

**RESOLUTION OF THE TOWNSHIP OF SOUTH HARRISON REJECTING BIDS FOR THE RECONSTRUCTION OF LINCOLN MILL ROAD-PHASE II AND CEDAR GROVE ROAD-PHASE IV PROJECT AND AUTHORIZING NEGOTIATIONS PURSUANT TO NJSA 40A:11-5**

**WHEREAS**, the Township of South Harrison, for the second time, advertised for the submission of bids relative to the Reconstruction of Lincoln Mill Road-Phase II and Cedar Grove Road-Phase IV Road project; and

**WHEREAS**, two (2) sealed bids were received by the Township that were opened on October 8, 2015 from the following contractors: Landberg Construction, LLC and American Asphalt Company, Inc. in the presence of the Township Clerk; and

**WHEREAS**, the Township Committee believes it to be in the best interest of the Township to reject the lowest bid received on October 8, 2015 from Landberg Construction, LLC in the amount of \$160,335.00 in light of the fact that the bid was in excess of the amount budgeted for this road project; and

**WHEREAS**, bids for this road project were advertised pursuant to Section 4 of P.L. 1971, c.198 (C) 40A:11-4, on (2) separate occasions, and the Township Committee has rejected such bids because they have determined that the two (2) bids received were not reasonable as to price as such bids exceeded the cost estimate established for this project; and

**WHEREAS**, it would not be in the public interest to accept the lowest responsible bid in light of the recommendation of the Township Engineer to reject all bids and negotiate with each responsible bidder pursuant to N.J.S.A. 40A:11-5(3)(6).

**NOW THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of South Harrison, as follows:

1. The two (2) bids received by the Township on October 8, 2015 from Landberg Construction, LLC and American Asphalt Company, Inc. are hereby rejected; and
2. The Township Committee does hereby authorize the Township Engineer, with the assistance of the Township Solicitor, to negotiate on behalf of the Township pursuant to N.J.S.A. 40A:11-5(3)(6); and
3. The Township Engineer, on behalf of the Township, shall notify each responsible bidder submitting bids on October 8, 2015 of the Township's intention to negotiate a contract in order to afford each bidder a reasonable opportunity to negotiate, however, the Township Committee shall not award such contract unless the negotiated price is lower than the lowest rejected bid price submitted on the second occasion by a reasonable bidder and is at least a reasonable price for such labor, material and services; and

4. The contract shall be negotiated in accordance with N.J.S.A. 40A:11-5 and with the contract being adopted by a resolution of no less than a two-thirds affirmative vote of the Township Committee authorizing such contract; and
5. The Township Clerk shall provide a true copy of this resolution to the Township Engineer, Solicitor, Chief Financial Officer and to all bidders.

**TOWNSHIP OF SOUTH HARRISON**

By: \_\_\_\_\_  
**ROBERT J DIAZ, DEPUTY MAYOR**

**ATTEST:**

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**CELESTE KEEN, RMC, DEPUTY CLERK**

**CERTIFICATION**

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