

**RESOLUTION AWARDING CONTRACT NO. 35 REBID 2 – ROCKAWAY RIVER
REGIONAL INTERCEPTOR BOONTON SECTION REPLACEMENT PROJECT TO
KULPEKSA LAND IMPROVEMENT CORPORATION
SUBJECT TO APPROVAL BY
THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION**

WHEREAS, the Rockaway Valley Regional Sewerage Authority (hereinafter “the Authority”) issued a Notice to Bidders seeking sealed competitive bids for Contract No. 35 Rebid 2 – “Rockaway River Regional Interceptor Boonton Section Replacement Project”; and

WHEREAS, the Authority received two sealed competitive bids on December 5, 2019 at 10:00 a.m. from the following bidders:

<u>Bidder</u>	<u>Bid Price</u>
Kulpeksa Land Improvement Corp.	\$1,222,350
Pact One, LLC	\$3,730,200

WHEREAS, after the aforementioned review and in accordance with its letter, dated December 9, 2019, the Authority’s consultant Mott MacDonald recommends that the Authority award Contract No. 35 Rebid 2 – “Rockaway River Regional Interceptor Boonton Section Replacement Project” to Kulpeksa Land Improvement Corporation; and

WHEREAS, the firm of Maraziti Falcon, L.L.P. opines that the bid of Kulpeksa Land Improvement Corporation does not contain any material defects; and

WHEREAS, funds to finance Contract No. 35 Rebid 2 – “Rockaway River Regional Interceptor Boonton Section Replacement Project,” are available through the New Jersey Environmental Infrastructure Trust, and 2020 Budget line item 01-853-009, and the award of said contract to the lowest responsible bidder is subject to review and approval by the New Jersey Department of Environmental Protection; and

WHEREAS, the bidding documents include plans for the improvement to public property that were designed by Mott MacDonald; and

WHEREAS, N.J.S.A. 59:4-6 provides that neither the public entity nor a public employee is liable for an injury caused by the plan or design of public property or any improvement thereto where the plan or design was approved in advance of construction or improvement by the Authority or a public employee exercising discretionary authority to give such approval on its behalf where such plan or design was prepared in conformity with standards previously approved by the Authority; and

WHEREAS, the Authority desires to record its approval of said plans and design for Contract No. 35 Rebid 2 – “Rockaway River Regional Interceptor Boonton Section Replacement Project” for the purpose of plan and design immunity provided by N.J.S.A. 59:4-6.

NOW THEREFORE BE IT RESOLVED by the Rockaway Valley Regional Sewerage Authority in the County of Morris and the State of New Jersey on this 9th day of January, 2020 as follows:

1. All immaterial defects contained in the bid submission of Kulpeksa Land Improvement Corporation, if any, are waived and the Authority awards Contract No. 35 Rebid 2 – “Rockaway River Regional Interceptor Boonton Section Replacement Project” to Kulpeksa Land Improvement Corporation, having a business address of 248 Franklin Avenue, Rockaway, 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., subject to approval of award by the New Jersey Department of Environmental Protection.
2. In the event that the New Jersey Department of Environmental Protection approves the award of Contract No. 35 Rebid 2 – “Rockaway River Regional Interceptor Boonton Section Replacement Project” to Kulpeksa Land Improvement Corporation, the Bid Security of the remaining unaccepted bid shall be released and returned within three days, Sundays and holidays excepted, after the full execution of the contract and the approval of the contractor’s performance bond.

3. The entire design, specifications, and plans prepared by Mott MacDonald to be utilized for Contract No. 35 Rebid 2 – “Rockaway River Regional Interceptor Boonton Section Replacement Project” are hereby approved for the purpose of the immunity to be provided to the Authority and its employees in accordance with N.J.S.A. 59:4-6.
4. The Executive Director, staff and consultants are authorized to take all appropriate actions to effectuate the terms of this Resolution and in the event the aforementioned approval by the New Jersey Department of Environmental Protection, to take measures to ensure that all appropriate documents, as required by Contract No. 35 Rebid 2 – “Rockaway River Regional Interceptor Boonton Section Replacement Project,” are provided by the Contractor prior to the issuance of a Notice to Proceed.
5. This Resolution shall take effect immediately.

CERTIFICATION

I hereby certify that this Resolution was adopted at a regular meeting of the Rockaway Valley Regional Sewerage Authority held on January 9, 2020.

On motion: Thomas Andes

Second by: Joseph Rossi


And a Roll Call Vote as Follows:

Yeas: (9) Andes, Cegelka, Corbett, Guadagno, Isselin, Lowell, Rossi, Schorno, Zuppa

Nays: (0)

Abstain: (1) Recchia

Absent (0)


Michael Guadagno
Board Secretary