

## CITY OF PATERSON NOTICE TO BIDDERS

The City of Paterson, New Jersey shall receive sealed bids at the Purchasing Office, 4<sup>th</sup> floor, City Hall, 155 Market Street, Paterson, New Jersey 07505 until 11:00 A.M. prevailing time on display in the Purchasing Office, on **Thursday, November 7, 2024** and then publicly opened, and read aloud in the 4<sup>th</sup> fl. Conference Room for the Following: **WEST RAILWAY AVE SEWER SEPARATION / BID NO. 23.20 / NJ-IBANK PROJ. NO. S340850-07**

The majority of the work to be performed under this Contract is located on West Railway Avenue in the City of Paterson. The work required under the Contract shall consist of, but is not limited to, site preparation, cleaning of sewers, and disconnection of the storm line from the existing sanitary sewer. The project involves construction of an estimated 3,500 LF of stormwater pipe, installation and/or replacement of 29 storm catch basins, and installation of 20 manholes as part of efforts to separate the combined sewer system (collectively, the "Work").

All Vendors must obtain bid packages from the City of Paterson, Purchasing Division, located at City Hall, 155 Market Street, 4th floor, Paterson, New Jersey, Tel: 973-321-1340 fax: 973-321-1341. **Reproduction or Redistribution of the contents of this Bid Package by a party other than the City of Paterson is strictly prohibited.** Bids received from vendors that did not obtain bid packages from the City of Paterson Purchasing Division will not be considered.

A Non Refundable fee of \$175.00 in a form of company check, certified check or money order is required for this bid payable to the City of Paterson.

Bids must be submitted on the standard Proposal Form provided by the City of Paterson in the manner designated therein, and must be enclosed in a sealed envelope bearing the title of the bid, name and address of the bidder on the outside; addressed to Mr. Harry M. Cevallos, Purchasing Agent, and delivered to the above address at the date and time set at the place herein. The City of Paterson is not responsible for any hand delivered or third party delivered bids which do not arrive at the proper time or location. Any such bid will be returned unopened to the vendor. All documents contained in this package must be returned to the City of Paterson in their original form. No substitutions, alterations, or modifications of any of the bid documents are permitted.

The City of Paterson requires that a bidder must submit with his bid, a bid guarantee in the form of a bid bond, certified check, or cashier's check in the amount of ten percent (10%) of the bid, along with consent of surety from a Bonding Company. In no case shall the bid guarantee exceed \$20,000.00. The bid guarantee must be accompanied by a surety company certificate (known as a Consent of Surety) duly authorized to do business in this State and satisfactory to the City of Paterson, stating that such surety company will provide the bidder with a guarantee bond or other surety as a guarantee indemnification. **Failure to include this item will mandate rejection of bid.**

The City of Paterson requires that a bidder who is awarded a contract, which exceeds \$44,000.00, must submit a Performance Bond in the full amount of the award from a Company doing business in the State of New Jersey. This bond shall be made to the City of Paterson and shall be held as security for the performance of the contract. The performance bond shall be submitted within ten (10) days of the date of the award letter. **Failure to submit a Performance Bond shall be cause for declaring the contract null and void.**

**This contract or subcontract is expected to be funded in part with funds from the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust. Neither the State of New Jersey, the New Jersey Environmental Infrastructure Trust nor any of their departments, agencies or employees is, or will be, a party to this contract or subcontract or any lower tier contract or subcontract. This contract or subcontract is subject to the provisions of N.J.A.C. 7:22-3, 4, 5, 9 and 10, including, but not limited to, the following:**

### **N.J.A.C. 7:22-9.1 (a):**

This subchapter establishes procedures for providing opportunities for socially and economically disadvantaged ("SED") contractors and vendors to supply materials and services under State financed construction contracts for environmental infrastructure facilities. To implement the policies established in N.J.S.A. 58:11B-26, 40:11A-41 et seq., and 52:32-17 et seq., this subchapter applies to environmental infrastructure projects receiving financial assistance from the Department and the Trust pursuant to N.J.A.C. 7:22-3, 4 and 6 and 7:22A-6 and 7. Under the provisions of N.J.A.C. 7:22-3, 4 and 6 and 7:22A-6 and 7, the Department and the Trust require recipients of Trust and Fund loans and other assistance to establish



such programs for socially and economically disadvantaged small business concerns, to designate a project compliance officer, and to submit to the Department and Trust procurement plans for implementing the SED program.

**N.J.A.C. 7:22-3.17(f):**

In accordance with the provisions of N.J.S.A. 58:11B-26, N.J.A.C. 7:22-3.17(a)24 and 4.17(a)24, the contractor (subcontractor) shall comply with all of the provisions of N.J.A.C. 7:22-9.

