

RESOLUTION NO. 2014- 222

A RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS FOR LEASE OF SPACE ON AN ELEVATED WATER TANK ON PROPERTY KNOWN AS BLOCK 804, LOT 4, LOCATED ON W. FOREST GROVE ROAD, FOR PLACEMENT OF A TELECOMMUNICATIONS ANTENNA INSTALLATION, AND RESERVING THE RIGHT TO REJECT ANY AND ALL PROPOSALS.

WHEREAS, the City of Vineland owns property known as Block 804, Lot 4, located on W. Forest Grove Road, on which is located a municipal elevated water storage tank; and

WHEREAS, the City of Vineland has been contacted by a telecommunications company interested in the leasing of space at the W. Forest Grove Road water storage tank; and

WHEREAS, the City Council of the City of Vineland desires to offer for lease for placement of a telecommunications antenna installation, in accordance with the terms and conditions set forth in the attached Request for Proposals, space on said elevated water storage tank which is not needed for use by the municipality at this time;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Vineland that:

1. The Council of the City of Vineland shall offer for lease, to the highest bidder by submission of sealed proposals submitted to the Purchasing Board c/o City Clerk of the City of Vineland, 640 E. Wood Street, P.O. Box 1508, Vineland, New Jersey 08362-1508, **for the June 24, 2014 Purchasing Board meeting**, (as instructed in the attached Request for Proposals) of space on the elevated water tank on property known as Block 804, Lot 4, located on W. Forest Grove Road, for a telecommunications antenna installation.
2. The City reserves the right to reject any and all proposals. After receipt of proposals, the Council of the City of Vineland shall consider the proposals received and may elect upon consideration to accept the highest proposal or to reject all proposals. Such acceptance or rejection shall be made by the Council not later than the second regular meeting of the governing body following the deadline for submission of sealed proposals.
3. Special conditions or restrictions on the use of the property are set forth in the attached Request for Proposals and the proposed Communications Antenna Site Lease Agreement on file in the Office of the Business Administrator.
4. The Clerk of the City of Vineland is hereby authorized and directed to publish in the Daily Journal, in accordance with N.J.S.A. 40:12-14(a), a notice setting forth the method of bidding, deadline for submission of sealed proposals, and the terms and conditions herein imposed.

Adopted:

President of Council

ATTEST:

City Clerk

PUBLIC NOTICE

By virtue of Resolution No. _____, passed by the Council of the City of Vineland on _____, the City of Vineland shall offer to the highest bidder by submission of sealed proposals the following property for lease for placement of a telecommunications antenna installation: Part of property known as Block 804, Lot 4, located on 71 W. Forest Grove Road, which consists of an elevated water storage tank. Each proposal must be submitted in duplicate and shall be enclosed in an opaque sealed envelope, addressed to “Purchasing Board, c/o City Clerk, City of Vineland, New Jersey”, and plainly marked on the outside “**Proposal for Lease of Space on Elevated Water Tank – Block 804, Lot 4 located on W. Forest Grove Road**”, and the name of the bidder, and be delivered to the Council Chambers, City Hall, 640 E. Wood Street, Vineland, New Jersey, at 10:30 a.m. Prevailing Time, Tuesday, **June 24, 2014**, or may be delivered to the office of the City Clerk, City Hall, Vineland, New Jersey before 5:00 p.m., Prevailing Time, Monday, **June 23, 2014**.

For further information, call the City of Vineland Purchasing Department at (856) 794-4040, Monday through Friday between 8:30 a.m. and 5:00 p.m.

The City reserves the right to reject any and all proposals. After receipt of proposals, the Council of the City of Vineland shall consider the proposals received and may elect upon consideration to accept the highest proposal or to reject all proposals. Such acceptance or rejection shall be made by the Council not later than the second regular meeting of the governing body following the deadline for submission of sealed proposals.

KEITH PETROSKY
City Clerk
City of Vineland

REQUEST FOR PROPOSALS

1. Sealed proposals will be received by the City of Vineland for the lease of space for a communications antenna, equipment building(s) and appurtenances on a portion of property owned by the City of Vineland. **The property is located on Block 804, Lot 4, located on W. Forest Grove Road, and consists of an elevated water storage tank.**

The City of Vineland has entered into a Communications Site Lease Agreements with *New Cingular Wireless PCS, LLC*, for space at the subject site as shown on the attached Lease Area Plan.

The successful Carrier will be responsible for performing a Modulation Study prior to the installation of any antennas and related wireless communications equipment to determine any potential interference to the City's 800 mhz radio system. The successful Carrier will also perform a second study after the installation is complete to determine if there are any noticeable interference or differences.

The intent of this proposal is to ascertain the highest bid for lease of space on the above-referenced property for placement of a telecommunications antenna installation for up to twenty-five years based upon the Minimum Base Rent, as well as annual percentage increases pursuant to Paragraph nine (9).

2. Prospective Carriers shall review the Request for Proposals and proposed Communications Antenna Site Lease Agreement before submitting a proposal, in order that no misunderstanding will exist in regard to the nature and character of the contract. Conditional proposals may be rejected.
3. The City reserves the right to reject all proposals, to waive any formality on proposals received, and to omit any item or items, deemed advisable for the best interests of the City, or to withhold final award of the contract. The City may require annual payments for each year of the lease.
4. If contractor is a corporation, this proposal must be signed by its president, chief executive technical officer, or other authorized official.

If contractor is a partnership, then this proposal must be signed by at least one partner.

