

**RESOLUTION REJECTING ALL BIDS FOR SLUDGE HAULING  
SERVICES AND AUTHORIZING NEGOTIATION OF THE  
SLUDGE HAULING CONTRACT IN ACCORDANCE WITH THE  
REQUIREMENTS OF N.J.S.A. 40A:11-5(3)**

**WHEREAS**, the Rockaway Valley Regional Sewerage Authority (the “Authority”) publicly advertised for the receipt of bids, in accordance with N.J.S.A. 40A:11-1 et seq., for the provision of sludge hauling services, according to bid specifications which were received and publicly opened on January 28, 2020; and

**WHEREAS**, on February 13, 2020, the Authority rejected all the bids received on January 28, 2020 for sludge hauling services in accordance with N.J.S.A. 40A:11-13.2(b) for substantially exceeding the Authority’s budget appropriation for the services and authorized the re-advertisement for sludge hauling services pursuant to Resolution No. 20-027; and

**WHEREAS**, upon re-advertisement for sludge hauling services, sealed bids were received and publicly opened in accordance with the duly published Notice to Bidders on March 5, 2020; and

**WHEREAS**, responses to the bid solicitation were received from the following:

R-D Trucking, Inc.	\$0.0375/gal (Months 1-12)	\$0.0375/gal (Months 13-24)
700 Route 46 West		
Clifton, New Jersey 07461		

Russell Reid Waste Hauling and Disposal Service Co., Inc.	\$0.0479/gal (Months 1-12)	\$0.0484/gal (Months 13-24)
200 Smith Street		
Keasbey, New Jersey 08832		

**WHEREAS**, the submission received on March 5, 2020 from R-D Trucking, Inc. is non-responsive for failing to provide the “Tanker Volume, Gallons” of each tanker as required by the “List of Equipment Owned or Controlled by Bidder” as part of the “Equipment Certification” which is a material defect that cannot be waived by the Authority; and

**WHEREAS**, the bid price from Russell Reid Waste Hauling and Disposal Service Co., Inc. received on March 5, 2020 substantially exceeds the 2020 budget appropriation for the provision of sludge hauling services; and

**WHEREAS**, the Local Public Contracts Law, N.J.S.A. 40A:11-13.2(b) allows for the rejection of all bids when the lowest responsive bid substantially exceeds the Authority's budget appropriation for the goods or services; and

**WHEREAS**, the Local Public Contracts Law, provides that a contract may be negotiated in accordance with the limitations set forth in N.J.S.A. 40A:11-5(3) if bids were rejected on two occasions because it has determined that they are not reasonable as to price, on the basis of cost estimates prepared for or by the contracting agent prior to bid advertisement.

**NOW, THEREFORE, BE IT RESOLVED** by the Rockaway Valley Regional Sewerage Authority, on this 12<sup>th</sup> day of March, 2020, as follows:

1. The Authority hereby rejects the submission to the bid solicitation for sludge hauling services received on March 5, 2020 from R-D Trucking, Inc. because said submission omits to provide the "Tanker Volume, Gallons" of each tanker as required by the "List of Equipment Owned or Controlled by Bidder" as part of the "Equipment Certification" and said failure is a material defect that cannot be waived by the Authority, thereby rendering the submission that was received from R-D Trucking, Inc. on March 5, 2020 for sludge hauling services as non-responsive.
2. The Authority rejects the bid received from Russell Reid Waste Hauling and Disposal Service Co., Inc. for substantially exceeding the 2020 budget appropriation for the provision of sludge hauling services.

3. The contract for sludge hauling services shall be negotiated in accordance with the requirements of the Local Public Contracts Law, N.J.S.A. 40A:11-5(3) and approval of any such contract that results from said negotiations shall require a separate Resolution authorizing execution by a two-thirds affirmative vote of the Authority's authorized membership in accordance with the requirements of N.J.S.A. 40A:11-5(3).
4. The Executive Director, staff and consultants are authorized to take all other actions necessary or desirable to effectuate the terms and conditions of this Resolution.
5. The Executive Director is authorized to release the bid security submitted on March 5, 2020 by all bidders for sludge hauling services.
6. This Resolution is effective immediately and a copy of this Resolution shall be kept on file at the offices of the Authority.

#### **CERTIFICATION**

I hereby certify that this Resolution was adopted at a regular meeting of the Rockaway Valley Regional Sewerage Authority held on March 12, 2020.

On Motion of: Hector Schorno

Second by: Michael Guadagno

ROLL CALL VOTE:

YEAS: (9) Cegelka, Corbett, Guadagno, Isselin, Farrel, Recchia, Rossi, Schorno, Zuppa

NAYS:

ABSTAINED: (1) Andes

ABSENT:

  
Michael Guadagno, Board Secretary