

RESOLUTION 33-2018

RESOLUTION OF THE BOROUGH OF WOODBURY HEIGHTS AWARDING CONTRACT FOR THE CONSTRUCTION OF WELL NO. 2 ("CONTRACT B") PROJECT

WHEREAS, the Borough of Woodbury Heights heretofore advertised for the submission of bids relative to the Construction of the Well No.2 project for the Borough; and

WHEREAS, bids for this project were advertised pursuant to Section 4 of P.L. 1971, c.198 (C), [N.J.S.A.40A:11-4] and publicly opened by the Borough Engineer and Borough Administrator on October 31, 2017; and

WHEREAS, due to the nature of the work being performed, as well as the skills necessary to complete the various types of work required by the Borough, the project was divided into "Contract A" and "Contract B", respectively; and

WHEREAS, with respect to "Contract B", the Borough received four (4) bid proposals from the following contractors: TKT Construction Company, Inc.(\$715,900.00); Level-1 Construction, Inc. (\$732,000.00); Eagle Construction Services, Inc. (\$745,514.00); and B&H Contracting, Inc. (\$838,700.00) on October 31, 2017; and

WHEREAS, the Borough Engineer has thoroughly reviewed the bid proposals submitted to the Borough and has further recommended the award of "Contract B" to Eagle Construction Services, Inc. for the Construction of the Well No. 2 (Contract B) project as the lowest responsive and responsible bidder based upon the bid proposal received in the amount of \$745,514.00, the particular details of which are memorialized in the Engineer's correspondence dated November 20, 2017; and

WHEREAS, the bid submitted by TKT Construction Company, Inc. was deemed to be nonresponsive as the contractor failed to name, identify and provide the license number for the master licensed HVACR subcontractor for the project, which omission is deemed to be a fatal and material defect under N.J.S.A. 40A:11-16 and 23.2(d); and N.J.S.A. 45:16A-1, et. seq.; and

WHEREAS, the bid submitted by Level-1 Construction, Inc. was also deemed to be nonresponsive as the contractor likewise failed to provide the identity and license number for the master licensed HVACR contractor for the project by the bid submission deadline, which omission is deemed to be a fatal and material defect under N.J.S.A. 40A:11-16 and 23.2(d); and N.J.S.A. 45:16A-1, et. seq.; and

WHEREAS, the bid for Contract B submitted by Eagle Construction Services, Inc. was deemed to be in substantial compliance with the bid instructions and specifications generated by the Borough, as determined by the Borough Engineer memorialized within the aforementioned bid recommendation letter dated November 20, 2017.

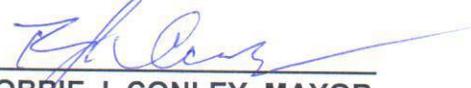
NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Woodbury Heights, with the Mayor concurring, that "Contract B" for the Construction of the Well No. 2 project is hereby awarded to Eagle Construction Services, Inc. in the amount of

\$745,514.00 as the lowest, responsive and responsible bidder, subject to and conditioned upon the provisions of performance surety and further compliance with the bid documents and specifications by Eagle Construction Services, Inc.; and

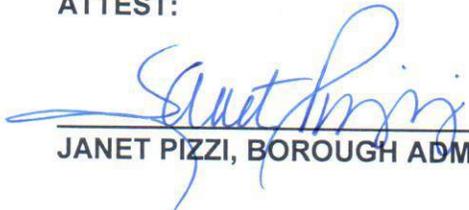
BE IT FURTHER RESOLVED, that the bid submitted by TKT Construction Company, Inc. is hereby rejected as being nonresponsive as the omission of identifying the master licensed HVACR subcontractor constitutes a material defect; and further that the bid submitted by Level-1 Construction, Inc. is also rejected as being nonresponsive as the omission of identifying the master licensed HVACR contractor license number and certificate for the project constitute material defects by each respective bidder under the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1, et. seq., as well as "The State Heating, Ventilating, Air Conditioning and Refrigeration Contracting Licensing Law", N.J.S.A. 45:16A-1, et. seq.; and

BE IT FURTHER RESOLVED, that the Borough Administrator is hereby authorized and directed to return all bid surety to all unsuccessful bidders forthwith after the adoption hereof.

BOROUGH OF WOODBURY HEIGHTS

By: 
ROBBIE J. CONLEY, MAYOR

ATTEST:



JANET PIZZI, BOROUGH ADMINISTRATOR

CERTIFICATION

I hereby certify the above to be a true copy of the Resolution adopted by the Borough Council of the Borough of Woodbury Heights at the Regular meeting held on the 17th day of January, 2018.



JANET PIZZI, BOROUGH ADMINISTRATOR

CERTIFICATION OF AVAILABILITY OF FUNDS

I, Victoria Holmstrom, being the Chief Financial Officer of the Borough of Woodbury Heights, do hereby certify, pursuant to the rules of the Local Finance Board of the State of New Jersey and in accordance with N.J.S.A. 40A:4-57, that there are available adequate funds for the proposed contract between the Mayor and Borough Council of the Borough of Woodbury Heights and Eagle Construction Services, Inc..

The money necessary to fund said contract is in the maximum amount of \$745,514.00 and upon approval of the contact, all funds expended shall be charged to the following:

X-06-56-070-000-204

These funds are not being certified as being available for more than the contract.



Victoria Holmstrom, CFO