

ADVERTISEMENT AND NOTICE TO BIDDERS

Notice is hereby given that sealed Bids will be received by the Borough of Bradley Beach for: **"5TH AVENUE SANITARY SEWER IMPROVEMENTS – PHASE 2 & IMPROVEMENTS TO PARK PLACE AVE" CONTRACT NO. 115.BB00603.H04** and opened and read aloud at the Borough of Bradley Beach Municipal Building, 701 Main Street, Bradley Beach, New Jersey 07720, on **June 2, 2026 at 10:00 a.m.** prevailing local time.

The project generally consists of the replacement of existing sanitary sewer main of 5th Avenue from Madison Avenue to Ocean Avenue including house service laterals, trench repair and other associated work. Approximate construction quantities include 2,650 SY of Roadway Trench Repair, 2,900 LF of 8" PVC-35 Sanitary Sewer Main, 850 LF of concrete curb or curb and gutter, 300 SY of concrete sidewalk, and other associated work.

NOTE:

It is the bidder's responsibility to ensure that the bid package is delivered by the bid opening date and time. Any bid document received after the deadline established by the Department of Purchasing will not be accepted, regardless of the method of delivery.

Submission of Bid:

Each bid must be accompanied by a certified check of not less than ten (10%) percent of the bid payable without any conditional endorsement as a guarantee that in case the contract is awarded to the bidder, he will within ten (10) days thereafter execute such contract and furnish satisfactory performance bond. Upon failure to do so, he shall forfeit the bid security as liquidated damages and the acceptance of the bid will be contingent upon the fulfillment of this requirement by the bidder. No interest shall be allowed upon any such certified check. A bid bond in the amount of ten (10%) percent of the bid may be substituted for certified check, except the amount of the bid security shall not be less than \$500.00 - nor more than \$20,000.00. Each bid must be accompanied by a Certificate of Experience and Certificate of Equipment. The bid bond may also be provided in certified check and cashiers check in accord with provisions within general requirements of this bid.

Contract documents may be obtained from www.bidnetdirect.com//boroughofbradleybeach

Each bid must also be accompanied by a certificate of Consent of Surety from a bonding company licensed to do business in the State of New Jersey guaranteeing that if the proposal of the bidder be accepted they will furnish the bond set forth in the Instructions to Bidders and the acceptance of the bid will be contingent upon the fulfillment of this requirement.

The Borough reserves the right to increase or decrease quantities specified in the manner designated in the Specifications. The Borough reserves the right to award this contract based on funds available.

Bidders are required to comply with the requirements of the Americans with Disabilities Act (N.J.S.A.10:5-31 et seq.) and Affirmative Action (N.J.A.C. 17:27) and with the disclosure provisions of N.J.S.A. 19:44A-20.13. The successful bidder shall be required to comply with the provisions of the New Jersey Prevailing Wage Act, Chapter 150 of the Laws of 1963, effective January 1, 1964.

Bidders shall comply with N.J.S.A. 52:32-44 latest revision, regarding Business Registration with the New Jersey Division of Revenue.

Contracts shall be awarded to the lowest responsible bidder. In the event that a contract is advertised for both separate bids for each branch of work and for bids for all work, goods, and services, said contract shall be awarded in the following manner: If the sum total of the amounts bid by the lowest responsible bidder for each branch is less than the amount bid by the lowest responsible bidder for all the work, goods and services, the contracting unit shall award separate contracts for each of such branches to the lowest responsible bidder therefore, but if the sum total of the amounts bid by the lowest responsible bidder for each branch is not less than the amount bid by the lowest responsible bidder for all the work, goods and services, the contracting unit shall award a single overall contract to the lowest responsible bidder for all of such work, goods and services. In every case in which a contract is awarded for a single overall contract, all payments required to be made under such contract for work, goods and services supplied by a subcontractor shall, upon the certification of the contractor of the amount due to the subcontractor, be paid directly to the subcontractor.

During the performance of this contract the Contractor agrees to comply with the requirements of P.L. 1975, c. 127 (N.J.A.C. 17:27), all requirements of the State of New Jersey Worker Health and Safety Act (N.J.A.C. 12:110 et

seq.) as amended and the United States Occupational Safety and Health Act (OSHA) (29 CFR 1910), as amended with regard to worker and jobsite safety.

