

RESOLUTION 23-089

**RESOLUTION AWARDING CONTRACT NO. 43
INTERCEPTOR SEWER REPLACEMENT AND REHABILITATION
BOONTON SECTION
TO SPINIELLO COMPANIES SUBJECT TO APPROVAL BY
THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION**

WHEREAS, the Rockaway Valley Regional Sewerage Authority (hereinafter the “Authority”) issued a Notice to Bidders seeking sealed competitive bids for Contract No. 43 – “Interceptor Sewer Rehabilitation and Replacement – Boonton Section”; and

WHEREAS, the Authority required prospective bidders to complete and satisfy mandatory minimum qualifications as a condition to bid opening, said mandatory minimum qualifications having been previously approved by the Department of Community Affairs after public hearing in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-25; and

WHEREAS, the Authority received three sealed and satisfactorily completed mandatory minimum qualifications and three separately sealed competitive bids on August 29, 2023, at 10:00 a.m. from the following bidders:

<u>Bidder</u>	<u>Bid Price</u>
Spiniello Companies, Livingston NJ	\$3,763,300.00
Montana Construction, Lodi NJ	\$4,211,111.00
Safar Contracting, Cedar Knolls, NJ	\$4,437,980.00

WHEREAS, after the bid opening on August 29, 2023, by letter dated August 30, 2023, the Authority’s consultant Mott MacDonald recommends that the Authority award Contract No. 43 – “Interceptor Sewer Rehabilitation and Replacement – Boonton Section” to Spiniello Companies; and

WHEREAS, the firm of Maraziti Falcon, L.L.P. opines that Spiniello Companies satisfied that mandatory minimum qualifications and the bid of Spiniello Companies does not contain any material defects and that Spiniello Companies is the lowest responsible bidder in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, funds to finance Contract No. 43 – “Interceptor Sewer Rehabilitation and Replacement – Boonton Section” are available through the New Jersey Infrastructure Bank (the “I-Bank”) as State Loan Project No. S340821-10, and the award of said contract to the lowest responsible bidder is subject to review and approval by the New Jersey Department of Environmental Protection; and

WHEREAS, the bidding documents include plans for the improvement to public property that were designed by Mott MacDonald; and

WHEREAS, N.J.S.A. 59:4-6 provides that neither the public entity nor a public employee is liable for an injury caused by the plan or design of public property or any improvement thereto where the plan or design was approved in advance of construction or improvement by the Authority or a public employee exercising discretionary authority to give such approval on its behalf where such plan or design was prepared in conformity with standards previously approved by the Authority; and

WHEREAS, the Authority desires to record its approval of said plans and design for Contract No. 43 – “Interceptor Sewer Rehabilitation and Replacement – Boonton Section” for the purpose of plan and design immunity provided by N.J.S.A. 59:4-6.

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 September 2023 as follows:

1. All immaterial defects contained in the bid submission of Spiniello Companies, if any, are waived and the Authority awards Contract No. 43 – “Interceptor Sewer Rehabilitation and Replacement – Boonton Section” to Spiniello Companies, having a business address of 354 Eisenhower Parkway, Livingston, NJ 07039 as the lowest responsible bidder in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., subject to approval of award by the New Jersey Department of Environmental Protection.
2. In the event that the New Jersey Department of Environmental Protection approves the award of Contract No. 43 – “Interceptor Sewer Rehabilitation and Replacement – Boonton Section” to Spiniello Companies, the Executive Director is authorized to execute said contract and the bid security of all the remaining unaccepted bids shall be released and returned within three days, Sundays and holidays excepted, after the full execution of the contract and the approval of the contractor’s performance bond.
3. The Executive Director shall complete and submit to the Office of State Comptroller, Contract Compliance Form A within 20 business days after award of said contract as a post-award notice for contracts valued at more than \$2.5 million but less than \$12.5 million, together with copies of all submissions required by said form.
4. The entire design, specifications, and plans prepared by Mott MacDonald and to be utilized for Contract No. 43 – “Interceptor Sewer Rehabilitation and Replacement – Boonton Section” are hereby approved for the purpose of the immunity to be provided to the Authority and its employees in accordance with N.J.S.A. 59:4-6.
5. The Executive Director, staff and consultants are authorized to take all appropriate actions to effectuate the terms of this Resolution and in the event the aforementioned approval by the New Jersey Department of Environmental Protection, to take measures to ensure that all appropriate documents, as required by Contract No. 43 – “Interceptor Sewer Rehabilitation and Replacement – Boonton Section” are provided by Spiniello Companies prior to the issuance of a Notice to Proceed.
6. This Resolution shall take effect immediately.

CERTIFICATION

I hereby certify that this Resolution was adopted at a regular meeting of the Rockaway Valley Regional Sewerage Authority held on September 14, 2023.

On motion: Commissioner Andes

Seconded by: Commissioner Laverty

And a Roll Call Vote as Follows:

Yeas: (8) Andes, Cegelka, Farrell, Howarth, Isselin, Laverty, Potter, and Zuppa.

Nays: (0) None

Abstain: (0) None

Absent: (2) Corbett and Schorno.



Donald Farrell
Board Secretary