

**Borough of Eatontown
47 Broad Street
Eatontown, New Jersey 07724**

**Special Meeting
Tuesday, November 15, 2022 at 3:00 p.m.**

NOTICE – This meeting was held via Zoom Video Conferencing ONLY. There was no in-person participation. *This Special Meeting has been noticed in accordance with the Open Public Meetings Act. A notice of this Special Meeting was sent to the Asbury Park Press, posted on the bulletin board in the lobby of Borough Hall, and posted to the Borough website. Public Comment is welcome at any time.*

Mayor Talerico opened the meeting at 3:04pm, noting the Borough's compliance with the Open Public Meetings Act for a Special Meeting.

1. ROLL CALL

PRESENT: Mayor Anthony Talerico, Jr., Council President Kevin L. Gonzalez,
Councilmembers Mark Regan, Jr., Maria Escalante, Danielle M. Jones, David Gindi
ABSENT: Councilmember Everett Lucas, Interim Administrator Lucia
ALSO PRESENT: Attorney Bayer, Borough Clerk Martin

2. FLAG SALUTE

The Flag Salute was led by Council President Gonzalez

3. PUBLIC COMMENT ON AGENDA ITEMS ONLY

No members of the public were present, therefore there were no comments.

4. RESOLUTION 249-2022 – Auth. The Award of a Contract to the Lowest Responsible Bidder for the Industrial Way West Roadway Improvements

Motion to approve Resolution 249-2022 by C/Gonzalez; seconded by C/Jones

Roll Call: AYE - C/Gonzalez, C/Regan, C/Escalante C/Jones, C/Gindi,
ABSENT - C/Lucas

RESOLUTION 249-2022 - RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO THE LOWEST RESPONSIBLE BIDDER, MECO, INC., FOR THE INDUSTRIAL WAY WEST ROADWAY IMPROVEMENTS AND ACCEPTING THE WITHDRAWAL OF THE BID SUBMITTED BY DISCOVER CONSTRUCTION, LLC

WHEREAS, the Borough of Eatontown (the "Borough") has authorized the acceptance of bids for the award of a contract for its Industrial Way West Improvements (the "Project") in accordance with New Jersey's Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, on Wednesday, November 9, 2022, seven (7) bids were received and reviewed by Borough professionals and the bids were:

<u>Company</u>	<u>Base Bid</u>	<u>Total Bid</u>
Discover Construction LLC	\$ 457,311.35	\$ 473,987.85
Meco Inc.	\$ 578,726.00	\$ 604,443.50
Earle Asphalt	\$ 671,913.13	\$ 701,713.13
Black Rock Enterprises	\$ 737,881.20	\$ 770,281.20
Fiore Paving	\$ 744,124.07	\$ 775,849.07
S&G Paving	\$ 828,480.91	\$ 828,480.91
Berto Construction	\$ 843,519.00	\$ 888,129.00

WHEREAS the low bidder for Base Bid + Alternate 1 and Alternate 2 is Discover Construction, LLC ("Discover"); however, Discover sent a letter to the Borough dated November 14, 2022 seeking to withdraw its bid because it found several computational errors in its bidding software which resulted in the total amount of bid being substantially lower than feasibly possible to perform the work; and

WHEREAS N.J.S.A. 40A:11-23.3 authorizes a municipality to accept the request to withdraw a bid premised upon a mistake if the enforcement of the contract would be unconscionable; the mistake relates to a material feature of the bid; and the mistake occurred notwithstanding that fact the bidder exercised reasonable care in preparation of the bid; and the bidder is able to withdraw without there being serious prejudice to the Borough; and

WHEREAS, the Borough Engineer, the Borough Administrator and the Qualified Purchasing Agent recommends to the Borough Council that it accept Discover's request to withdraw its bid pursuant to N.J.S.A. 40A:11-23.3; and

WHEREAS, the Borough's Engineer, Edward W. Herrman, P.E., P.P., C.M.E., C.F.M., recommends with the withdrawal of the bid submitted by Discover Construction, LLC, the contract be awarded to the second lowest bidder for the Base Bid, with Alternates 1 and 2 to Meco, Inc. in the total amount of \$604,443.50; and

WHEREAS, the Borough has been awarded an NJDOT Grant which partially funds the Project; and

WHEREAS the Borough Council believes it is in the best interest of the Borough's taxpayers and residents to accept the withdrawal of the bid made by Discover Construction, LLC and to award the contract for the Project to the lowest responsible bidder, Meco, Inc. to ensure the construction work is completed in accordance with the requirements of the bid specifications; and

WHEREAS, the Borough Attorney has reviewed the Meco, Inc. bid documents and finds them to be legally sufficient.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Eatontown, County of Monmouth, State of New Jersey that (1) it hereby accepts the withdrawal of the bid submitted by Discover Construction, LLC having found that the withdrawal meets the requirements of N.J.S.A. 40A:11-23.3; and (2) it hereby authorizes the award of a contract for the Industrial Way West Improvements Project to Meco, Inc. in an amount not to exceed \$604,443.50, and that the Mayor is hereby authorized to execute a contract and all other required documentation, in a form approved by the Borough Attorney, and consistent with and incorporating the bid specifications for the Project.

5. REMARKS OF COUNCIL AND CITIZENS

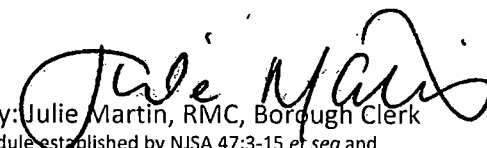
No comments were made by council.

No members of the public were present, therefore there were no comments.

6. ADJOURNMENT – 3:07PM

Motion to adjourn by C/Gonzalez; seconded by C/Jones

Voice Vote: AYE - C/Gonzalez, C/Regan, C/Jones, C/Escalante, C/Gindi
 ABSENT - C/Lucas


By: Julie Martin, RMC, Borough Clerk

Exhibits are on file in the Borough Clerk's Office, according to the NJ State Records Retention Schedule established by NJSA 47:3-15 *et seq* and approved by the State Records Committee. Audio is available on the Borough website.
Approval 11/21/2022