

RESOLUTION 86 – 2012
RESOLUTION AWARDING CONTRACT FOR THE RECONSTRUCTION OF
HELEN AVENUE RECREATION CENTER PARKING LOT PROJECT

WHEREAS, the Borough publicly invited bids for all work and material associated with the Reconstruction of Helen Avenue Recreation Center Parking Lot Project pursuant to an “Open and Fair” process; and

WHEREAS, proposals were received from five (5) Bidders, such Bids publicly opened on July 13, 2012; and

WHEREAS, Bogey’s Trucking & Paving, Inc. subsequently filed a formal protest regarding the Bid submitted by GWP Enterprises, Inc., the low Bidder; and

WHEREAS, the Bogey’s protest asserts that the Bid of GWP Enterprises, Inc. should be rejected by reason of the following assertions:

1. That the total sum Bid for both the Base and Alternate items are not inserted and repeated on page 6 of the Form of Proposal;

2. That certain unit prices for lump sum items in both the Base and Alternate items were left blank in the column for “unit price” and

3. That no corporate seals were affixed to the Business Registration, Ownership Disclosure and Non-Collusion Affidavit documents.

WHEREAS, the Borough has reviewed the recommendations of the Borough Engineer and Solicitor and finds that the aforesaid clerical omissions do not constitute sufficient cause to reject the Bid of GWP Enterprises, Inc. and more specifically finds and determines, as follows:

1. The omitted Bid totals on Page 6 of the Form of Proposal would, if completed by the Bidder, simply repeat the totals otherwise set forth in the proposal for both the Base and Alternate items and, as a result, the omissions provided GWP with no unfair advantage in the Bidding process, does not constitute any confusion or uncertainty as to the contract prices proposed and that the Borough reserved, in the Bid documents, the right to “. . .waive any informalities or minor defects . . .”

2. The lump sum items omitted in the GWP Bid from the unit price column were each for items constituting one unit identified in the Form of Proposal and Specifications and, as in the case of the above item, the omission did not provide GWP with an unfair advantage over other Bidders, did not cause any confusion or uncertainty with respect to Bidders or the Borough in interpreting the lump sum Bid and the Borough reserved the right to waive any informalities or minor defects in the Proposals received;

3. The assertion that corporate seals were omitted on the Business Registration, Ownership Disclosure and Non-Collusion Affidavit documents does not constitute an impairment of the ability of the Borough to interpret the genuineness of the documents or the enforceability thereof and thereby may be waived as a clerical omission and minor defect in the Bid documents which provided no advantage whatsoever to GWP compared to the other Bidders.

WHEREAS, the Borough accordingly finds and determines that waiving the aforesaid omissions and deficiencies in the GWP Bid is in the best interest of the Borough and does not constitute an unfair or unequal advantage provided to GWP in the Bidding process and does not impair the ability of the Borough to enforce the obligations of GWP in the Bidding and Contract process and the acceptance of the GWP Bid is consistent with the intent and purpose of the "Local Public Contracts Law"; and

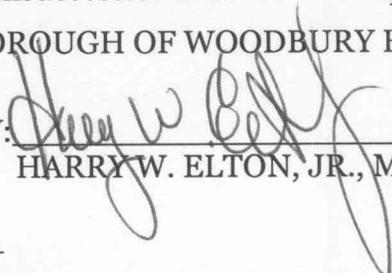
WHEREAS, the CFO has determined that sufficient funds are available for the award of a contract for both the Base and Alternate Bid items;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Woodbury Heights, County of Gloucester, State of New Jersey that the Contract for the Reconstruction of Helen Avenue Recreation Center Parking Lot Project on both the Base Bid and Alternate Bid proposals is hereby awarded to GWP Enterprises, Inc. on its Bid of Seventy-Nine Thousand Two Hundred Sixty (\$79,260.00) Dollars for the Base Bid items and Fifteen Thousand Six Hundred Fifty-Two Dollars and Fifty-Two Cents (\$15,652.50) for the Alternate Bid items;

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized and directed to execute a Contract for same and the Clerk is hereby authorized and directed to return the Bid Surety to the unsuccessful Bidders accompanied by a true copy of this Resolution.

BOROUGH OF WOODBURY HEIGHTS

BY:

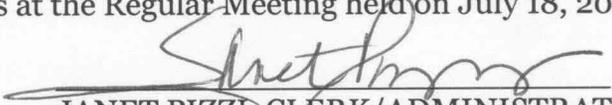

HARRY W. ELTON, JR., MAYOR

ATTEST:


JANET PIZZI, CLERK/ADMINISTRATOR

NOTICE

The foregoing Resolution was duly adopted by the Borough Council of the Borough of Woodbury Heights at the Regular Meeting held on July 18, 2012.


JANET PIZZI, CLERK/ADMINISTRATOR