

**RESOLUTION NO. 43 - 12**

**BRICK TOWNSHIP MUNICIPAL UTILITIES AUTHORITY**

**May 21, 2012**

**A Resolution Rejecting the Sole Bid Submitted by Celco Partnership  
d/b/a Verizon Wireless for the Mantoloking Road Water Storage  
Tank Telecommunications Co-Location Lease Project**

**WHEREAS**, the Brick Township Municipal Utilities Authority (hereinafter referred to as the "Authority") has solicited bids for the Mantoloking Road Water Storage Tank Telecommunications Co-Location Lease Project (the "Project"); and

**WHEREAS**, the bids were solicited pursuant to the provisions of the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

**WHEREAS**, one bid was received in response to the bid solicitation, from Celco Partnership d/b/a Verizon Wireless (the "Bidder") in the amount of \$40,000.00; and

**WHEREAS**, the bid submitted by the Bidder has been deemed defective by the Authority Solicitor because the Certification of Authority submitted as part of the Surety Bond had expired on May 1, 2012, and therefore no longer had any legal standing; and

**WHEREAS**, Authority believes this is a non-waivable defect in the bid submission from the sole bidder, and therefore, based upon the advice of the Authority Solicitor, must be rejected:

**NOW, THEREFORE, BE IT RESOLVED** this 21st day of May, 2012, by the Brick Township Municipal Utilities Authority as follows:

1. The Authority accepts the recommendations of the Authority Solicitor and rejects the sole bid submitted by Celco Partnership d/b/a Verizon Wireless because the bid contains a fatal defect which cannot be waived by the Authority. The Certificate of Authority issued by the New Jersey Department of Banking and Insurance dated April 13, 2011 on behalf of Federal Insurance Company indicates that Federal Insurance Company, the proposed bonding company, is licensed to transact business in the State of New Jersey until May 1, 2012.

2. The Authority authorizes its staff to re-bid this Project at its earliest convenience in accordance with the provisions of the New Jersey Local Public Contracts Law.

3. The Authority authorizes and directs the Chairman, Secretary and Executive Director to execute any and all necessary documents in order to implement the intent of this Resolution.

**DASTI, MURPHY  
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CHERKOS & CONNORS**  
COUNSELLORS AT LAW

620 WEST LACEY ROAD  
P.O. BOX 1057  
FORKED RIVER, N.J. 08731

4. A copy of this Resolution shall be forwarded by the Administrative Secretary of the Authority to the following:

- (a) Honorable Joseph M. Veni, P.E., Chairman;
- (b) James F. Lacey, Executive Director;
- (c) Stephen T. Specht, P.E., Deputy Executive Director;
- (d) Frank Planko, C.F.O.;
- (e) Jerry J. Dasti, Esquire; and
- (f) Richard Stanzione, Esq., attorney for Bidder.

**CERTIFICATION**

I certify that the foregoing Resolution was duly adopted by the Brick Township Municipal Utilities Authority at a meeting held on the 21st day of May, 2012, a quorum being present and voting in the majority.



George Cevasco, Asst. Secretary/Treasurer

Prepared by:

**DASTI, MURPHY, McGUCKIN, ULAKY,  
CHERKOS & CONNORS**  
Forked River, New Jersey 08731

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