



# City of Newark

City Hall  
920 Broad Street  
Newark, New Jersey 07102

## Legislation Text

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**File #:** 18-1542, **Version:** 1

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

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

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

**Purpose:** To provide water leak detection systems to the City

**Description:** Water Leak Detection Systems

**Entity Name(s)/Address(s):**

1) AP Certified Testing, LLC, 5 Jayne Terrace, Ringwood, New Jersey 07456

2) Ferguson Enterprises, Inc. dba Pollard Water, 200 Atlantic Avenue, New Hyde Park, New York 11040

**Contract Amount:** \$100,000.00

**Funding Source:** 2018 Budget/Department of Water and Sewer Utilities

**Account Code Line:** NW037-750-7502-83730-B2018 / Water and Sewer Utilities

**Contract Period:** To be established for a period not to exceed two (2) years, pursuant to N.J.S.A. 40A:11-15

**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:**

Advertisement Date: July 31, 2018

Number of Bids Solicited: Seven (7)

Number of Bids Received: Two (2)

**WHEREAS**, on July 31, 2018, the City of Newark, through its Purchasing Agent, QPA, advertised to solicit bids for contractor(s) to provide Water Leak Detection Systems, to the Department of Water and Sewer Utilities, as per the bid proposal attached hereto; and

**WHEREAS**, the Division of Central Purchasing also distributed seven (7) bid proposal packages to prospective vendors following the date of advertisement; and

**WHEREAS**, on August 16, 2018, two (2) bids were received in response to this advertisement; and

**WHEREAS**, the Assistant Director of Water and Sewer Utilities recommended that a dual award be made to AP Certified Testing, LLC and Ferguson Enterprises, Inc. dba Pollard Water, the only responsive and responsible bidders; and

**WHEREAS**, the Purchasing Agent, QPA concurred with the recommendation from the Assistant Director of Water and Sewer Utilities that a dual award be made to AP Certified Testing, LLC and Ferguson Enterprises, Inc. dba Pollard Water, the only responsive, responsible bidders based on line items bid; and

**WHEREAS**, pursuant to N.J.S.A. 40A:11-24, the bidder consented to holding prices bid for

consideration, until such time as an award is made, as the law permits; 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 Purchasing Agent, QPA, are hereby authorized to enter into a contract with AP Certified Testing, LLC, 5 Jayne Terrace, Ringwood, New Jersey 07456, to receive line items #1, 2, 7, 8, 9, 12, 13, 19, 20, 21, 23, 24, 25 and 27 (various sizes and types) for year one and year two and Ferguson Enterprises, Inc. dba Pollard Water, 200 Atlantic Avenue, New Hyde Park, New York 11040, to receive line items #3, 4, 5, 6, 9, 10, 11, 14, 15, 16, 17, 18, 22, 26 and 28 for year one and year two and line item #20 for year one only (various sizes and types) to provide Water Leak Detection Systems to the City, whose bids were received on the advertised due date and determined to be the only responsive, responsible bidders, in accordance with the bid specifications. The term of the contract will be established for a period not to exceed a two (2) year term, pursuant to N.J.S.A.40A:11-15, at a cost not to exceed \$100,000.00 for two (2) vendors.

2. There shall be no amendment or change of this contract without the approval of the Municipal Council by resolution.

3. There shall be no advance payment on this contract in accordance with N.J.S.A. 40A:5-16. Funds for 2018 and subsequent years are contingent upon appropriations; pursuant to N.J.A.C. 5:30-5.5(d).

4. This is an open-ended contract to be used as needed during the term of contract. 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 executed before a contractual liability is incurred each time an order is placed, from Account Code Lines: NW037-750-7502-83730-B2018 / Water and Sewer Utilities covering the amount of the order. This contract shall not exceed \$100,000.00 for a period to be established not to exceed two (2) years.

5. A copy of this Resolution and the duly executed copy of the contract shall be forthwith filed in the Office of the City Clerk by the Purchasing Agent, QPA.

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 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 contract is awarded to AP Certified Testing, LLC and Ferguson Enterprises, Inc. dba Pollard Water, to provide Water Leak Detection Systems to the City of Newark, at a cost not to exceed \$100,000.00, for a period to be established not to exceed two (2) years for two (2) vendors.