Resolution 23-053

RESOLUTION REJECTING ALL BIDS FOR CARBON AND AUTHORIZING NEGOTIATION OF A CARBON SUPPLY, REPLACEMENT AND DISPOSAL SERVICE 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 procurement of Carbon, according to bid specifications which were to be received on March 2, 2023 and no bids were received; and

WHEREAS, upon re-advertisement for Carbon Supply, Replacement and Disposal services, sealed bids were received and publicly opened in accordance with the duly published Notice to Bidders on March 28, 2023; and

WHEREAS, a response to the bid solicitation was received from the following:

Theia Water, LLC \$91,482 (Months 1-12) \$96,345 (Months 13-24) 815 Lincoln Avenue, Unit 2 West Chester, Pennsylvania 19380

WHEREAS, the submission received on March 28, 2023 from Theia Water, LLC must be rejected for failing to provide a completed Ownership Disclosure Statement as required by of NJSA 40A:11-23.2c, and is further rejected as the bid price from Theia Water, LLC received on March 28, 2023 substantially exceeds the RVRSA budget appropriation for the provision of Carbon Supply, Replacement and Disposal 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 further 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 on one occasion, no bids were received and upon readvertisement, the one bid received was 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 13th day of April, 2023, as follows:

- The Authority hereby rejects the submission to the bid solicitation for Carbon Supply, Replacement and Disposal services received on March 5, 2020 from Theia Water, LLC for substantially exceeding the 2023 budget appropriation for the provision of such services.
- 2. The contract for Carbon Supply, Replacement and Disposal 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).
- 3. 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.
- 4. The Executive Director is authorized to release the bid security submitted on March 28, 2023 by all bidders for Carbon Supply, Replacement and Disposal services.
- 5. 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 <u>April 13, 2023</u>.

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On motion of Commissioner Corbett Seconded by Commissioner Cegelka

And a Roll Call Vote as Follows:

Yeas: (8) Cegelka, Corbett, Farrell, Howarth, Isselin, Potter, Schorno, Zuppa

Nays: (0) None

Abstain: (0) None

Absent: (2) Andes, Laverty

Donald Farrell, Board Secretary