

ITEM: 2111-79: NJ TRANSIT RESILIENCE PROGRAM: HOBOKEN TERMINAL ELECTRICAL REPAIRS: CONSTRUCTION CONTRACT AWARD

WHEREAS, Hoboken Terminal and Yard is one of NJ TRANSIT's major terminals and serves approximately 30,000 customers daily from across seven New Jersey counties and New York City. The Terminal is an intermodal facility served by nine NJ TRANSIT commuter rail lines, the Hudson-Bergen Light Rail, Port Authority Trans-Hudson (PATH) rapid transit system, bus service, and New York Waterway ferry services; and

WHEREAS, on October 29, 2012, Superstorm Sandy's storm surge caused significant damage to Hoboken Terminal and Yard, including to the Terminal's building facilities, substations and electrical assets, and key signals and communications equipment; and

WHEREAS, NJ TRANSIT advanced immediate repairs at the Terminal and Yard and is progressing construction of long-term recovery projects to rebuild or replace damaged assets and infrastructure in a resilient manner by relocating equipment above the flood elevation; and

WHEREAS, the work of this Contract consists of repairs to the electrical distribution system at Hoboken Terminal; and

WHEREAS, on July 15, 2021, an Invitation for Bid (IFB) was advertised on *BID EXPRESS*, NJ TRANSIT's electronic bid system, and in *The Star-Ledger* and *Trenton Times*; and

WHEREAS, upon completion of a competitive procurement process, it was determined that DMR Construction Services, Inc., of Waldwick, New Jersey, submitted the lowest responsive, responsible bid; and

WHEREAS, the NJ TRANSIT Office of Business Development (OBD) assigned a 19 percent Race Conscious Disadvantage Business Enterprise (DBE) goal the project; and

WHEREAS, OBD reviewed and approved the 24.76 percent DBE utilization commitment identified by DMR Construction Services, Inc.; and

WHEREAS, Sandy Insurance Funds are the anticipated sources of funding for this project;

NOW, THEREFORE, BE IT RESOLVED, that the Chair or President & CEO is authorized to enter into NJ TRANSIT Contract No. 21-049X with DMR Construction Services, Inc., of Waldwick, New Jersey, for the construction of the Hoboken Terminal Electrical Repairs project in the amount not to exceed \$3,451,962.00, plus five percent for contingencies, subject to the availability of funds.

APPENDIX C CONTRACT EXECUTION FORM

CONTRACT NO. 21-049X

*This Agreement made this 18 day of January **2021**, between the New Jersey Transit Corporation, hereinafter referred to as NJ TRANSIT, and DMR Construction Services, Inc. hereinafter referred to as the Contractor.*

WITNESSETH:

Whereas, the said Contractor, for and in consideration of the payments hereinafter specified and agreed to be made by NJ TRANSIT, hereby covenants and agrees to furnish and deliver all materials and to do and perform all work and labor required to complete the Hoboken Electrical Repairs project within seven hundred and thirty (730) consecutive Calendar Days from the issuance of the official notice to proceed, in strict and entire conformity with the Specifications for the project, which said Specifications are as follows and are hereby made a part of this Contract as fully and with the same effect as if the same had been set forth at length in the body of this Contract:

*Contractor's Bid Proposal
Performance / Payment Bond
Non-Collusion Affidavit
Federal Prevailing Wage Determination
Prevailing Wage Affidavit
Contractor's Certification of Eligibility
Affidavit of Compliance
Ownership Disclosure
Disclosure of Investment Activities in Iran
Federal EEO Provisions for Construction Contracts
Certification for Contracts, Grants, Loans and
Cooperative Agreements
Certification of No Tax Liability or Felony Conviction
Buy America Certificate
DBE Provisions
General Provisions
Special Provisions
Technical Provisions
Addenda: 1-2*

The Contractor agrees to make payment of all proper charges for labor and materials required in the aforementioned work.

It is also agreed and understood that the acceptance by the Contractor of the final payment by NJ TRANSIT shall be considered as a release in full of all claims against the Executive Director and NJ TRANSIT out of, or by reason of, the work done, and materials furnished under this Contract.

In consideration of the premises, NJ TRANSIT hereby agrees to pay to the Contractor for the said work when completed in accordance with the said Specifications, the sum of \$3,451,962.00. It is understood that payments shall be the total of the unit prices written in this Contract for the work actually done.

In Witness Whereof, the Contracting Officer of NJ TRANSIT has signed this instrument and caused it to be attested, and the Contractor has caused this instrument to be signed by its President _____ and attested by its Project Manager _____ the day and year first written.

ATTEST:

NEW JERSEY TRANSIT CORPORATION

[Signature]

By: _____
Contracting Officer

ATTEST:

CONTRACTOR

[Signature]
Name: Joseph Cortese
Title: Project Manager

By: _____
[Signature]
Name: Richard Radici
Title: President

The above Contract has been reviewed and approved as to form only.