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.

No bidder may withdraw his bid for a period of sixty (60) days after the date set for the opening thereof. The successful bidder will be required to furnish a surety company bond in the full amount of the contract price indemnifying the Borough of Bradley Beach, New Jersey for all proceedings, suits or actions of any kind of description and conditional for the faithful performance of the work.

All applicable surety bonds required in connection with the advertisement and award of building contracts or sub-agreements must be written by a surety company listed on the Federal Treasury List (Department Circular 570— Surety Companies Acceptable on Federal Bonds), incorporated herein by reference. Copies of this document may be obtained from the Department.

The Borough Council of the Borough of Bradley Beach reserves the right to reject any or all bids for any of the following reasons (N.J.S.A. 40A:11-13.2):

- a. The lowest bid substantially exceeds the cost estimates for the goods or services;
- b. The lowest bid substantially exceeds the contracting unit's appropriation for the goods or services;
- c. The governing body of the contracting unit decides to abandon the project for provision or performance of the goods or services;
- d. The contracting unit wants to substantially revise the specifications for the goods or services;
- e. The purposes or provisions or both of P.L. 1971, c. 198 (C.40A:11-1 et seq.) are being violated;
- f. The governing body of the contracting unit decides to use the State authorized contract pursuant to section 12 of P.L. 1971, c. 198 (C.40A:11-12).

All applicable surety bonds required in connection with the advertisement and award of building contracts or sub agreements must be written by a surety company listed on the Federal Treasury List (Department Circular 570 – Surety Companies Acceptable on Federal bonds), incorporated herein by reference. Copies of this document may be obtained from the Department.

This project is subject to both Davis Bacon wage rate requirements and New Jersey Prevailing wage rate requirements. The contractor shall utilize the higher of the two rates in each and every category of work on the project.

This Contract or Subcontract is expected to be funded in part with funds from the New Jersey Department of Environmental Protection (NJDEP) and New Jersey Environmental Infrastructure Trust (NJEIT). Neither the State of New Jersey, the NJEIT 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. In accordance with the provisions of N.J.S.A. 58:11B-26, N.J.A.C. 7:33-3.17(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.

The project or contract is funded in part by New Jersey wastewater/drinking water treatment financing programs and the successful bidder must comply with all the provisions of N.J.A.C. 7:22-9.1 for the participation of small business enterprises owned and controlled by socially and economically disadvantaged individuals (SEDs). The successful bidder for the project shall commit to the use of small business concerns owned and controlled by SEDs with a goal of ten percent (10%) of the work value under the contract. All contractors, including SED contractors, shall submit their own SED Utilization Plan to the NJDEP OEOPCA, with a copy to the Owner, within fourteen (14) days of the pre-construction meeting. The contractor's plan shall contain provisions to meet the specific SED Utilization requirements of the contract. The contractor's plan shall outline the entire project or contract work, the estimated time to complete the work, each significant segment of work on which SEDs will or may participate and a description of how SEDs will be contacted. The Contractor shall submit SED Participation Monthly Progress Reports (Form OEO-003) to the Project Compliance Officer and shall submit SED Participation Building Phase Quarterly Reports (Form OEO-002R) to the Project Compliance Officer and to the OEOPCA, in accordance with N.J.A.C. 7:22-9.12.

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: 10%

The 10 percent SED utilization requirement 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 percent SED utilization requirement for the project.

The successful bidder must fulfill the SED utilization requirements by subcontracting portions or the work to SEDs; or establishing unrestricted bidding procedures to fulfill the SED utilization requirement for the project. This invitation to bid is on an unrestricted basis whereby the successful bidder must fulfill the SED utilization requirements. If the successful Bidder's Proposal does not meet the SED Utilization requirements, the successful bidder shall advertise and continue the search for SED participants for a minimum of 30 days after the Contract is awarded.

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.

The invitation to bid is on an unrestricted basis whereby the successful bidder must fulfill the SED utilization requirements.

ERICA KOSTYZ, MUNICIPAL CLERK