

RESOLUTION REJECTING THE BID OF NATIONAL WATER MAIN CLEANING COMPANY IN RESPONSE TO BID SPECIFICATIONS FOR CONTRACT NO. 39 - JERSEY CITY TRUNK SEWER REHABILITATION 2014, AND AUTHORIZING REVISIONS TO THE MANDATORY MINIMUM QUALIFICATIONS OF BIDDER AND READVERTISEMENT FOR BID

WHEREAS (#1), the Rockaway Valley Regional Sewerage Authority (hereinafter “the Authority”) issued a Notice to Bidders seeking sealed competitive bids for Contract 39 – Jersey City Trunk Sewer Rehabilitation 2014 (State Project No. S340821-06); and

WHEREAS (#2), the Authority received one sealed competitive bid on April 28, 2015 at 11:00 a.m.; and

WHEREAS (#3), the aforementioned bid submitted by National Water Main Cleaning Company, having a business address of 1806 Newark Turnpike, Kearny, New Jersey (“National Water Main”) was in the amount of \$457,720.00; and

WHEREAS (#4), the Mandatory Minimum Qualifications of Bidder required the bidder to identify at the time of bid: “two (2) Wastewater Treatment Facilities Construction Projects or two (2) Water Treatment Facilities Construction Projects; or one (1) Wastewater Treatment Facilities Construction Project and one (1) Water Treatment Facilities Construction Project, within five (5) years from the date of this bid submission in which the original contract price for each Construction Project was at least \$750,000 and the final contract price, with change orders, upon completion was at least \$750,000”; and

WHEREAS (#5), although the bid submitted by National Water Main identified several projects over \$750,000, the majority of which were cleaning and inspection, National Water Main did not identify at the time of bid “two (2) Wastewater Treatment Facilities Construction Projects or two (2) Water Treatment Facilities Construction Projects; or one (1) Wastewater

Treatment Facilities Construction Project and one (1) Water Treatment Facilities Construction Project, within five (5) years from the date of this bid submission in which the original contract price for each Construction Project was at least \$750,000 and the final contract price, with change orders, upon completion was at least \$750,000"; and

WHEREAS (#6), additionally, none of the projects identified by National Water Main at the time of the receipt of bid provided for the date of completion, the original contract price and the final contract price as required by the Mandatory Minimum Qualifications of Bidder; and

WHEREAS (#7), after the receipt of bids, by e-mail dated May 8, 2015, National Water Main clarified that its Boston Water and Sewer Commission project which was for the installation and repair of catch basin hoods and traps at various locations throughout the City of Boston was completed twelve (12) years ago and therefore, this project does not satisfy the Mandatory Minimum Qualifications of Bidder; and

WHEREAS (#8), after the receipt of bids, by e-mail dated May 8, 2015, National Water Main clarified that its NJDOT North/South/Central contracts are not yet completed and therefore they do not satisfy the Mandatory Minimum Qualifications of Bidder; and

WHEREAS (#9), the bid submitted by National Water Main was reviewed by the Authority's staff, its consulting engineer, Hatch Mott MacDonald and the Authority's legal counsel, Maraziti Falcon L.L.P.; and

WHEREAS (#10), after the aforementioned review and in accordance with its memorandum opinion, dated May 11, 2015, the firm of Maraziti Falcon, L.L.P. opines that National Water Main failed to comply with the Mandatory Minimum Qualifications of Bidder; and

WHEREAS (#11), because National Water Main failed to satisfy the Mandatory Minimum Qualifications of Bidder at the time of bid, the bid submitted by National Water Main is materially defective and the material defect cannot be waived by the Authority; and

WHEREAS (#12), the Authority desires to re-advertise for the receipt of bids for Contract No. 39 – Jersey City Trunk Sewer Rehabilitation 2014 after it revises the Mandatory Minimum Qualifications of Bidder; and

WHEREAS (#13), the New Jersey Department of Environmental Protection requires that if a bid is intended to be awarded to other than the low bidder, or if all bids are intended to be rejected, advanced NJDEP approval must be obtained.

NOW THEREFORE BE IT RESOLVED by the Rockaway Valley Regional Sewerage Authority in the County of Morris and the State of New Jersey on this 14th day of May, 2015 as follows:

1. Subject to receipt of New Jersey Department of Environmental Protection approval, the bid submitted by National Water Main Cleaning Company for Contract 39 – Jersey City Trunk Sewer Rehabilitation 2014, is rejected for failing to comply at the time of the receipt of bid with the Mandatory Minimum Qualifications of Bidder, which is a material defect that cannot be waived by the Authority.
2. The Executive Director, staff and consultants are authorized to take all appropriate actions to revise the Mandatory Minimum Qualifications of Bidder to encourage competition and make such other revisions deemed necessary and, thereafter, advertise for the receipt of bids for Contract No. 39 – Jersey City Trunk Sewer Rehabilitation 2014.
3. The Executive Director, staff and consultants are authorized to take all appropriate actions to effectuate the terms of this Resolution.
4. This Resolution shall take effect as provided by law.

CERTIFICATION

I hereby certify that this Resolution was adopted at a regular meeting of the Rockaway Valley Regional Sewerage Authority held on May 14, 2015.

On motion: Glenn Corbett

Seconded by: Michael Guadagno


And a Roll Call Vote as Follows:

Yeas: (7) Cegelka, Corbett, Guadagno, Lowell, Schaefer, Schorno, Secco

Nays: (0) None

Abstain: (1) Vincitore

Absent: (2) Andes, Recchia


Michael Guadagno
Board Secretary