



## Legislation Details (With Text)

**File #:** 22-1718      **Version:** 1      **Name:** Resolution: Contract 04-WS2022 - Montana Construction Corporation, Inc.

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

**File created:** 11/22/2022      **In control:** Water Sewer Utility

**On agenda:** 12/21/2022      **Final action:** 12/21/2022

**Title:** Dept/ Agency: Water and Sewer Utilities  
Action: ( ) Ratifying (X) Authorizing ( ) Amending  
Type of Service: Bid Contract  
Purpose: To provide repair of Water Mains, Service Leaks and Disconnection of Water Services - Contract 04-WS2022.  
Entity Name: Montana Construction Corporation, Inc.  
Entity Address: 80 Contant Avenue, Lodi, New Jersey 07644  
Contract Amount: Not to exceed \$4,185,960.00  
Funding Source: Capital Budget/Department of Water and Sewer Utilities/NW037-750-7505-71960-B2022  
Contract Period: 730 calendar days from the date of the written Notice to Proceed  
Contract Basis: (X) Bid ( ) State Vendor ( ) Prof. Ser. ( ) EUS  
(X) Fair & Open ( ) No Reportable Contributions ( ) RFP ( ) RFQ  
( ) Private Sale ( ) Grant ( ) Sub-recipient ( ) n/a  
Additional Information:  
Bid Packages Distributed: Seven (7)  
Bids Received: Four (4)

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
12/21/2022	1	Municipal Council	Adopt	Pass

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**WHEREAS**, the City of Newark (the “City”) advertised Contract 04-WS2022 Repair of Water Mains and Service Leaks and Disconnection of Water Services, located at various locations in the City of Newark, on October 31, 2022; and

**WHEREAS**, the Department of Water and Sewer Utilities (the “Department”) distributed seven (7) bid packages to prospective vendors following the date of bid advertisement; and

**WHEREAS**, on November 18, 2022, the Department received four (4) bids for said Project in accordance with the 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 Four Million One Hundred Eighty-Five Thousand Nine Hundred Sixty Dollars and Zero Cents (\$4,185,960.00); and

**WHEREAS**, the City wishes to accept the lowest responsible bid submitted by Montana Construction Corporation, Inc., on November 18, 2022, and execute Contract 04-WS2022 Repair of Water Mains and Service Leaks and Disconnection of Water Services, with Montana Construction Corporation, Inc., 80 Contant Avenue, Lodi, New Jersey 07644, for the total amount not to exceed Four Million One Hundred Eighty-Five Thousand Nine Hundred Sixty Dollars and Zero Cents (\$4,185,960.00).

**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 Water and Sewer Utilities, are authorized to enter into and execute Contract 04-WS2022 Repair of Water Mains and Service Leaks and Disconnection of Water Services, with Montana Construction Corporation, Inc., 80 Contant Avenue, Lodi, New Jersey 07644, for bid total amount not to exceed Four Million One Hundred Eighty-Five Thousand Nine Hundred Sixty Dollars and Zero Cents (\$4,185,960.00), the lowest responsible bidder for a period of 730 calendar days, commencing from the date of the issuance of a written Notice to Proceed.
2. Attached is a partial Certification of Funds from the Chief Financial Officer, which states the funds in the amount of Fifty Thousand Dollars and Zero Cents (\$50,000.00), are available in the Department of Water and Sewer Utilities Budget under Business Unit NW037, Department ID 750, Division 7505, Account 71960 B2022. Pursuant to N.J.A.C. 5:30-5.5(d)(1)(ii) Multi-year Contracts, the Director of the Department of Water and Sewer Utilities is authorized to extend the contract to the full value of Four Million One Hundred Eighty-Five Thousand Nine Hundred Sixty Dollars and Zero Cents (\$4,185,960.00) when additional funds in the amount of Four Million One Hundred Thirty-Five Thousand Nine Hundred Sixty Dollars and Zero Cents (\$4,135,960.00) are certified from the 2023 and 2024 Budgets of the Department of Water and Sewer Utilities in accordance with the time at which the respective work or services are performed or liability for payment incurred. A copy of the Certification of Funds shall be filed in the Office of the City Clerk.
3. There shall be no amendment or change to the contract without approval by the Municipal Council.

3. There shall be no advance payment on this contract in accordance with N.J.S.A. 40A:5-16.

The Department of Water and Sewer Utilities shall file a fully executed copy of the contract and Notice to Proceed in the Office of the City Clerk.

3. 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., as a public bid, which constitutes a Fair and Open Process.
3. If required by State Law, the Acting 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 Water and Sewer Utilities, to accept the lowest responsible bid submitted by Montana Construction Corporation on November 18, 2022, and enter into and execute Contract 04-WS2022 Repair of Water Mains and Service Leaks and Disconnection of Water Services with Montana Construction Corporation, 80 Contant Avenue, Lodi, New Jersey 07644, for the total bid amount of \$4,185,960.00 for a period of 730 calendar days, commencing from the date of the issuance of a written Notice to Proceed.