFQ  
☐ Private Sale ☐ Grant ☐ Sub-recipient ☐ n/a  
Addition Information:  
Base bid amount of \$892,424.00 itemized to \$892,407.00.

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
5/4/2022	1	Municipal Council	Adopt	Pass

### ..Title

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Base bid amount of \$892,424.00 itemized to \$892,407.00.

**WHEREAS**, on September 30, 2021, the City's Department of Engineering (the "Department"), advertised for the receipt of bids for Contract #2021-03 Rehabilitation of twelve (12) Various Bridge Structures in the City of Newark (the "City"), pursuant to Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

**WHEREAS**, on October 28, 2021, the scheduled date for the public opening of bids, the Department received three (3) bids with the lowest bid being CMS Construction, Inc., 521 North Avenue, Plainfield, New Jersey 07060, with a base bid of \$892,424.00 and with an itemized total of \$892,407.00, which controls the award of project; and

**WHEREAS**, the Director of the Department of Engineering has determined that it is in the best interest of the City of Newark to accept the bid proposal and execute Contract #2021-03 for the Rehabilitation of twelve (12) Various Bridge Structures in the City, with the lowest responsible bidder, CMS Construction, Inc., 521 North Avenue, Plainfield, New Jersey 07060, in the total bid amount of Eight Hundred Ninety-Two Thousand Four Hundred Seven Dollars and Zero Cents (\$892,407.00); and

**WHEREAS**, the proposed project consists of the following 12 bridges:

1. Heller Parkway over NJ Transit City Subway
2. Bloomfield Avenue over NJ City Transit Subway
3. Park Avenue over NJ Transit
4. Sussex Avenue over NJ Transit
5. Dickerson-Dureya Streets
6. Central Avenue over NJ Transit
7. Norfolk Avenue over NJ Transit
8. Newark Avenue over NJ Transit
9. Dr. Martin Luther King Boulevard over Raymond Boulevard
10. Summit Avenue over Raymond Boulevard
11. Colden Street over Raymond Boulevard
12. Haynes Avenue over Amtrak, Conrail and NJ Transit; and

**WHEREAS**, the public advertisement and the receipt of public bids and the award of the contract to the lowest responsible bidder, pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq. constitutes a Fair and Open Process.

**NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:**

1. The Mayor of the City of Newark and/or his designee, the Director of the Department of Engineering is hereby authorized to accept the bid submitted by the lowest responsible bidder, CMS Construction Inc., 521 North Avenue, Plainfield, New Jersey 07060, and enter into and execute Contract #2021-03 Rehabilitation of twelve (12) Various Bridge Structures in the City, for the total bid amount of Eight Hundred Ninety-Two Thousand Four Hundred Seven Dollars and Zero Cents (\$892,407.00) (itemized bid amount).
2. Attached hereto are Certifications of Funds issued by the City's Chief Financial Officer, which state that there are available sufficient legally appropriated funds in the amount of Eight Hundred Ninety-Two Thousand Four Hundred Seven Dollars and Zero Cents (\$892,407.00),

for the purposes set forth herein. Copies of the Certifications of Funds shall be filed in the Office of the City Clerk by the Director of Engineering together with this Resolution.

3. No changes to this contract shall be allowed or authorized without prior Municipal Council approval.
4. A fully executed copy of the contract shall be filed in the Office of the City Clerk, by the Director of Engineering and/or his designee.
5. This contract is to be completed (180) days from the date of a written Notice to Proceed issued by the Director of the Department of Engineering and/or his designee.
6. The public bidding process under the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq., complies with the Fair and Open Process of the State of New Jersey Local Unit Pay-to-Play Law, N.J.S.A. 19:44A-20.5, et seq.
7. There shall be no advance payments made against this contract in accordance with N.J.A.C. 40A:5-16.
8. 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 of the City of Newark and/or his designee, the Director of the Department of Engineering, to award Contract #2021-03 Rehabilitation of twelve (12) Various Bridge Structures in the City, for the total amount of \$892,407.00 (itemized bid amount) to the lowest responsible bidder CMS Construction, Inc., 521 North Avenue, Plainfield, New Jersey 07060. This contract is to be completed 180 days from the date of a written Notice to Proceed issued by the Director of the Department of Engineering and/or his designee.