



# City of Newark

City Hall  
920 Broad Street  
Newark, New Jersey 07102

## Legislation Text

File #: 17-0808, Version: 1

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

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

**Type of Service:** Bid Contract

**Purpose:** Soil Removal and Disposal Services (Removal from Storage Yard: 63 Newark Street) - Contract 16-WS2016

**Entity Name:** Tricon Enterprises, Inc.

**Entity Address:** 323 Beers Street, Keyport, New Jersey 07735

**Contract Amount:** Amount not to exceed \$343,500.00

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

**Contract Period:** Ninety (90) consecutive calendar days from the date specified on the 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: Ten (10)

Bids Received: Six (6)

Partial certification of funds in the amount of \$100,000.00.

**WHEREAS**, on January 26, 2017, the City of Newark advertised Contract 16-WS2016 Soil Removal and Disposal Services (Removal from Storage Yard: 63 Newark Street) and distributed ten (10) bid documents; and

**WHEREAS**, on January 26, 2017 the Department of Water and Sewer Utilities received six (6) bids for the project in accordance with the Local Public Contracts Law N.J.S.A. 40A:11-1 et seq.; and

**WHEREAS**, Tricon Enterprises, Inc., 323 Beers Street, Keyport, New Jersey 07735, submitted the lowest responsive and responsible bid according to the specifications and in the amount of \$343,500.00; and

**WHEREAS**, the City wishes to accept the bid submitted by Tricon Enterprises, Inc., on January 26, 2017 and execute Contract 16-WS2016 Soil Removal and Disposal Services (Removal from Storage Yard: 63 Newark Street), with Tricon Enterprises, Inc., 323 Beers Street, Keyport, New Jersey 07735, for a total amount not to exceed \$343,500.00; and

**WHEREAS**, on August 1, 2012, the Newark 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.

**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 Business Administrator and/or his designee the Director of the Department of Water and Sewer Utilities, to accept the lowest responsive and responsible bid submitted on January 26, 2017 by Tricon Enterprises, Inc., 323 Beers Street, Keyport, New Jersey 07735, and execute Contract 16-WS2016 Soil Removal and Disposal Services (Removal from Storage Yard: 63 Newark Street), with Tricon Enterprises, Inc., for a total amount not to exceed \$343,500.00
2. The Contract shall be completed within ninety (90) consecutive calendar days from the date specified on Notice to Proceed issued by the City of Newark Department of Water and Sewer Utilities to Tricon Enterprises, Inc.
3. This Contract is being awarded under a Temporary Budget. Pursuant to N.J.A.C. 5:30-5.5, a Temporary Budget, attached hereto is a partial Certification of Funds issued by the Director of Finance of the City of Newark, which states that funds in an amount of \$100,000.00 are available in the 2017 Preliminary Budget, Business Unit NW037, Department ID: 750, Division/Project 7502, Account # 71560. The Director of the Department of Water and Sewer Utilities shall file a copy of the Certification of Funds along with the original resolution and the executed contract in the Office of the City Clerk. The remainder of \$243,500.00 in funding for this contract is subject to the appropriation of funds in the 2017 Municipal Budget, and funds will be certified prior to services being provided by the contractor. The contract is subject to the availability and appropriation of sufficient funds in accordance with N.J.A.C. 5:30-5.5(c) and N.J.A.C. 5:30-5.5(d).
4. There shall be no amendment or change to the contract without approval by the Newark Municipal Council.
5. There shall be no advance payments made against this contract in accordance with N.J.S.A. 40A:5-16.
6. A fully executed copy of the contract shall be filed in the Office of the City Clerk by the Director of the Department of Water and Sewer Utilities.
7. This contract was solicited and awarded pursuant to the fair and open procedures in accordance with 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.
8. If required by State Law, the City Clerk shall provide the appropriate notice of the award of the 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 Business Administrator and/or his designee the Director of the Department of Water and Sewer Utilities, to accept the lowest responsive and responsible bid submitted by Tricon Enterprises, Inc., 323 Beers Street, Keyport, New Jersey 07735, and execute Contract 16-WS2016 Soil Removal and Disposal Services (Removal from Storage Yard: 63 Newark Street), with Tricon Enterprises, Inc., for a total amount not to exceed \$343,500.00. The contract shall be completed within 90 consecutive calendar days from the date specified on the Notice to Proceed issued by the Department of Water and Sewer Utilities.