

**BOROUGH OF RED BANK
COUNTY OF MONMOUTH
RESOLUTION NO. 22-38**

**A RESOLUTION AWARDING A CONTRACT FOR THE EMERGENCY
REPLACEMENT OF WATER MAIN AND WATER SERVICES ON BROAD STREET
TO MONTANA CONSTRUCTION CORP., INC. IN THE AMOUNT OF \$1,400,000.00**

WHEREAS, the Borough of Red Bank County of Monmouth, State of New Jersey (the "Borough") owns and operates a municipal water supply system and a municipal wastewater treatment system, as defined in N.J.S.A. 40A:11-15; and

WHEREAS, during the Borough's presently ongoing construction of improvements to Broad Street, the Borough Engineer determined that the underlying water main and attendant water services are in need of replacement; and

WHEREAS, Montana Construction Corp., Inc. of Lodi, New Jersey was the low bidder in the amount of \$2,686,769.00 for the Borough's improvements to Broad Street; and

WHEREAS, Montana Construction Corp., Inc. is currently constructing the Borough's improvements to Broad Street at present; and

WHEREAS, in the interests of economy and efficiency, the Borough Engineer recommends that, during the ongoing project on Broad Street, Montana Construction Corp., Inc. be further tasked with replacing the underlying water main and attendant water services on Broad Street; and

WHEREAS, the replacement of the underlying water main and attendant water services on Broad Street will incur further costs totaling \$1,400,000.00; and

WHEREAS, in accordance with N.J.S.A. 40A:11-6, the Borough Engineer has advised the Borough's Purchasing Agent in writing of the nature and necessity of an emergency contract to replace the underlying water main and attendant water services on Broad Street at a total cost of \$1,400,000.00; and

WHEREAS, pursuant to N.J.S.A. 40A:11-6, the Borough is authorized to award contracts for goods and services without public advertising for bids and bidding therefor, regardless of whether or not the contract price will exceed the bid threshold, when an emergency affecting the public health, safety or welfare requires the immediate delivery of goods or the performance of services; and

WHEREAS, the Borough is authorized, pursuant to N.J.S.A. 40A:11-5(1)(gg), to award contracts without public advertising for bids and bidding therefor, regardless of whether or not the contract price will exceed the bid threshold, because said contracts relate to the designing, financing, construction, operation, maintenance, or any combination thereof, or any component or parts of a wastewater treatment system, as defined in N.J.S.A. 40A:11-15;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Red Bank that the Borough Administrator is hereby authorized to award an emergency contract in the amount of \$1,400,000.00 to Montana Construction Corp., Inc. of Lodi, New Jersey to replace the underlying water main and attendant water services on Broad Street; and

BE IT FURTHER RESOLVED, that the Borough Clerk shall publish a notice of this action in the official newspaper of the Borough within ten (10) days from the adoption of this Resolution; and

BE IT FURTHER RESOLVED, this Resolution is subject to the introduction and adoption of Capital Ordinance No. XX, in the amount of \$1,650,000.00, whereupon the Chief Financial Officer shall issue a Certificate of Available Funds to be incorporated herein by reference; and

BE IT FURTHER RESOLVED that the Borough Clerk forward a certified true copy of this resolution to the Borough Administrator, Borough CFO, Borough Engineer, DPU Director, and Montana Construction Corp., Inc.

	Motion	Yes	No	Abstain	Absent
Councilwoman Sturdivant					
Councilwoman Triggiano					
Councilman Ballard					
Councilman Yngstrom					
Councilman Zipprich					
Councilwoman Horgan					

Dated: January 26, 2022