

Mayor
ANTHONY TALERICO, JR.

Council
KEVIN L. GONZALEZ, President
MARK REGAN, JR.
MARIA ESCALANTE
DANIELLE M. JONES
DAVID GINDI
EVERETT D. LUCAS



47 Broad Street
Eatontown, New Jersey 07724

Interim Administrator
WILLIAM P. LUCIA III

Borough Clerk
JULIE MARTIN

Borough Attorney
ANDREW BAYER

Borough Engineer
EDWARD HERRMAN

SPECIAL MEETING AGENDA
Mayor and Council
Tuesday, November 15, 2022 @ 3:00 P.M.

NOTICE - This meeting will be held via Zoom Video Conferencing ONLY. There will be no in person participation. In order to virtually attend the meeting, members of the public must dial 1-929-205-6099 or 1-253-215-8782 and use access code/meeting ID 854 6359 4333. Or can join via video at <https://us06web.zoom.us/j/85463594333> or by downloading the Zoom App. Please follow prompts. Out of respect for the need to run an orderly meeting, we ask that all participants keep their phone on mute. There will be two public comment portions and members of the public will be able to comment both before Council agenda votes take place and then again at the end of the meeting.

This Special Meeting has been noticed in accordance with the Open Public Meetings Act. A notice of this Special Meeting was transmitted the Asbury Park Press, the Link News and the Star Ledger, posted on the bulletin board in the lobby of Borough Hall, and posted to the Borough website. Public Comment is welcome at any time.

1. Roll Call
2. Flag Salute
3. Public Comment - Agenda Items
4. **Resolution 249-2022** - Auth. the Award of a Contract to the Lowest Responsible Bidder for the Industrial Way West Roadway Improvements (rc)
5. Remarks of Council and Citizens
6. Adjournment (vv)

The next meeting of the Governing Body is
MONDAY, November 21, 2022 @ 4:15 p.m.

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**BOROUGH OF EATONTOWN
OFFICE OF THE BOROUGH CLERK**

*47 Broad Street
Eatontown, New Jersey 07724
(732) 389 7601*

TO: The Link Mews, Asbury Park Press and Star Ledger
FROM: Julie Martin, Borough Clerk
DATE: November 11, 2022

**RE: SPECIAL MEETING NOTICE/48 HOUR NOTICE
FOR INFORMATION ONLY**

48 Hour Notice of a Special Meeting of the Mayor and Council of the Borough of Eatontown on Tuesday, November 15, 2022, at 3:00 p.m.

Pursuant to the Open Public Meetings Law (P.L. 1975, c. 231), notice is hereby given that the Mayor and Council of the Borough of Eatontown will hold a Special Meeting on Tuesday, November 15, 2022, at 3:00 p.m. via Zoom Video Conferencing with access code/meeting ID **854 6359 4333** or at <https://us06web.zoom.us/j/85463594333>

The agenda will as follows:
Special Meeting for:

Resolution 249-2022 - Authorizing the Award of a Contract to the Lowest Responsible Bidder for the Industrial Way West Roadway Improvements

Formal action will be taken at this meeting. The public is invited to attend via Zoom Video Conferencing.

RESOLUTION 249-2022

**BOROUGH OF EATONTOWN
COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

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.

CERTIFICATION AS TO AVAILABILITY OF FUNDS

As required by N.J.S.A. 40A:4-57, N.J.A.C. 5:30-5.1 et seq., and any other applicable requirement, I Dena Amodea, CFO of the Borough of Eatontown have ascertained that there are sufficient uncommitted funds not to exceed \$604,443.50 (Account Numbers C-04-21-000-000-805, C-04-22-000-000-808, C-04-2-026-351-001. PO# 21-02037)


Dena Amodea, CFO

	MOTION	SECONDED	AYE	NAY	ABSTAIN	ABSENT	CERTIFICATION I, Julie Martin, Borough Clerk of the Borough of Eatontown do hereby certify this to be a true and exact copy of a resolution adopted by the Governing Body of the Borough of Eatontown, County of Monmouth, State of New Jersey at a special meeting held on November 15, 2022. Julie Martin, RMC, Borough Clerk
Council President Gonzalez							
Councilmember Regan, Jr.							
Councilmember Escalante							
Councilmember Jones							
Councilmember Gindi.							
Councilmember Lucas							
Mayor Talerico							