



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 15-2080, Version: 1

Dept/ Agency: Water and Sewer Utilities

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

Type of Service: Bid Contract

Purpose: Rehabilitation of Water Mains (C&L) - Contract 11-WS2011

Entity Name: Mainlining America, LLC

Entity Address: 555 Pound Road, Elma, New York 14059

Total Contract Amount: \$13,733,451.50

Funding Source: Department of Water and Sewer Utilities Capital Budget

Contract Period: 730 days from 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: N/A

Bid Packages Distributed: Seven (7)

Bids Received: Three (3)

WHEREAS, the City of Newark advertised Contract 11-WS2011 Rehabilitation of Water Mains (C&L) located at various locations in the City of Newark, on September 25, 2015; and

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

WHEREAS, on October 23, 2015, three (3) bids were received for the said project in accordance with the Local Public Contracts Law N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, Mainlining America, LLC, 555 Pound Road, Elma, New York 14059, submitted the lowest responsive and responsible bid, according to the specifications with \$6,849,112.50 base bid, \$2,481,485.50 supplemental bid item "A", and \$4,402,853.50 supplemental bid item "B", according to the specifications and in the combined total amount of \$13,733,451.50; and

WHEREAS, Contract 11-WS2011 Rehabilitation of Water Mains (C&L), is funded by a low interest loan from the New Jersey Department of Environmental Protection (NJDEP), and the New Jersey Environmental Infrastructure Trust (NJEIT), for which the City of Newark received an approval from the NJDEP; and

WHEREAS, the City of Newark wishes to accept the lowest responsible bid submitted by Mainlining America, LLC, on October 23, 2015, and execute Contract 11-WS2011 Rehabilitation of Water Mains (C&L), with Mainlining America, LLC, 555 Pound Road, Elma, New York 14059, for the total amount not to exceed \$13,733,451.50; 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, 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 Mainlining America, LLC, on October 23, 2015, and execute Contract 11-WS2011 Rehabilitation of Water Mains (C&L), with Mainlining America, LLC, 555 Pound Road, Elma, New York 14059, for the total amount not to exceed \$13,733,451.50.
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 from the Chief Financial Officer, which states the funds in the amount of \$11,000,000.00, are available in the Capital Budget under Business Unit NW041, Department ID 13W, Project 13WA0, Account 94710, and which shall be filed along with the original resolution in the Office of the City Clerk. The Director of the Department of Water and Sewer Utilities is further authorized to extend the contract to the full value of \$13,733,451.50 when additional funds in the amount of \$2,733,451.50 are certified from the Capital Budget of the Department of Water and Sewer Utilities, and a copy of the Certification of Funds is filed 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.
3. There shall be no advance payment on this contract in accordance with N.J.S.A. 40A:5-16.
3. 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.
3. A fully executed copy of the contract shall be filed with the New Jersey Department of Environmental Protection (NJDEP), by the Department of Water and Sewer Utilities.

3. 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; and is in compliance with the Contractor Pay-to-Play Reform Ordinance, R.O. 2:4-22C.

3. 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 the Mayor and/or his designee, the Director of the Department of Water and Sewer Utilities, to accept the lowest responsible bid, which was submitted by Mainlining America, LLC on October 23, 2015, and execute Contract 11-WS2011 Rehabilitation of Water Mains (C&L), located at various locations in the City of Newark, with Mainlining America, LLC, 555 Pound Road, Elma, New York 14059, for the total amount not to exceed \$13,733,451.50.