



Township Council
1 Municipal Plaza
Bloomfield, NJ 07003

Louise M. Palagano
Municipal Clerk

<http://www.bloomfieldtwpnj.com>

Meeting: 09/02/14 07:00 PM

2014 ORDINANCE NEW ORDINANCE

AN ORDINANCE TO CREATE CHAPTER 149A, "PUBLIC CONSTRUCTION CONTRACTS, RESPONSIBLE BIDDER REQUIREMENTS" WITHIN THE TOWNSHIP OF BLOOMFIELD TOWN CODE

BE IT ORDAINED, by the Mayor and Council of the Township of Bloomfield, County of Essex, State of New Jersey, as follows:

Section 1. Chapter 149A, "PUBLIC CONSTRUCTION CONTRACTS, RESPONSIBLE BIDDER REQUIREMENTS" of the Code of the Township of Bloomfield, County of Essex, State of New Jersey, is hereby created to read as follows:

WHEREAS, the Township of Bloomfield has compelling interest in ensuring that contracts for construction projects that it undertakes are performed promptly, at reasonable cost and with the highest degree of quality; and

WHEREAS, the Township of Bloomfield also seeks to ensure that job opportunities generated by contracts as described above are also utilized to help local citizens gain access to employment opportunities; and

WHEREAS, the Township of Bloomfield finds that it is in its best interest to define the term "responsible" as contained in competitive bidding statutes governing its purchases of construction goods and services; and

WHEREAS, the Township of Bloomfield wishes to ensure that contracts are awarded in an atmosphere that invites competition and guards against favoritism, improvidence, arbitrary conduct, extravagance, fraud and corruption, so as to secure the best work or supplies at the lowest cost practicable; and

APPROVED AS TO FORM AND PROCEDURE
ON BASIS OF FACTS SET FORTH

Brian J. Acosta
Director of Law - Township Attorney

WHEREAS, the Township of Bloomfield possesses great discretion in determining the “lowest responsible bidder” and is entitled to specify the terms of the contract when its solicits bids and the criteria that bidders must meet in order to be considered a “responsible” bidder in the exercise of its proprietary duties and responsibilities; and

WHEREAS, the Township of Bloomfield is entrusted with the power to determine whether a respective bidder is the “lowest responsible bidder”; and

WHEREAS, the Township of Bloomfield solicits bids and/or proposals on many different types of construction contracts with varying factors affecting each purchasing decision, and therefore must take into account responsible benefits to the community’s welfare arising from each bid and in the exercise of its proprietary functions.

NOW, THEREFORE, BE IT RESOLVED, that the financial responsibility is an important factor in determining the lowest responsible bidder, and the Township of Bloomfield shall require an entity that bids on a public construction contract produce satisfactory evidence that the business entity is properly registered and authorized to conduct the type of work to be performed, including evidence that demonstrates that the entity possessed or complies with all valid licenses, registrations or certificates required by federal, state, or county law, as well as complying with the general business license of the Township of Bloomfield prior to the award and during the term of the contract.

Additionally, the contracting authority, in order to make its determination as to whether the bidding entity is responsible, shall confirm and substantiate that the contract awardee can reasonably be expected to complete and perform under the contract specifications, and the contracting authority may require the successful bidder to post a bid, performance, wage/fringe benefit and/or material bond(s). The contracting authority shall also determine if the successful bidder can reasonably be expected to complete the project within the time constraints and

delineated in the request for bids and/or proposals. The Township of Bloomfield shall also determine if the bidding entity maintains a satisfactory level of past performance and integrity as well as possess the financial, supervisory, personnel, materials, equipment, and other resources and expertise to satisfactorily meet its contractual responsibilities and obligations. The Township shall also determine as a condition of being deemed "responsible" that the successful bidder has not been debarred by any federal, state, county or local agency or authority within the past three years or has been convicted of any crime related to the construction to the construction business.

