



# City of Newark

City Hall  
920 Broad Street  
Newark, New Jersey 07102

## Legislation Text

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File #: 17-0315, Version: 1

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

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

**Type of Service:** Bid Contract

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

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

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

**Contract Amount:** Amount not to exceed \$940,500.00

**Funding Source:** 2017 Budget/ Department of Water and Sewer Utilities

**Contract Period:** 730 calendar days from the date of 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: Eight (8)

Bids Received: Three (3)

Bids Rejected: One (1)

**WHEREAS**, the City of Newark advertised Contract 02-WS2017 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 January 26, 2017 the Department of Water and Sewer Utilities received three (3) bids for said project in accordance with the Local Public Contracts Law N.J.S.A. 40A:11-1 et seq.; and

**WHEREAS**, The Shauger Group, 429 Dodd Street, East Orange, New Jersey 07017, submitted a bid in the amount of \$770,000.00; and

**WHEREAS**, the City of Newark's Department of Water and Sewer Utilities reviewed the Shauger Group's bid and found it failed to satisfy the City's MBE utilization goal and therefore the bid was rejected; and

**WHEREAS**, Rockborn Trucking & Excavation, Inc., 12 Taylor Road, Wharton, New Jersey 07885 ("Rockborn Trucking"), submitted a bid in the amount of \$940,500.00; and

**WHEREAS**, the City of Newark's Department of Water and Sewer Utilities reviewed Rockborn Trucking's bid and found it to be responsible and responsive to the bid specifications; and

**WHEREAS**, the Director of the Department of Water and Sewer Utilities recommends that Contract 02-WS2017 be awarded to Rockborn Trucking & Excavation, Inc., 12 Taylor Road, Wharton, New Jersey 07885, in the amount not to exceed \$940,500.00, for 730 calendar days from the date of the 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**, the Municipal Council adopted the Contractor Pay-to Play Reform Ordinance, R.O. 2:4-22C, 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, 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 Director of the Department of Water and Sewer Utilities, to enter into and execute Contract 02-WS2017 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 not to exceed \$940,500.00, for a period of 730 calendar days from the date of the 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 that funds in the amount of \$50,000.00, are available in the 2017 Budget under Business Unit NW037, Department ID 750, Division/Project 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 2017 and 2018 annual budgets shall be obtained for the balance of the contract amount by the 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 2017 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 was solicited and awarded pursuant to the fair and open procedures in accordance with the state 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 the City's Contractor Pay-to-Play Reform Ordinance, R.O.2:4-22C.
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 and/or his designee, the Director of the Department of Water and Sewer Utilities, to enter into and execute Contract 02-WS2017 with Rockborn Trucking & Excavation, Inc., 12 Taylor Road, Wharton, New Jersey 07885, for Permanent Pavement Restoration over Water and Sewer Utility Excavations, for an amount not to exceed \$940,500.00, for a period of 730 calendar days from the date of the Notice to Proceed.