**N.J.A.C. 7:22-9.1(a):**

N.J.A.C. 7:22-3.17(a)24, 4.17(a)24, 6.17(a)24 and 7:22A-2.4(a) provide that a goal of not less than 10 percent be established for the award of contracts to small business concerns owned and controlled by one or more socially and economically disadvantaged individuals. The goal of 10 percent applies to the total amount of all contracts for building, materials and equipment, or services (including planning, design and building related activities) for a construction project.

**The project sponsor has identified that the SED utilization goal for this project is ten percent (10%).**

**N.J.A.C. 7:22-9.3 (b):**

The SED utilization goal shall be accomplished by the following:

1. Bids shall be solicited on an unrestricted basis. The bid documents, however, shall include a statement to the effect that the successful bidder must fulfill the SED utilization requirements by subcontracting portions or the work to SEDs; or
2. Contractors also have the option of establishing unrestricted bidding procedures to fulfill the 10% SED utilization requirement for the project.

**N.J.A.C. 7:22-9.6 (a):**

All project sponsors, at least 30 days prior to public advertisement for bids, shall notify the agencies specified in N.J.A.C. 7:22-9.13(a)8, of the availability of opportunities for SEDs to provide services, to bid on unrestricted contracts or subcontracts, or to provide any other necessary purchase or procurement. The notice shall include a description of the type and scope of the services involved.

**N.J.A.C. 7:22-9.7 (b):**

The advertisement for bids shall indicate that:

1. Awards will be made only to socially and economically disadvantaged business concerns that are certified by the New Jersey Commerce, Economic Growth and Tourism Commission, the New Jersey Department of Transportation, the Port Authority of New York and New Jersey, New Jersey Transit or other agencies deemed appropriate by the Office as eligible minority businesses or female businesses.
2. The invitation to bid is on an unrestricted basis whereby the successful bidder must fulfill the SED utilization requirements.

**N.J.A.C. 7:22-9.7 (c):**

The advertisement for bids shall be in such newspaper or newspapers and other periodicals identified by the agencies specified in 7:22-9.13 as will best give notice thereof to appropriate bidders and shall be sufficiently in advance of the purchase or contract to promote competitive bidding. In no case shall the advertisement for bids be published less than 30 days prior to the date fixed for receiving bids on the purchase or contract.

**N.J.A.C. 7:22-9.10:**

(a) If the contracting agency determines that the acceptance of the lowest responsible bid will result either in the payment of an unreasonable price or in a contract otherwise unacceptable pursuant to the statutes and rules governing public contracts, the contracting agency shall reject all bids.

(b) Bidders and the office shall be notified of the rejection of all bids, the reasons for the rejection, and the contracting agency's intent to solicit bids for a second time.

(c) If the contracting agency determines a second time that the acceptance of the lowest responsible bid will result either in the payment of an unreasonable price or in a contract otherwise unacceptable pursuant to the statutes and rules governing public contracts, the contracting agency shall reject all bids and notify the NJDEP Office of Equal Opportunity and Public Contract Assistance and, after receipt of the NJDEP Office of Equal Opportunity and Public Contract Assistance's approval, shall amend the project plan accordingly.

(d) Bidders shall be notified of the cancellation, the reasons for the cancellation and the contracting agency's intent to resolicit bids on an unrestricted basis. SEDs may participate in the bidding on an unrestricted basis.

Bidders must comply with regulations of the "New Jersey Local Public Contract Law" (N.J.S.A.40A: 11-1 et seq.), Affirmative Action regulations N.J.S.A.10:5-31 et seq., N.J.A.C. 17:27, the New Jersey Prevailing Wage Act 12:60-1 et seq. (N.J.S.A.34:11-56-1 et. seq., N.J.S.A.34:11-56.25 et. seq.) and the New Jersey Contractor Business Registration Certificate N.J.S.A.52.32-44.

Any such delinquent taxes or other Municipal charges would disqualify such bidders from bidding on or being awarded a City contract.

The Municipal Council of the City of Paterson reserves the right to consider bids for sixty (60) days after receipt thereof, and the award will be made to the lowest responsible bidder in accordance with applicable law.

**THE PUBLIC WORKS CONTRACTOR REGISTRATION ACT** N.J.S.A.34:11-56.48 et. seq. requires that a general or prime contractor and any listed subcontractor's names in the contractor's bid proposal **shall be register at the time the bid proposal is submitted**. After bid proposals are received and prior to award of contract, the successful contractor shall submit a copy of the contractor's certification along with those of all listed subcontractors. All non-listed subcontractors and lower tier subcontractors shall be registered prior to starting work on the project. It is the general contractor's responsibility that all non-listed subcontractors at any tier have their certificate prior to physically starting work on the job. Bidders may contact the following office for registration application forms or questions on this compliance: Contractor Registration Unit, NJ Department of Labor, Division of Wage & Hour Compliance, P.O. Box 389, Trenton NJ 08625-0389, Telephone 609.292.9464.

Harry M. Cevallos,  
Qualified Purchasing Agent