

**BOROUGH OF RED BANK  
COUNTY OF MONMOUTH  
RESOLUTION NO. 22-39**

**A RESOLUTION AWARDING A CONTRACT FOR THE EMERGENCY REPAIR OF  
SANITARY SEWER LINES AT THE INTERSECTION OF CANAL STREET AND  
HUDSON AVENUE TO MONTANA CONSTRUCTION CORP., INC. IN THE AMOUNT  
OF \$222,021.00**

**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 further determined that the sanitary sewer lines at the intersection of Canal Street and Hudson Avenue also need to be replaced to properly operate; 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 sanitary sewer lines at the intersection of Canal Street and Hudson Avenue; and

**WHEREAS**, the replacement of the sanitary sewer lines at the intersection of Canal Street and Hudson Avenue will incur further costs totaling \$222,021.00; 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 sanitary sewer lines at the intersection of Canal Street and Hudson Avenue at a total cost of \$222,021.00; 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 \$222,021.00 to Montana Construction Corp., Inc. of Lodi, New Jersey to replace the sanitary sewer lines at the intersection of Canal Street and Hudson Avenue; 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. 2022-01, 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