

RESOLUTION # 18-042

**RESOLUTION AUTHORIZING EXECUTION
OF CONTRACT FOR
ORGANIC POLYELECTROLYTE (Polymer)**

WHEREAS, the Rockaway Valley Regional Sewerage Authority (hereinafter “RVRSA”) desires to purchase Organic Polyelectrolyte (Polymer); and

WHEREAS, the RVRSA advertised for bid proposals to supply the RVRSA with Organic Polyelectrolyte (Polymer), according to bid specifications, for a twelve (12) month period or a twenty-four (24) month period or both, and reserving to RVRSA the sole discretion to award either a twelve (12) month contract or a twenty-four (24) month contract to the lowest responsible bidder; and

WHEREAS, the RVRSA received one (1) bid on March 6, 2018 from the company listed below at the rate shown; and

	Total Price Base Bid
Polydyne, Inc.	\$0.940/lb for months 1-12
One Chemical Plant Road, Riceboro, GA	\$0.990/lb for months 13-24

WHEREAS, the bid of Polydyne Inc., was reviewed by the Authority’s Staff to determine compliance with the technical specifications; and

WHEREAS, by memorandum dated March 6, 2018, Maraziti, Falcon, LLP has determined that the bid submitted by the sole bidder Polydyne, Inc. does not contain any material defects; and

WHEREAS, based upon its review of the bid price proposed, the Authority has determined that it would be in the best interests of the Authority to award the bid to Polydyne Inc., for a term of twenty-four (24) months; and

WHEREAS, the CFO has certified that sufficient funds are available in line item 01-506-035.

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

1. The Authority exercises its discretion to waive all immaterial defects, if any, with respect to the bid of Polydyne, Inc., received on March 6, 2018; and

2. The bid for Organic Polyelectrolyte (Polymer) from Polydyne Inc., One Chemical Plant Road, Riceboro, GA 31232 be accepted as the lowest responsible bidder in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., the bid specifications and the bid proposal which is on file in the offices of RVRSA in the amount of:

Clarifloc C6286 \$ 0.940/lb for months 1-12, and
Clarifloc C6286 \$ 0.990/lb for months 13-24

3. The Executive Director is authorized and directed to execute the contract contained in the bid specifications between RVRSA and Polydyne, Inc. for supplying Organic Polyelectrolyte (Polymer) in accordance with the bid for the same submitted March 6, 2018, for a term of twenty-four (24) months.
4. A copy of the resolution and contract shall be kept available for public inspection at the RVRSA office at the Administration Building, 99 Green Bank Road, Parsippany, and New Jersey.
5. The RVRSA's staff and consultants are hereby authorized to take all other actions necessary or desirable to effectuate the terms and conditions of this Resolution
6. This resolution shall take effect as provided by law.

I hereby certify that this Resolution was adopted at a meeting of the Rockaway Valley Regional Sewerage Authority held on March 15, 2018

On motion of Glenn Corbett

Seconded by Michael Guadagno

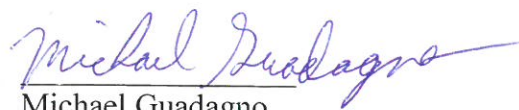
And a Roll Call Vote as Follows:

Yeas: (8) Andes, Cegelka, Corbett, Guadagno, Isselin, Lowell, Rossi, Schorno

Nays: (0) None

Abstain: (1) Vincitore

Absent: (1) Recchia


Michael Guadagno
Board Secretary

JOSEPH J. MARAZITI, JR.
CHRISTOPHER H. FALCON
DIANE ALEXANDER†
BRENT T. CARNEY
ANDREW M. BREWER
JOANNE VOS
CHRISTOPHER D. MILLER*†
HEATHER A. PIERCE
AILEEN BRENNAN†
CHRISTINE PLACIDE
ELIZABETH M. ANDES†
PHOEBE YOUHANNA

MARAZITI
FALCON, LLP
ATTORNEYS AT LAW


150 JOHN F. KENNEDY PARKWAY
SHORT HILLS, NEW JERSEY 07078

PHONE: (973) 912-9008
FAX: (973) 912-9007
www.mfhenlaw.com

Direct Dial Number: (973) 912-6816

*ALSO ADMITTED IN NY
*ALSO ADMITTED IN DC

MEMORANDUM

TO: JoAnn Mondisini, Executive Director
FROM: Brent Carney, Esq. 
DATE: March 6, 2018
RE: 2018 Supply of Organic Polyelectrolytic (Polymer) Bid

=====

This memorandum is submitted in substantiation of our recommendation to award the Contract for the Supply of Organic Polyelectrolytic (Polymer) to Polydyne, Inc. as the lowest responsible bidder in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11A-1 et seq.

ANALYSIS

With respect to the review of discrepancies between the bid specifications and bid submitted, the lowest responsible bidder on a local public contract must not only be deemed responsible but must submit the lowest bid which conforms with the contract specifications. Meadowbrook Carting Co. v. Borough of Island Heights, 138 N.J. 307, 313, 650 A.2d 748 (1994); and Hillside Township v. Sternin, 25 N.J. 317, 324, 136 A.2d 265 (1957). Contracting authorities may not waive any material or substantial variance between the conditions under which the bids are invited and the proposal submitted. The reason for this is that the conditions and specifications must apply equally to all prospective bidders. Otherwise, there is no common standard of competition. It should not be left to the volition of the individual bidder to follow or to disregard the specifications and estimate his bid on a basis different from that afforded the other contenders.

One bid was received on March 6, 2018 in response to the bid solicitation of the RVRSA for the supply of polyelectrolytic (polymer). The bidder is Polydyne, Inc., having a business address of One Chemical Plant Road, Riceboro, GA 31323 and the bid does not contain any material defects. Please note that the technical nature of the bidder verification sheet for polymer test, which was included with the bid, was not reviewed by this office. Based on the bid specifications, a bid bond was required and it provided by the bidder. A consent of surety (for the issuance of a performance bond upon award of contract) was not required by the bid specifications and therefore, none was provided.

It is our understanding that no bid addenda were issued and that the amount bid does not exceed RVRSA's pre-bid estimate.

CONCLUSION

Based on the foregoing, Polydyne, Inc. is the lowest responsible bidder.