

**Resolution 16-0139**  
**RESOLUTION AUTHORIZING EXECUTION OF A CONTRACT FOR**  
**WEST MAIN STREET ROAD AND SIDEWALK RESTORATION**  
**PROJECT**

**WHEREAS**, the Rockaway Valley Regional Sewerage Authority (the “Authority”) requires road and sidewalk restoration services to repair West Main Street due to the emergency repair work that was undertaken at that site; and

**WHEREAS**, the Authority has found it necessary to contract with an outside vendor to provide these services; and

**WHEREAS**, the Authority publically advertised for bid proposals for the performance of West Main Street Road and Sidewalk Restoration Services, according to bid specifications returnable on December 8, 2016; and

**WHEREAS**, the RVRSA received five (5) bids on December 8, 2016 from the companies listed below at the rate shown:

	<b><u>Total Price Base Bid</u></b>
Tomar Construction Services, Inc.	\$53,000.00
Cifelli & Son General Contracting, Inc.	\$155, 000.00
Consolidated Maintenance Solutions LLC	\$49,600.00
Waters & Bugbee	\$68,055.00
Reivax Contracting	\$70,000.00

**WHEREAS**, after the receipt of bids, on December 8, 2016, the Authority received a letter of protest from Tomar Construction Services, Inc. stating that the bid of Consolidated Maintenance Solutions LLC did not comply with the surety requirements contained in the bid specifications; and

**WHEREAS**, the bid of Consolidated Maintenance Solutions LLC, was reviewed by Matthew A. Struck, CPCU, ARM-P, ARM-E, MBA of Brown & Brown Public Risk Advisors of New Jersey, and Diane Alexander, Esq. of Maraziti, Falcon, LLP and it has been determined that the bid submitted by Consolidated Maintenance Solutions, LLC included a Certificate of Surety from a surety company, Bondex, that has a Financial Strength Rating of B+ III, while the bid specifications required that the surety “have at least “A” Best’s rating and Class VII or better financial size category per the current A.M. Best Company Rating,” therefore, the bid of the apparent lowest bidder does not meet the requirements as set forth in the bid specifications and must be rejected; and

**WHEREAS**, the second lowest bid submitted by Tomar Construction Services, Inc., being the next lowest, was reviewed by the Authority’s Staff to determine compliance with the technical specifications and it was determined to be in compliance with the technical specifications; and

**WHEREAS**, the bid of Tomar Construction Services, Inc., was reviewed by Diane Alexander, Esq. of Maraziti, Falcon, LLP. The bid of Tomar Construction Services, Inc. does not contain any material defects; and

**WHEREAS**, Matthew A. Struck, CPCU, ARM-P, ARM-E, MBA of Brown & Brown Public Risk Advisors of New Jersey, has reviewed the bid submitted by Tomar Construction and has determined that it is in compliance with the Surety requirements of the bid specifications; and

**WHEREAS**, based upon its review of the bids submitted, the Authority has determined that it would be in the best interests of the Authority to reject the bid of Consolidated Maintenance Solutions LLC and award a contract to Tomar Construction Services, Inc; and

**WHEREAS**, the CFO has certified that sufficient funds are available in line item 01-857-002

**NOW, THEREFORE, BE IT RESOLVED** by the Rockaway Valley Regional Sewerage Authority as follows:

1. The Authority hereby rejects the bid of Consolidated Maintenance Services LLC for failing to comply, at the time of the receipt of bids, with the surety requirements, which is a material defect that cannot be waived by the Authority, rendering the bid submitted by Consolidated Maintenance Services LLC as a non-responsive bid.
2. The Authority hereby exercises its discretion to waive any and all immaterial defects, if any, with respect to the bid of Tomar Construction Services, Inc., received on December 8, 2016.
3. The Authority hereby awards a contract for West Main Street Road and Sidewalk Restoration to Tomar Construction Services, having a business address of 18 Connerty Court, Suite B, East Brunswick, New Jersey, as the lowest responsible and responsive bidder in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., in the amount not to exceed \$53,000.00.
4. The Executive Director is hereby authorized to execute an agreement for West Main Street Road and Sidewalk Restoration Services between Tomar Construction Services, Inc., and the Rockaway Valley Regional Sewerage Authority, in the amount of \$53,000.00, subject to receipt of a Certificate of Insurance naming Rockaway Valley Regional Sewerage Authority as an additional insured, and including the associated language set forth in the bid specifications. The Executive Director is further authorized and directed to release or return the Bid Security of all unaccepted bidders.
5. This Resolution shall take effect as provided by law.

## CERTIFICATION

I do hereby certify that this Resolution was adopted at a meeting of the Rockaway Valley  
Regional Sewerage Authority held on December 8, 2016

on motion of: Glenn Corbett

Second by: Joseph Lowell

ROLL CALL VOTE:

YEAS: (7) Andes, Cegelka, Corbett, Guadagno, Lowell, Rossi, Schorno

NAYS: (0) None

ABSTAIN: (2) Recchia and Vincitore

ABSENT: (1) Secco

  
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Mary Roman  
Assistant Board Secretary