



# City of Newark

City Hall  
920 Broad Street  
Newark, New Jersey 07102

## Legislation Text

File #: 17-0098, Version: 1

**Dept/ Agency:** Administration/Division of Central Purchasing

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

**Type of Service:** Bid Contract(s)

**Purpose:** Sewer Netting

**Entity Name(s)/Address(s):** Fresh Creek Technologies, Inc., 1384 Pompton Avenue, Cedar Grove, New Jersey 07009

**Contract Amount:** \$160,000.00

**Funding Source:** 2017 Budget/ Department of Water and Sewer Utilities NW037-750-7502-8373-B2017

**Contract Period:** To be established for a period not to exceed two (2) years

**Contract Basis:** (X) Bid ( ) State Vendor ( ) Prof. Ser. ( ) EUS

( ) Fair & Open ( ) No Reportable Contributions ( ) RFP ( ) RFQ

( ) Private Sale ( ) Grant ( ) Sub-recipient ( ) n/a

**Additional Information:**

Bid Advertisement Date: December 13, 2016

Bid Proposal Due Date: December 29, 2016

Bids solicited: Eleven (11)

Bids received: Two (2)

Bids rejected: One (1)

**WHEREAS**, on December 13, 2016, the City of Newark through its Supervising Procurement Specialist, advertised to solicit bids for Sewer Netting, for contractors to provide to the City of Newark, for the Department of Water and Sewer Utilities' usage as described in the attached bid proposal; and

**WHEREAS**, the Division of Central Purchasing distributed eleven (11) bid proposal packages from prospective vendor (s) from its established bid list, following the December 13, 2016 advertisement; and

**WHEREAS**, on December 29, 2016 the Supervising Procurement Specialist received (2) bids in response to the December 29, 2016 advertisement; and

**WHEREAS**, on December 29, 2016, one (1) bid was rejected due to non-compliance with the bid specifications by failing to provide unit information making it impossible for the City to determine pricing; and

**WHEREAS**, the Department of Water and Sewer Utilities recommends that an award be made to Fresh Creek Technologies, Inc., 1384 Pompton Avenue, Cedar Grove, New Jersey 07009, the lowest responsive and responsible bidder; and

**WHEREAS**, the Supervising Procurement Specialist, concurs from review and evaluation with the

recommendation that the award be made to Fresh Creek Technologies, Inc., 1384 Pompton Avenue, Cedar Grove, New Jersey 07009, the lowest responsive and responsible bidder; and

**WHEREAS**, pursuant to N.J.S.A. 40A:11-24, the vendor agreed to hold their prices beyond 60 days until such time as an award is made as the law allows; and

**WHEREAS**, pursuant to N.J.S.A. 19:44A-20.5 et seq., solicitations through public bidding in accordance with N.J.S.A. 40A:11-1, et seq. meets the requirements of the fair and open process.

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

1. The Mayor and/or his designee, the Supervising Procurement Specialist, are hereby authorized to enter into a contract with Fresh Creek Technologies, Inc., 1384 Pompton Avenue, Cedar Grove, New Jersey 07009, for the provision of Sewer Netting for the City of Newark Department of Water and Sewer Utilities' usage, whose bid was received on the advertised due date and determined to be the lowest responsive and responsible bidder in accordance with the bid specifications. The term of the contract will be established for two (2) years; pursuant to N.J.S.A. 40A:11-3 (b).
2. There shall be no amendment or change of this contract without the approval of the Municipal Council.
3. There shall be no advance payment on this contract in accordance with N.J.S.A. 40A:5-16. Funds for 2017 and subsequent years are contingent upon appropriations; pursuant to N.J.A.C. 5:30-5.5 (d) (2).
4. This is an open-ended contract to be used as needed. Thus, for any and all expenditures against this contract, a certification of the availability of sufficient funds, as required by N.J.A.C. 5:30-5.5 (b) (2), shall be incurred each time an order is placed, covering the amount of the service from accounts NW037-750-7502 and 8373-B2017. This contract shall not exceed \$160,000.00 for a period of two (2) years.
5. The Supervising Procurement Specialist shall forthwith file a duly executed copy of this contract in the Office of the City Clerk.
6. 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 and/ or his designee, the Supervising Procurement Specialist, to enter into a contract with Fresh Creek Technologies, Inc., 1384 Pompton Avenue, Cedar Grove, New Jersey 07009, for the provision of Sewer Netting for the City of Newark, at a cost not to exceed \$160,000.00. The term of the contract will be established for two (2) years; pursuant to N.J.S.A. 40A:11-3 (b).