

BOROUGH OF RED BANK

COUNTY OF MONMOUTH

RESOLUTION NO. 14-56

**A RESOLUTION ACCEPTING BID FROM AND AWARDING CONTRACT TO
GREENLEAF LANDSCAPE FOR THE 2014-2015 PARK MAINTENANCE CONTRACT**

Councilwoman Lewis offered the following resolution and moved its adoption:

WHEREAS, after the required legal advertising was published, sealed bids were received on February 25, 2014 by the Borough of Red Bank in accordance with *N.J.S.A. 40A:11-1 et seq.*, "Local Public Contracts Law" for a Contract for Park Maintenance Services; and

WHEREAS, the Borough sought bids for a first year of the Contract from March 1, 2014 to December 31, 2014, and for renewal years at the Borough's option in 2015 and 2016; and

WHEREAS, the Borough received three bids from:

1. Clintar NJ;
2. Greenleaf Landscape; and
3. Donofrio & Sons; and

WHEREAS, the Bids were reviewed and tabulated by the Borough Engineer; and

WHEREAS, Clintar NJ was the apparent low bidder; and

WHEREAS, the Local Public Contracts Law, *N.J.S.A. 40A:11-1, et seq.*, provides that Borough must make an award to the lowest responsible and responsive bidder; and

WHEREAS, case law construing the Local Public Contracts Law indicates that a bidder is a responsive bidder if its bid conforms in all material respects to the terms and conditions, specifications, legal requirements and other provisions of the request; and

WHEREAS, the Borough Attorney has reviewed Clintar NJ's bid and has determined that Clintar NJ did not execute its bid proposal, which constitutes a non-waivable material defect in Clintar NJ's bid; and

WHEREAS, as result of the material defect in Clintar NJ's bid its bid is non-responsive and it must be rejected; and

WHEREAS, as a result of the rejection of Clintar NJ's bid, the lowest responsible and responsive bidder for the Borough's Park Maintenance Contract is Greenleaf Landscape, 276 Pine Book Road, Eatontown, New Jersey 07724; and

WHEREAS, Greenleaf Landscape's total bid price for the first year (March 1, 2014 through December 31, 2014) of the Contract is \$47,800; and

WHEREAS, a certification of availability of funds has been provided by the Borough's Chief Financial Officer; and

WHEREAS, the Borough Attorney has reviewed the bids and finds that that bid of the Greenleaf Landscape is responsive and complies with all statutory requirements.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Red Bank that:

1. The bid of Clintar NJ is hereby rejected as it is not a responsible and responsive bidder as defined by the Local Public Contracts Law and case law governing the definition of responsible and responsive bidder as outlined above; and

2. The Contract for Park Maintenance for the first year of the Contract is hereby awarded to Greenleaf Landscape as the lowest responsible and responsive bid in an amount not to exceed \$47, 800.00; and

3. The Purchasing Agent is authorized to return the contract document fee and bid bonds to those qualified bidders who are entitled to a refund in accordance with the bid specifications; and

4. The Mayor and Clerk are authorized and requested to sign and deliver these contracts on behalf of the Borough of Red Bank.

Seconded by Councilwoman Burnham and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Councilman Murphy	(x)	()	()	()
Councilwoman Burnham	(x)	()	()	()
Councilwoman Horgan	(x)	()	()	()
Councilwoman Lewis	(x)	()	()	()
Councilman Zipprich	(x)	()	()	()
Councilman DuPont	()	()	(x)	()

Dated: February 26, 2014