

**RESOLUTION NO. 69-15**

**THE BRICK TOWNSHIP MUNICIPAL UTILITIES AUTHORITY**

July 27, 2015

**Resolution Rejecting Bids for Stormwater Detention Basin Retrofit and Proposed Bioretention Basins at Moses Milch Drive Project**

**WHEREAS**, the Brick Township Municipal Utilities Authority (the "Authority") has solicited bids for the Stormwater Detention Basin Retrofit and proposed Bioretention Basin at Moses Milch Drive Project; and

**WHEREAS**, bids for the Contract have been solicited by the Authority in conformance with the provisions of the New Jersey Public Contracts Law, N.J.S.A. 40A:11 et seq., and

**WHEREAS**, bids were submitted in response to the bid solicitation, as follows:

<u>Contractor</u>	<u>Base Bid</u>	<u>Alternate</u>	<u>Combined</u>
1. Quality 1 <sup>st</sup> Contracting, Inc.	\$214,002.90	\$30,406.19	\$244,409.09
2. Earthworks, Inc.	\$390,461.00	\$21,700.00	\$412,161.00

**WHEREAS**, low bidder Quality 1<sup>st</sup> Contracting, Inc. has submitted a written request to withdraw its bid based upon bidder's unilateral mistake, submitting that same is of such consequence that enforcing the bid/contract would be unconscionable; the mistake relates to a material feature of the contract; the mistake occurred notwithstanding the exercise of reasonable care; and rescission causes no serious prejudice to the Authority.

**WHEREAS**, N.J.S.A. 40A:11-13.2 provides the basis upon which a contracting unit may reject all responsive bids, including when the lowest bid substantially exceeds the cost estimates for the goods or services; and/or substantially exceeds the contracting units' appropriation for the goods or services.

**NOW, THEREFORE, BE IT RESOLVED** by the Commissioners of the Brick Township Municipal Utilities Authority as follows:

1. The Authority consents to the request to withdraw by bidder Quality 1<sup>st</sup> Contracting, Inc. based on unilateral mistake and accepts its representations that same is of such consequence that enforcing the bid/contract would be unconscionable; the mistake relates to a material feature of the contract; the mistake occurred notwithstanding the exercise of reasonable care; and rescission causes no serious prejudice to the Authority.

2. The Authority rejects the remaining responsive bid for the Stormwater Detention Basin Retrofit and Proposed Bioretention Basin at Moses Milch Drive Project; said bid submitted is substantially in excess of the Authority's cost estimate and appropriation for the goods and services for completion of the project.

3. The Commissioners authorize staff, in consultation with its professionals to review the bid documentation and determine whether new bids should be solicited; or that the specifications should be substantially revised; and/or whether the Authority can utilize a state authorized contract pursuant to N.J.S.A. 40A:11-12.

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

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

- A. George Cevasco, Chairman;
- B. James F. Lacey, Executive Director;
- C. James Maggio, Director Water Quality;
- D. Nicholas C. Montenegro, Esquire; and
- E. All Bidders

#### **CERTIFICATION**

I hereby certify that the foregoing Resolution was duly adopted at a Regular Meeting of the Brick Township Municipal Utilities Authority, County of Ocean, State of New Jersey, held on Monday, July 27, 2015.

  
**JAMES C. BAYARD**  
Authority Secretary

Prepared by:

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