

BOROUGH OF BUENA  
MUNICIPAL UTILITIES AUTHORITY

A RESOLUTION ESTABLISHING MINIMUM STANDARDS FOR  
PROSPECTIVE CONTRACTORS AND SUBCONTRACTORS FOR  
AUTHORITY PROJECTS.

R-2-2021

**WHEREAS**, the Borough of Buena Municipal Utilities Authority (hereafter the “Authority”) recognizes the need to ensure that all work on public construction and maintenance contracts be performed by responsible, qualified firms that maintain the capacity expertise, personnel and other necessary qualifications and resources necessary to successfully perform public contracts in a timely , reliable and cost effective manner; and

**WHEREAS**, in order to effectuate the purpose of selecting responsible contractors for significant contracts and to protect the Authority’s investments in such contracts, prospective contractors and subcontractors should be required to meet pre-established, clearly defined minimum standards relating to contractor responsibility including requirements and criteria concerning qualifications, competency, expertise, adequacy of resources, including equipment, financial and personnel, and satisfactory records regarding past project performance, safety, law compliance and business integrity.

**NOW, THEREFORE, BE IT RESOLVED** by the Authority as follows:

1. The Authority shall require compliance with the provisions of this Resolution by business entities seeking to provide services to the Borough of Buena Municipal Utilities Authority as specified herein. The requirements of this Resolution are intended to supplement, not replace, existing contractor qualifications and performance standards or criteria currently required by law, public policy or contracting documents.

2. All contractors and subcontractors that perform significant work on any public facility or Authority project, including construction, alteration, renovation, repair, services or maintenance work shall meet the requirements of this Resolution. For purposes of this Resolution, the term “significant work” shall be defined as any work or activity covered under the New Jersey Prevailing Wage Act, N.J.S.A. 34:11-56-25 et seq.

3. All firms engaged in contracts covered by this Resolution shall be qualified, responsible contractors or subcontractors that have sufficient capabilities in all respects to successfully perform contracts on which they are engaged, including the necessary experience, equipment, technical skills and qualifications and organizational, financial and personnel resources. Firms bidding on public contracts shall also be required to have a satisfactory past performance record and a satisfactory record of law compliance, integrity and business ethics. Compliance with these standards shall be established by compliance with the requirements set forth in Paragraph 7 of this Resolution.

4. As a condition of performing work on Authority contracts in excess of \$2,000.00 but less than \$499,999.00 total cost of project, the general contractor shall provide certification that he or she and each subcontractor working on the project shall have at least one (1) employee who has successfully completed OSHA 10-hour construction safety and health course. As a condition of performing work on public works contracts of \$500,000.00 or more total cost of project, the general contractor shall provide certification that each subcontractor working the project shall have at least one (1) employee who as successfully completed OSHA 30-hour construction safety and health course.

5. As a condition of performing work on Authority contracts subject to this Resolution, a general contractor seeking award of a contract shall submit a Contractor Responsibility Certification at the time it submits its bid for contract in the form and substance acceptable and as created by Board and the Borough of Buena Municipal Utilities Authority Engineer.

6. The Contractor Responsibility Certification shall be completed on a form provided by the Borough of Buena Municipal Utilities Authority Engineer and shall reference the project for which a bid is being submitted by name and contract or project number.

7. In the Contractor Responsibility Certification, general contractor and subcontractors shall certify the following facts regarding their past performance and work history and its current qualifications and performance capabilities:

a. The firm has all valid, effective licenses, registrations or certificates required by federal, state, county or local law, including, but not limited to, licenses, registrations or certificates required to: (1) do business in the designated locale; and (2) perform the contract work it seeks to perform. These shall include, but not be limited to, licenses, registrations or certificates for any type of trade work or specialty work which the firm proposes to self-perform.

b. The firm meets the bonding requirements for the contract, as required by applicable law or contract specifications and any insurance requirements, as required by applicable law or contract specifications, including general liability insurance, workers compensation insurance and unemployment insurance requirements.

c. The firm has not been debarred by any federal, state or local government agency or authority in the past five (5) years.

d. The firm has not defaulted on any project in the past five (5) years.

e. The firm has not had any type of business, contracting or trade license, registration or other certification suspended or revoked in the past five (5) years.

f. The firm has not been cited and determined guilty for a willful violation of federal or state safety laws in the past five (5) years.

g. The firm and/or its owners have not been convicted of any crime relating to the contracting business by a final decision of a court or government agency in the past five (5) years.

h. The firm will pay all craft employees that it employs on the project the current wage rates and benefits as required under applicable Federal or State prevailing wage laws.

8. The Authority may conduct any additional inquiries to verify that the prospective awardee and its subcontractors have the technical qualifications and performance capabilities necessary to successfully perform the contract and that the firms have a sufficient record of law compliance and business integrity to justify the award of a public contract. In conducting such inquiries, the Authority may seek relevant information from the firm, its prior clients or customers, its subcontractors or any other relevant source.

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

BOROUGH OF BUENA MUNICIPAL UTILITIES AUTHORITY

  
JOSEPH SANTAGATA, CHAIRMAN

ATTEST:

  
CHERYL M. SANTORE, SECRETARY

I, Cheryl M. Santore, Secretary of the Borough of Buena Municipal Utilities Authority, do hereby certify that the foregoing Resolution was adopted at a meeting of the Borough of Buena Municipal Utilities Authority held on January 13, 2021.

  
CHERYL M. SANTORE, SECRETARY