



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 18-0939, **Version:** 1

Dept/ Agency: Water and Sewer Utilities

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

Type of Service: Bid Contract

Purpose: Replacement of Water Distribution Mains - Contract 12-WS2016 (Re-bid)

Entity Name: Underground Utilities Corporation

Entity Address: 711 Commerce Road, Linden, New Jersey 07036

Total Contract Amount: Not to exceed \$3,826,237.80

Funding Source: Department of Water and Sewer Utilities Capital Budget

Contract Period: 180 calendar days from 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: N/A

Bid Packages Distributed: Sixteen (16)

Bids Received and Rejected: Five (5)

Re-advertised: April 23, 2018

Bid Packages Distributed: Ten (10)

Bids Received: Five (5)

WHEREAS, the City of Newark advertised Contract 12-WS2016 Replacement of Water Distribution Mains located at various locations in the City of Newark, on January 31, 2018; and

WHEREAS, the Department of Water and Sewer Utilities ("Department") distributed sixteen (16) bid packages to prospective vendors following the date of bid advertisement; and

WHEREAS, on March 2, 2018, the Department received five (5) bids for said project in accordance with the Local Public Contracts Law N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the Department of Water and Sewer Utilities reviewed the bids, and two (2) bids were rejected as non-responsive to the bid specifications, due to the omission of certain mandatory state required certification forms, and to the City of Newark's Affirmative Action Program and the Minority Business Enterprise/Women Business Enterprise (MBE/WBE) utilization requirements as this requirement is a material condition of the bid that cannot be cured or waived, and three (3) bids were rejected for being over the City's appropriation pursuant to N.J.S.A. 40A:11-13.2b; and

WHEREAS, on April 23, 2018 the City of Newark re-advertised Contract 12-WS2016(Re-bid) Replacement of Water Distribution Mains; and

WHEREAS, the Department distributed ten (10) bid packages to prospective vendors following the date of re-bid advertisement; and

WHEREAS, on May 23, 2018, the Department received five (5) bids for said project in accordance with the Local Public Contracts Law N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the Department reviewed the bids, and the lowest numerical bid in the amount of \$3,807,890.00 from Reivax Contracting Corporation, 365 Thomas Street, Newark, New Jersey 07114, was rejected as non-responsive to the bid specifications, specifically to the City of Newark's Affirmative Action Program and the Minority Business Enterprise/Women Business Enterprise (MBE/WBE) utilization requirements as this requirement is a material condition of the bid that cannot be cured or waived; and

WHEREAS, the Department determined that Underground Utilities Corporation, 711 Commerce Road, Linden, New Jersey 07036, submitted the lowest responsive and responsible bid, according to the specifications and in the total amount of \$3,826,237.80; and

WHEREAS, the City of Newark wishes to accept the lowest responsible bid submitted by Underground Utilities Corporation, on May 23, 2018, and execute Contract 12-WS2016(Re-bid) Replacement of Water Distribution Mains, with Underground Utilities Corporation, 711 Commerce Road, Linden, New Jersey 07036, for the total amount not to exceed \$3,826,237.80.

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 Underground Utilities Corporation, on May 23, 2018, and execute Contract 12-WS2016(Re-bid) Replacement of Water Distribution Mains with Underground Utilities Corporation, 711 Commerce Road, Linden, New Jersey 07036, for the total amount not to exceed \$3,826,237.80 for a term of 180 calendar days from the issuance of a Notice to Proceed.
2. Attached hereto is a Certification of Funds from the Chief Financial Officer, which states that funds in the amount of \$3,826,237.80, are available in the Water and Sewer Capital Budget under Business Unit NW041, Department ID 17W, Project 17W00, Account 94710, and which shall be filed along with the original resolution in the Office of the City Clerk. There shall be no amendment or change to the contract without approval by the Newark Municipal Council.
3. There shall be no amendment or change to the contract without approval by the Newark Municipal Council.
4. There shall be no advance payment on this contract in accordance with N.J.S.A. 40A:5-16.
5. 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.
6. 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:11-1 et seq.

7. .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 Director of the Department of Water and Sewer Utilities, to accept the lowest responsible bid submitted by Underground Utilities Corporation, on May 23, 2018, and execute Contract 12-WS2016(Re-bid) Replacement of Water Distribution Mains located at various locations in the City of Newark, with Underground Utilities Corporation, 711 Commerce Road, Linden, New Jersey 07036, for the total amount not to exceed \$3,826,237.80 for a term of one hundred eighty (180) calendar days from the Notice to Proceed.