

## CITY OF CAPE MAY, CAPE MAY COUNTY, STATE OF NEW JERSEY

### NOTICE TO BIDDERS

PUBLIC NOTICE IS HEREBY GIVEN that on June 16, 2026 at 10:00 AM (prevailing time) sealed bids will be electronically opened on BidNet Direct at [www.bidnetdirect.com//capemaycity](http://www.bidnetdirect.com//capemaycity) by the City of Cape May for the **FY2026 New Jersey Water Bank No. S340258-04 Various Sanitary Sewer and Water Main Improvements** in the City of Cape May, Cape May County, New Jersey.

Copies of the bid forms, contracts and specifications may be obtained on-line only at the following link: [www.bidnetdirect.com//capemaycity](http://www.bidnetdirect.com//capemaycity).

All bids must be submitted on the electronic platform. No physical bids will be accepted.

For Zoom contact and opening invitation please contact the Qualified Purchasing Agent at [scanning@thecanninggroup.org](mailto:scanning@thecanninggroup.org).

The work generally consists of the removal and replacement of 3,300 linear feet of sanitary sewer main, 15 sanitary sewer manhole structures, 110 sanitary sewer laterals, removal and replacement of 1,350 linear feet of water main, 62 water services and roadway reconstruction within the project limits.

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 Infrastructure Bank. Neither the State of New Jersey, the New Jersey Infrastructure Bank 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.

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.

The project is funded in part by New Jersey wastewater treatment financing programs and the successfully bidder must comply with all the provisions of N.J.A.C. 7:22-9.1 et seq. for the participation of small business enterprises owned and controlled by socially and economically disadvantaged individuals.

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 10%.

N.J.A.C. 7:22-9.3(b) – 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 requirements for the project.

N.J.A.C. 7:22-9.6 (a): All project sponsors, at least 10 days prior to public advertisement for bids, shall notify the NJDEP Office of Equal Opportunity and Public Contract Assistance via H2Loans, 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.

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

N.J.A.C. 7:22-9.7: 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 Lowest bid resulting in payment of unreasonable price:

(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.

A person bidding on a contract for the erection, alteration or repair of a public building, structure, facility or other improvement to real property, the total price of which exceeds

\$100,000, shall furnish a guarantee as provided for herein. A contracting unit may provide that a person bidding on any other contract, advertised in accordance with law, shall furnish a guarantee as provided for herein. The guarantee shall be payable to the contracting unit so that if the contract is awarded to the bidder, the bidder will enter into a contract therefor and will furnish any performance bond or other security required as a guarantee or indemnification. The guarantee shall be in the amount of 10% of the bid, but not in excess of \$20,000.00, except as otherwise provided herein, and may be given, at the option of the bidder, by certified check, cashier's check or bid bond. In the event that any law or regulation of the United States imposes any condition upon the awarding of a monetary grant to any contracting unit, which condition requires the depositing of a guarantee in an amount other than 10% of the bid or in excess of \$20,000.00 the provisions of this section shall not apply and the requirements of the law or regulation of the United States shall govern.

All applicable surety bonds required in connection with the advertisement and award of building contracts or subagreements 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.

It will be the responsibility of the Contractor to pay all employees, and to ensure that all subcontractors pay their employees, the Federal Davis-Bacon Wage Rates, the New Jersey Prevailing Wage Rates, or the Cape May County Prevailing Wage Rates, whichever are greater, throughout contract execution.

Each Bid must be accompanied by a statement of Consent of Surety from a surety company authorized to do business in the State of New Jersey and acceptable to the City and either a Bid Bond, Certified or Cashier's Check drawn to the order of the **City of Cape May** (643 Washington Street, Cape May, NJ 08204) for not less than ten percent (10%) of the amount bid, except that the check need not exceed \$20,000.00. **The Bid Bond, Certified or Cashier's Check must be received by the Clerk's Office prior to the electronic bid opening.** The successful bidder is hereby notified that a performance bond for the full amount of the project is required.

The successful bidder will be required to execute a contract for the performance of the said work or the furnishing of said material or both, as the case may be, and a surety bond to be executed by a reliable surety company in a sum equal to the amount of the contract price for said work and/or material, guaranteeing the performance of the contract, which surety bond and contract shall be approved as to form and execution by the City Solicitor.

The City of Cape May has developed a SED Utilization Plan for the project, the language of which is contained in the appendix of the General Requirements. The contractor shall be required to comply with the requirements contained in the SED Utilization Plan.

The bidders shall also be required to comply with the following:

- A. Affirmative Action requirements (N.J.S.A. 10:5-31 et. seq. and N.J.A.C. 17:27).
- B. Requirements of P.L. 1975, c.127.
- C. The provisions of the New Jersey Prevailing Wage Act (N.J.S.A. 34:11-56.25 et. seq).
- D. Americans with Disability Act of 1990, Title II (42 U.S.C. S121 01).
- E. Worker and Community Right-to-Know Act (N.J.S.A. 34:5A-1).

- F. Stockholder Disclosure Certification (P.L. 1977, C.33, N.J.S.A. 52:25-24.2).
- G. Business Registration Certification (N.J.S.A. 52:32-44).
- H. Public Works Contractors Registration (N.J.S.A. 34:11-56.48).
- I. Consent of Surety (N.J.S.A. 40A:11-22).
- J. Addendum Acknowledgement (N.J.S.A. 40A:11-23c. 1), 2) & 3)).
- K. Subcontractors List (N.J.S.A. 40A:11-16).

The award of the contract for this project will not be made until the necessary funds have been provided by the **City of Cape May** in a lawful manner. The **City of Cape May** reserves the right to consider the bids for sixty (60) days after the receipt of said bids. The **City of Cape May** also reserves the right to reject any or all bids or to waive any informalities in the best interest of the **City of Cape May**.

Each proposal and bid must be submitted in accordance with the terms of the aforesaid specifications and must be made on standard proposal forms contained in the bid documents.

BY ORDER OF the City of Cape May, Cape May County, New Jersey.

Erin C. Burke, City Clerk  
May 15, 2026

**Date posted to City website: May 15, 2026**