BE IT FURTHER RESOLVED, that social "responsible" such factors as bidder's record of conformity with environmental, labor, and health and safety laws including compliance with the requirements of the U.S. Department of Labor's Occupational Safety & Health Administration. The bidder and its subcontractors must participate in an apprentice program, registered and approved by the United States Department of Labor, for each separate trade or classification for which it employs craft employees, unless the contractor or subcontractor certifies that every worker shall be paid not less than the journeyworker's rate established for the apprenticeable trade performed pursuant to P.L. 1963, c.150 (c.34:11-56.25 et seq.) all bidders and subcontractors must continue to participate in such apprenticeship programs for the duration of the project. In additional, the bidder and any and all of its subcontractors, will be required to show that such apprenticeship programs provides each trainee with combined classroom and on-the-job training under the direct and close supervisions of a highly skilled worker in an occupation recognized as an apprentice able trade and meets the programs performance standards of enrollment and graduation under 29 C.F.R. Part 29, section 29.6. Furthermore, the bidder shall be required to demonstrated and affirm that it is in compliance with the provisions of N.J.S.A C.34:20-1 et. Seq "Construction Industry Independent Contractor Act."

Be it further resolved, that all bidding entities must provide satisfactory evidence that it provides a benefit configuration being no less than required under N.J.S.A. C.34:11-56.25 et seq., "New Jersey Prevailing Wage Act" is minimally required to demonstrate that a bidding entity is 'responsible". Furthermore, the bidder shall affirm that it has made a good faith effort to provide 25% of all project work hours to residents of the Township of Bloomfield. For the purposes of this section, good faith effort, shall constitute a minimum of at least two community job fairs related to the construction of this project and adherence to the aforementioned provisions of being considered a "responsible bidder". That should it be established, after awarding of a contract, that any of the information required by this ordinance and provide by the bidding entity to the Township of Bloomfield was falsified or inaccurate, the contract shall be voided.

If any provision of the ordinance shall be held to be invalid or unenforceable by a court of competent jurisdiction any holding shall not invalidate any other provisions of this ordinance and all remaining provisions shall remain in full force and effect.

The following definitions shall govern this ordinance:

Public Construction Contract shall mean any public construction project for the construction, reconstruction, demolition or renovation of publically owned buildings performed by or at the direction of the Township of Bloomfield at the public expense for a cost of \$5,000,000.00 five million dollars or more, which it is required by law that the "New Jersey Prevailing Wage Act," P.L. 1963, c.150(C.34:11-56.25 et seq.)

Section 2. All ordinances inconsistent herewith are hereby repealed.

Section 3. This ordinance shall take effect upon final passage and publication in accordance with the law.

......*...*

I hereby certify that the above ordinance was duly adopted by the Mayor and Council of the Township of Bloomfield at a meeting of said Township Council held on October 6, 2014

Roseb Palazano

 Municipal Clerk of the Township of Bloomfield

ML

 Mayor of the Township of Bloomfield

✓ Vote Record - Ordinance						
		Yes/Aye	No/Nay	Abstain	Absent	
<input type="checkbox"/> Adopt	Elias N. Chalet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Deny	Nicholas Joanow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Withdrawn	Carlos Bernard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Table	Wartyna Davis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Not Discussed	Joseph Lopez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> First Reading	Carlos Pomares	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Table with no Vote	Michael J. Venezia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Approve						
<input type="checkbox"/> Veto by Mayor						
<input type="checkbox"/> Discussion						
<input type="checkbox"/> Defeated						
<input type="checkbox"/> Discussion No Vote						

✓ Vote Record - Ordinance						
		Yes/Aye	No/Nay	Abstain	Absent	
<input type="checkbox"/> Adopt	Elias N. Chalet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Deny	Nicholas Joanow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Withdrawn	Carlos Bernard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Table	Wartyna Davis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Not Discussed	Joseph Lopez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> First Reading	Carlos Pomares	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Table with no Vote	Michael J. Venezia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Approve						
<input type="checkbox"/> Veto by Mayor						
<input type="checkbox"/> Discussion						
<input type="checkbox"/> Defeated						
<input type="checkbox"/> Discussion No Vote						