

**RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR BOONTON AVENUE INTERCEPTOR PROJECT CONTRACT NO. I-4B FOR SANITARY SEWER PIPE AND MANHOLE REHABILITATION TO AROLD CONSTRUCTION CO., INC.**

**WHEREAS**, pursuant to Resolution No. R-14-10-4, the Pequannock River Basin Regional Sewerage Authority (hereinafter the "Authority") authorized the publication of a Notice to Bidders to advertise for the receipt of sealed bids in connection with the Authority's Boonton Avenue Interceptor Project, Contract No. I-4B Sanitary Sewer Pipe and Manhole Rehabilitation; and

**WHEREAS**, in response, five bids were received by the Authority at 11:00 a.m. on January 15, 2015 ranging from \$548,645.00 to \$763,125.00 for the Base Bid and \$812,055.00 to \$1,206,125.00 for the Total Bid as more particularly set forth in the Tabulation of Bids , dated January 15, 2015, prepared by Suburban Consulting Engineers, Inc. ; and

**WHEREAS**, Arold Construction Co., Inc., having a business address of 51 Powder Mill Bridge Road, Kingston, New York 12401 ("Arold") submitted the lowest Total Bid in the amount of \$812,055.00; and

**WHEREAS**, Arold's bid stated that the plumbing and gas fitting and all kindred work was "to be determined" on the form entitled "Listing of Subcontractors To Be Used"; and

**WHEREAS**, legal counsel, Maraziti Falcon, LLP, has opined in its letter dated January 21, 2015 that Arold's use of the phrase "to be determined" on the form entitled "Listing of Subcontractors To Be Used" is not a material defect because the Authority's consultant, Suburban Consulting Engineers, Inc., has opined in its letter dated January 19, 2015 that no

“plumbing and gas fitting and all kindred work” is required for Contract No. I-4B and therefore no subcontractor is required for such work; and

**WHEREAS**, Arold’s bid for mobilization is \$30,000 which is the maximum amount for item mobilization in accordance with N.J.A.C. § 7:14-2.9 for bids more than \$500,000 but not exceeding \$1,000,000; and

**WHEREAS**, Section 154.04 of Contract No. I-4B states that the Authority will measure and make payment for mobilization not to exceed three percent (3%) of the Total Bid Price; and

**WHEREAS**, three percent (3%) of the Total Bid Price of Arold is \$24,361.65; and

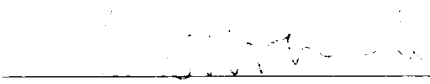
**WHEREAS**, in accordance with the legal opinion from the Authority’s counsel, Maraziti Falcon, LLP, dated January 21, 2015, Arold’s bid price of \$30,000 is in accordance with N.J.A.C. § 7:14-2.9 and Section 154.01 of Contract No. I-4B for mobilization costs and which “supersede any provisions elsewhere in the specifications for including the costs of these initial services and facilities in the prices bid for the various items scheduled in the proposal” and therefore is not a bid defect; and

**WHEREAS**, the Authority desires to award Contract No. I-4B to Arold as the lowest responsible bidder, subject to receipt of Authorization to Award from the New Jersey Environmental Infrastructure Trust, and/or the New Jersey Department of Environmental Protection.

**NOW, THEREFORE, BE IT RESOLVED** by the Pequannock River Basin Regional Sewerage Authority in the Counties of Morris and Passaic and the State of New Jersey on the 21<sup>st</sup> day of January, 2015 as follows:

1. The Authority hereby awards Contract No. I-4B to Arold Construction Co., Inc., having a business address of 51 Powder Mill Bridge Road, Kingston, New York 12401, for the Total Bid Amount of \$812,055.00, subject to receipt of Authorization to Award from the New Jersey Environmental Infrastructure Trust, and/or the New Jersey Department of Environmental Protection.
2. All immaterial defects of the bid of Arold Construction Co., Inc., having a business address of 51 Powder Mill Bridge Road, Kingston, New York 12401, if any, are waived.
3. Provided that the Authorization to Award from the New Jersey Environmental Infrastructure Trust, and/or the New Jersey Department of Environmental Protection has been issued, the Contract awarded herein to Arold Construction Co., Inc. shall commence after the execution of the Contract, the submission of the Performance Guarantees and all required insurance certificates required by the Contract, and after the issuance of a Notice to Proceed issued on behalf of the Authority.
4. The bids of unsuccessful bidders are hereby rejected and Suburban Consulting Engineers, Inc. and the Authority's Consulting Engineer, Daniel Kelly, P.E. are hereby authorized and directed to execute any other necessary documentation and to take all other actions necessary or desirable to effectuate the terms and conditions of this Resolution.
5. Suburban Consulting Engineers, Inc. and the Authority's Consulting Engineer, Daniel Kelly, P.E., are hereby authorized to release the bid securities submitted by all, but the lowest three bidders.
6. The Authority's Treasurer certifies the availability of funds for Contract No. I-4B.
7. This Resolution shall take effect as provided by law.

Certified to be a true copy of a Resolution enacted at a duly convened public meeting of the Pequannock River Basin Regional Sewerage Authority held on January 21, 2015.



Edwin Howard, Secretary