ANDREW J. BRUCK
ACTING ATTORNEY GENERAL OF NEW
JERSEY

By: Deputy Attorney General

PURCHASE ORDER INSTRUCTIONS

ALL PACKAGES MUST BE ACCOMPANIED BY A PACKING SLIP.
REFERENCE PURCHASE ORDER NUMBER, PURCHASE ORDER LINE NUMBER, AND NJT
CATLOG NUMBER ON ALL INVOICES, PACKING SLIPS AND BILLS OF LADING.
INVOICES WITHOUT PURCHASE ORDER NUMBERS WILL BE RETURNED. VENDOR MUST
SUPPLY ORIGINAL NON-CONSTRUCTION INVOICE AND ANY FREIGHT BILLS IN EXCESS
OF \$100 TO:

E-MAIL: INVOICES@NJTRANSIT.COM

**IMPORTANT - ONE INVOICE AND ALL OF ITS SUPPORTING DOCUMENTS MUST BE
INCLUDED IN A PDF FORMAT.**
**PURCHASE ORDER NUMBER -INVOICE NUMBER. MULTIPLE FILES MAY BE INCLUDED
IN ONE E-MAIL.**
CONSTRUCTION INVOICES SHOULD CONTINUE TO BE SENT TO THE CONSTRUCTION
MANAGER.
VENDOR MUST ALSO SUPPLY A COPY OF INVOICE(S) TO CONSIGNEE.
VENDOR: IF PRICE ON PO DOES NOT MATCH, DO NOT SHIP MATERIAL, CONTACT
BUYER.

IF YOU HAVE ANY QUESTIONS, PLEASE
CONTACT ACCOUNTS PAYABLE CUSTOMER
RELATIONS AT APCC@NJTRANSIT.COM AND
SOMEONE WILL BE ABLE TO ASSIST YOU.

PURCHASE ORDER NO 220018579		REV NO 0
VENDOR NO 80005239	ISSUE DATE 01/13/22	
DATE CHANGED	PAGE NO 1	

SUPPLIER:

DMR Construction Services Inc
160 HOPPER AVENUE
WALDWICK, NJ, 07463-1504

SHIP TO:

NEWARK HEADQUARTERS
NJ TRANSIT HEADQUARTERS
ONE PENN PLAZA EAST
NEWARK, NJ 07105-2246

BILL TO:

NEWARK HEADQUARTERS
NJ TRANSIT HEADQUARTERS
ONE PENN PLAZA EAST
NEWARK, NJ 07105-2246

BUYER: Kimberley Murray

KMURRAY@NJTRANSIT.COM

NJ TRANSIT IS EXEMPT FROM NJ SALES & USE TAXES
PURSUANT TO SECT 9(A)(1), OF NJSA 54:32B-1 ET SEQ.
FEDERAL T.I.N.: 22-228-1352
TAX EXEMPT #'S 21-60000928 (NJ)
22-75-0050K (FEDERAL)

TERMS	FREIGHT TERMS	FOB	QUOTATION NO
NET 45	100	DESTINATION	

NJ TRANSIT ETHICS CODE: NJ TRANSIT IS AN INSTRUMENTALITY OF THE STATE OF NEW JERSEY AND ITS EMPLOYEES AND OFFICERS AND MEMBERS OF THE NJ TRANSIT BOARD OF DIRECTORS ARE PUBLIC SERVANTS AND ARE GOVERNED BY CIVIL AND CRIMINAL LAWS THAT CONTROL HOW NJ TRANSIT AND ITS PERSONNEL CONDUCT BUSINESS WITH VENDORS, CONTRACTORS AND CONSULTANTS. THESE PROVISIONS INCLUDE THE CONFLICTS OF INTEREST LAW, NJSA 52:13D-12; THE GIFTS TO PUBLIC SERVANTS LAW, NJSA 2C:27-6; AND THE COMPENSATION FOR PAST OFFICIAL BEHAVIOR LAW, NJSA 2C:27-4. THESE PROVISIONS CONTAIN UNEQUIVOCAL AND STRINGENT RESTRICTIONS RELATING TO GIFTS AND GRATUITIES BY ANY NJ TRANSIT EMPLOYEE OR ANY PERSON, COMPANY OR ENTITY DOING BUSINESS WITH OR WANTING TO DO BUSINESS WITH NJ TRANSIT. THE TERM "GIFT" INCLUDES ALL THINGS AND OBJECTS, TANGIBLE OR INTANGIBLE INCLUDING SERVICES, GRATUITIES, MEALS, ENTERTAINMENT, EVENT TICKETS, MEMBERSHIP CLUB ACCESS, TRAVEL COSTS AND LODGING. ALSO, NJ TRANSIT'S CODE OF ETHICS AND CODE OF CONTRACTORS AND CONSULTANTS FROM OFFERING ANY GIFTS TO ANY NJ TRANSIT EMPLOYEE. DO NOT, UNDER ANY CIRCUMSTANCES, TEMPT OR PUT AN NJ TRANSIT EMPLOYEE IN THE AWKWARD POSITION OF HAVING TO REFUSE A GIFT OR RETURN A GIFT NO MATTER HOW WELL INTENTIONED OR INNOCUOUS THE GIFT MAY BE.

LINE NUMBER	ITEM NUMBER/ MPN/MFR /DESCRIPTION	DELIVERY DATE	QUANTITY	UOM	UNIT PRICE	AMOUNT
1	CONTRACT #:21-049X SOURCE DOCUMENT: MR #500000563748 GL #1.8840.50305.RKJ4000.E.000.00000.00000 NJT Contract # 21-049X - DMR Construction Services Inc. - Construction Services forHoboken Terminal Electrical Repairs Project	12/08/21	3451962	\$	1	3,451,962.00
** TOTAL:						\$ 3,451,962.00



WHEN THIS BOX IS CHECKED, THE TERMS AND CONDITIONS OF THE ATTACHED CONTRACT
REPLACES THOSE SHOWN ON THE REVERSE SIDE OF THIS PURCHASE ORDER.

Authorized NJ Transit Signature / Date

Paul D. [Signature]

/ 18-JAN-22