



# City of Newark

City Hall  
920 Broad Street  
Newark, New Jersey 07102

## Legislation Text

File #: 19-0773, Version: 1

**Dept/ Agency:** Engineering

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

**Type of Service:** Bid Contract

**Purpose:** Renovation of Hank Aaron Baseball Field

**Entity Name:** Bismark Construction Corporation

**Entity Address:** 207-211 Berkeley Avenue, Newark, New Jersey 07107

**Contract Amount:** Not to exceed \$1,628,170.00

**Funding Source:** Open Space Trust Fund

**Funding Account Codes:** 2019 Budget/Department of Recreation, Cultural Affairs and Senior Services/Business Unit: NW026, Account#: 32720, Budget Year: B2019

**Contract Period:** 180 days from the date a Notice to Proceed is issued by the Director of Engineering and/or his designee

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

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

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

**Addition Information:**

**WHEREAS**, on November 7, 2018, the City of Newark, Department of Engineering ("Department of Engineering"), advertised for the receipt of bids for Contract #2018-18 for Renovation of Hank Aaron Baseball Field, 98 Mercer Street, Newark, New Jersey 07104, pursuant to the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1 *et seq.*; and

**WHEREAS**, on November 19, 2018, eleven (11) contractors who picked up bid packages for Contract #2018-18 for Renovation of Hank Aaron Baseball Field, 98 Mercer Street, Newark, New Jersey 07104, were invited to do a visual inspection of the site; and

**WHEREAS**, on December 4, 2018, the City provided vendors who picked up a bid with Addendum #1; and

**WHEREAS**, on December 13, 2018, the City received five (5) bids for Contract #2018-18 for Renovation of Hank Aaron Baseball Field; and

**WHEREAS**, on February 5, 2019, all contractors who submitted a bid were notified by regular and electronic mail that all of the bids would be rejected and that the City would be re-bidding the project at a later date because the City of Newark failed to properly provide the proper notice of Addendum #1 to all bidders as required under the N.J.S.A. 40A:11-23(c); and

**WHEREAS**, on March 14, 2019, the Department of Engineering, re-advertised for the receipt of bids for Contract #2018-18R for Renovation of Hank Aaron Baseball Field, 98 Mercer Street, Newark, New Jersey 07104, pursuant to the New Jersey Local Public Contracts Law, N.J.S.A.

40A:11-1 et seq.; and

**WHEREAS**, on April 4, 2019, the City received six (6) bids for Contract #2018-18R for Renovation of Hank Aaron Baseball Field; and

**WHEREAS**, based on a review of the bids, the Director of the Department of Engineering has determined that it is in the best interest of the City of Newark to accept the bid proposal and execute Contract #2018-18R for Renovation of Hank Aaron Baseball Field, 98 Mercer Street, Newark, New Jersey 07104, with the lowest responsible bidder, Bismark Construction Corporation, 207-211 Berkeley Avenue, Newark, New Jersey 07107, for the total bid amount not to exceed \$1,628,170.00 (Base Bid for \$1,589,170.00 + Alternate A1 \$18,000.00 + Alternate A2 \$21,000.00); and

**WHEREAS**, the public advertisement and the receipt of public bids and the award of the contract to the lowest responsible bidder, pursuant to the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq. constitutes a fair and open process pursuant.

**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 Director of the Department of Engineering is hereby authorized, on behalf of the City of Newark, to accept the bid submitted by the lowest responsible bidder, Bismark Construction Corporation, Inc., 207-211 Berkeley Avenue, Newark, New Jersey 07107, and execute Contract #2018-18R Hank Aaron Baseball Field, 98 Mercer Street, Newark, New Jersey 07104, with them for the total bid amount not to exceed \$1,628,170.00 (Base Bid for \$1,589,170.00 + Alternate A1 \$18,000.00 + Alternate A2 \$21,000.00).

2. Attached hereto is a Certification of Funds from the Director of Finance, which states that funds for the entire contract are available in the amount of \$1,628,170.00 for the purposes set forth herein and the line item to be charged is as follows: Business Unit: NW026, Account#: 32720, Budget Year: B2019. A copy of the certification of funds shall be filed in the Office of the City Clerk by the Director of Engineering together with this resolution.

3. No changes to this contract shall be allowed or authorized without prior Municipal Council approval.

4. A fully executed copy of the contract shall be filed in the Office of the City Clerk by the Director of the Department of Engineering or his designee.

5. This contract is to be completed within a period of One Hundred Eighty (180) days from the date a Notice to Proceed is issued by the Director of Engineering and/or his designee.

6. The public bidding process under the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq., complies with the Fair and Open Process of the State of New Jersey Local Unit Pay-to-Play Law, N.J.S.A. 19:44A-20.5, et seq.

7. There shall be no advance payments made against this contract in accordance with N.J.A.C. 40A:5-16.

8. 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.

### **STATEMENT**

This resolution hereby authorizes the Mayor and/or his designee, the Director of the Department of Engineering, to accept the bid proposal submitted by the lowest responsible bidder, Bismark Construction Corporation, Inc., 207-211 Berkeley Avenue, Newark, New Jersey 07107, and execute Contract #2018-18R Hank Aaron Baseball Field, 98 Mercer Street, Newark, New Jersey 07104, for the total amount of \$1,628,170.00 (Base Bid for \$1,589,170.00 + Alternate A1 \$18,000.00 + Alternate A2 \$21,000.00 for a Total Amount of \$1,628,170.00). This contract is to be completed within a period of One Hundred Eighty (180) days from the date a Notice to Proceed is issued by the Director of Engineering and/or his designee.