



## Legislation Text

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File #: 24-1064, Version: 1

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**Dept/ Agency:** Engineering

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

**Type of Service:** Bid Contract

**Purpose:** To authorize the award of a contract for construction of the Ferry Street Intersection Safety Improvements Project.

**Entity Name:** Berto Construction, Inc.

**Entity Address:** 625 Leesville Avenue, Rahway, New Jersey 07065

**Contract Amount:** Not to exceed \$5,999,910.79

**Funding Source:** 2024 Budget/Department of Engineering/NW051, G24, E24M0, A, 71930, B2024

**Contract Period:** 476 consecutive calendar days from the date of the issuance of a formal Notice to Proceed

**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:**

Bids Solicited: January 16, 2024, January 23, 2024 and January 30, 2024

Bids Received: Three (3)

Bids Rejected: One (1)

**WHEREAS**, the City of Newark, Department of Engineering, Division of Traffic and Signals (the "City"), advertised for receipt of bids on January 16, 2024, January 23, 2024 and January 30, 2024 for the Ferry Street Intersection Safety Improvements project; and

**WHEREAS**, on January 16, 2024, the City provided vendors who picked up a bid with Addendum #1; and

**WHEREAS**, on February 1, 2024, the City provided vendors who picked up a bid with Addendum #2; and

**WHEREAS**, on February 14, 2024, the City received three (3) bids for the Ferry Street Intersection Safety Improvements project, Contract #2022-06; and

**WHEREAS**, upon review of the bids, the lowest bid proposal from Zuccaro Inc. was rejected by the City of Newark because they failed to submit CR-266, CR-273 and applicable CR-272, and applicable CR-274, which were required to be signed and completed at the time of bid submission or within five (5) days after the bid opening as required by NJDOT Division of Civil Rights & Affirmative Action, and therefore the bid was deemed nonresponsive; and

**WHEREAS**, based upon a review of the bids, the Acting Director of the Department of Engineering desires to accept the bid proposal submitted by the next lowest responsive and responsible bidder, Berto Construction Inc., and execute Contract #2022-06, Ferry Street Safety

Improvements Federal project for the total bid amount not to exceed **Five Million Nine Hundred Ninety-Nine Thousand Nine Hundred Ten Dollars and Seventy-Nine Cents (\$5,999,910.79)**.

**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 Acting Director of the Department of Engineering, are hereby authorized on behalf of the City of Newark to accept the bid proposal submitted by the lowest responsive and responsible bidder, Berto Construction Inc., 625 Leesville Avenue, Rahway, New Jersey 07065, and execute Contract #2022-06, Ferry Street Intersection Safety Improvements Federal project for the total bid amount not to exceed **Five Million Nine Hundred Ninety-Nine Thousand Nine Hundred Ten Dollars and Seventy-Nine Cents (\$5,999,910.79)**.
2. Attached hereto are Certification of Funds issued by the Chief Financial Officer, which states funds in the amount of: \$4,656,011.57 are available from Business Unit NW051, Dept. G24, Div./Proj. E24M0, Activity A, Account # 71930, Budget Ref. B2024; \$1,266,469.22 from Business Unit NW051, Dept. G24, Div./Proj. E24M0, Activity A, Account # 71930, Budget Ref. B2024; and \$77,430.00 from Business Unit NW011, Dept. 110, Div/Proj. 1107, Activity A, Account # 71930, Budget Ref. B2024.
3. No changes to this contract are allowed 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 Acting Director of the Department of Engineering.
5. This contract is to be completed within a period of 476 consecutive calendar days from the date of the issuance of a formal Notice to Proceed by the Acting Director of the Department of Engineering.
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. 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 hereby authorizes the Mayor and/or his designee, the Acting Director of the Department of Engineering, to accept the bid proposal by the lowest responsive and responsible bidder, Berto Construction Inc., and execute Contract #2022-06, Ferry Street Intersection Safety Improvements Federal project for the total bid amount not to exceed **Five Million Nine Hundred Ninety-Nine Thousand Nine Hundred Ten Dollars and Seventy-Nine Cents (\$5,999,910.79)**. This contract is to be completed within a period of 476 consecutive calendar days from the date of the

issuance of a formal Notice to Proceed by the Acting Director of the Department of Engineering.