



# City of Newark

City Hall  
920 Broad Street  
Newark, New Jersey 07102

## Legislation Text

File #: 14-1058, Version: 1

### ..Title

**Dept/ Agency:** Water and Sewer Utilities

**Action:** ( ) Ratifying (X) Authorizing ( ) Amending

**Type of Service:** Construction Contract

**Purpose:** Permanent Pavement Restoration over Water and Sewer Utility Excavations

**Entity Name:** Rockborn Trucking & Excavations, Inc.

**Entity Address:** 12 Taylor Road, Wharton, New Jersey 07885

**Contract Amount:** \$770,500.00

**Funding Source:** City of Newark Budget/Water and Sewer Utilities

Partial Certification of funds provided for \$50,000.00/ Remainder \$720,500.00 to be appropriated in the 2015 and 2016 Municipal Budget

**Contract Period:** 730 calendar days [two (2) years] from commencement date as indicated in 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:

Bids Solicited: Two (2)

Bids Received: One (1)

**WHEREAS**, the City of Newark advertised Contract 02-WS2014 Permanent Pavement Restoration over Water and Sewer Utility Excavations on June 13, 2014, for the replacement of up to 10,000 square yards of permanent pavement, and on June 27, 2014, one (1) bid was received for said project in accordance with the Local Public Contracts Law N.J.S.A. 40A:11-1 et seq.; and

**WHEREAS**, the above-mentioned bid was submitted by Rockborn Trucking & Excavation, Inc., 12 Taylor Road, Wharton, New Jersey 07885 ("Rockborn Trucking"), in the amount of \$770,500.00; and

**WHEREAS**, Rockborn Trucking's bid was reviewed by the City of Newark's Department of Water and Sewer Utilities and was found to be a responsible bid and responsive to the bid specifications, and accordingly the Acting Director of the Department of Water and Sewer Utilities recommends that Contract 02-WS2014 be awarded to Rockborn Trucking & Excavation, Inc., 12 Taylor Road, Wharton, New Jersey 07885, in the amount of \$770,500.00, for a period of two (2) years beginning on the commencement date indicated in a Notice to Proceed; and

**WHEREAS**, the Mayor of the City of Newark signed into law Executive Order Number MEO-07-0001 (hereinafter "Pay-to-Play Executive Order"), which requires reporting of political contributions to Newark Municipal Candidates and prohibits certain political contributions during the duration of the contract; 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 of the City of Newark and/or his designee, the Acting Director of the Department of Water and Sewer Utilities, to enter into and execute Contract 02-WS2014 with Rockborn Trucking & Excavation, Inc., 12 Taylor Road, Wharton, New Jersey 07885, for Permanent Pavement Restoration over Water and Sewer Utility Excavations, in the amount of \$770,500.00, for a period of two (2) years, beginning on the commencement date indicated in a Notice to Proceed.
2. Pursuant to N.J.A.C. 5:30-5.5(d)1(ii) (multi-year contracts), attached hereto is a partial Certification of Funds, which states the funds in the amount of \$50,000.00, are available in the 2014 Budget under Business Unit NW037, Department ID 750, Division/Proj. 7505, Account# 71960, and which shall be filed along with the original resolution in the Office of the City Clerk.
3. Certifications of Funds from the City of Newark's 2015 and 2016 annual budgets shall be obtained for the balance of the contract amount by the Acting Director of the Department of Water and Sewer Utilities and shall be filed with the original resolution in the Office of the City Clerk. Each such Certification of Funds shall be for an amount not less than the total value of all work or services to be performed by Rockborn Trucking & Excavation, Inc., during the respective budget year.
4. Notwithstanding anything to the contrary herein, the contract shall be subject to the availability and appropriation annually of sufficient funds as may be required to meet the City of Newark's obligations herein, and shall be subject to immediate termination in the absence thereof with no further obligation of the City of Newark. The contract shall contain a clause indicating the foregoing.
5. In no event shall the work or services provided by Rockborn Trucking & Excavation, Inc., during the year 2014 exceed the amount of work or services that would cause the City of Newark to incur liability for payments in a total amount of \$50,000.00 (the amount of the attached partial Certification of Funds).
6. There shall be no amendment or change to the contract without approval by the Newark Municipal Council.
7. There shall be no advance payment on this contract in accordance with N.J.S.A. 40A:5-16.
8. 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.
9. This contract is being awarded pursuant to the fair and open procedures of the 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 Executive Order MEO-07-0001, effective March 31, 2007.

10. 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 of the City of Newark and/or his designee, the Acting Director of the Department of Water and Sewer Utilities, to enter into and execute Contract 02-WS2014 with Rockborn Trucking & Excavation, Inc., 12 Taylor Road, Wharton, New Jersey 07885, for Permanent Pavement Restoration over Water and Sewer Utility Excavations, in the amount of \$770,500.00, for a period of two (2) years beginning on the commencement date indicated in a Notice to Proceed.