5. This proposal must be returned to the City of Vineland with no alterations. Alterations to this proposal will be grounds for rejection.
6. Any questions regarding the proposal or the terms and conditions of the proposal must be submitted to:

William Lutz, Business Administrator
City of Vineland
640 E. Wood Street
P. O. B ox 1508
Vineland, New Jersey 08362-1508
Phone: 856-794-4144/Fax: 856-794-4026

7. Proposals will be received by mail, commercial carrier or hand delivery on the proposal forms provided in the manner designated herein.

Each proposal must be submitted in duplicate and shall be enclosed in an opaque sealed envelope, addressed to “Purchasing Board, c/o City Clerk, City of Vineland, New Jersey”, and plainly marked on the outside “**Proposal for Communications Antenna Site – W. Forest Grove Road**”, and the name of the bidder, and be delivered to the Council Chambers, City Hall, 640 E. Wood Street, Vineland, New Jersey, at 10:30 a.m. Prevailing Time, Tuesday, **June 24, 2014**, or may be delivered to the office of the City Clerk, City Hall, Vineland, New Jersey before 5:00 p.m., Prevailing Time, Monday, **June 23, 2014**.

8. Insurance Requirements: The successful Carrier shall purchase liability insurance at its own expense and maintain for the duration of this contract such insurance naming the City of Vineland as additional insured. Such insurance shall be issued by a company or companies licensed to do business in the State of New Jersey, and who are Best’s Rated “A” or better, and cover the following:

- A Claims under workers compensation, disability benefit and other similar employee benefit acts:
- B Claims for damages because of bodily injury, occupational sickness or disease, or death of any person other than his employees:
- C Claims for damages because of bodily injury, sickness or disease, or death of any person other than his employees;
- D Claims for damages insured by usual personal injury liability coverage which are sustained (1) by any person as a result of an offense directly or indirectly related to the employment of such person by the contractor, or (2) by any other person;
- E Claims for damages, other than to the work itself because of injury to or destruction of tangible property, including loss of use resulting therefrom; and
- F Claims for damages because of bodily injury or death of any person or property damage arising out of the ownership, maintenance, or use of any motor vehicle.

Workers compensation and employers liability coverage as required by New Jersey law shall be provided.

Limits shall be not less than \$1,000,000 combined single limit, \$5,000,000 aggregate.

Automobile liability insurance shall include owned, non-owned and hired vehicle coverage. Limits shall not be less than \$2,000,000 combined single limit.

If, by the terms of the successful Carrier's insurance, mandatory deductibles are required, the successful Carrier shall be responsible for payment of said deductibles.

9. The term of the proposed lease shall not exceed 25 years which shall include any initial term and any option(s) to extend which may be exercised by the Carrier. The rental payment shall be calculated with a Minimum Base Rent. The Carrier shall also set forth an annual percentage increase above the previous year's Minimum Annual Base Rent ("Annual Percentage Increase"). Carriers may also use a standard, such as the Consumer Price Index, for the annual increase. The standard to be used must be set forth in detail.
10. The successful Carrier will be responsible to apply for and obtain all required City of Vineland Zoning and Land Development and construction permits, and any other permits or licenses required from any governmental agencies.
11. The successful Carrier may propose steps to mitigate the adverse impacts from the installation of the tenant facilities. Such steps may include, but not be limited to, neutral painting, medium intensity lighting, to the extent permitted by FCC regulations, use of natural vegetation or landscaping, use of compatible fencing. Each Carrier shall provide a description of the mitigation techniques to be employed by it and will describe each step that it agrees to take to provide the mitigation.
12. The proposal must be returned in its entirety in order to be considered for an award.
13. Each proposal must be accompanied by the items requested below. Failure to provide these items and the entire proposal package may be cause for rejecting this proposal.
 - A. Proposal Sheet
 - B. Non-Collusion Affidavit
 - C. List of names and addresses of all stockholders in the corporation or partnership who own ten percent (10%) or more of its stock- "Ownership Disclosure".

PROPOSAL SHEET

Communications Antenna Site Lease

1. Base Annual Rental Payment to the City of Vineland \$ _____

2. Lease Term (may also specify Carrier's option to Renew so long as initial term and all extension terms shall not exceed 25 years). _____ Years

3. Annual increase in Base Annual Rental Payment. Carriers may use either a percentage or may make reference to a standard such as the Consumer Price Index. If a standard is used a detailed description of the specific standard must be set forth or attached so the exact standard may be readily identified. _____ %
or

Description of Standard
(Additional space may be used)

4. In accordance with the Request for Proposal, describe in detail on a separate sheet all the steps to be taken by Carrier to mitigate the adverse visual impacts from erecting the Tenant Facilities.

5. Commencement Date: _____

COMPANY NAME: _____

AUTHORIZED CONTRACT PERSON: _____

ADDRESS: _____

TELEPHONE NO: _____

OWNERSHIP DISCLOSURE

Pursuant to the provisions of Chapter 33 of the Public Laws of 1977, which took effect on March 8, 1977, all corporate and partnership bidders are required to submit a list of the names and addresses of all stockholders owning 10% or more of their stock, or 10% or more of the stock of their corporate stockholders, or, in the case of the partnership, the names and addresses of those owning a 10% or greater interest therein.

<u>NAME</u>	<u>ADDRESS</u>	<u>% OWNED</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

I CERTIFY THAT THE ABOVE INFORMATION IS TRUE, TO THE BEST OF MY KNOWLEDGE.

SIGNATURE: _____

TITLE: _____

COMPANY: _____

ADDRESS: _____

Subscribed and sworn to before me

This ____ day of _____, 20____

EXHIBIT B

DESCRIPTION OF PREMISES

to the Agreement dated _____, 20____, by and between the City of Vineland, a municipal corporation of the State of New Jersey, as Lessor, and _____, as Lessee.

The Premises are described and/or depicted as follows:

TO BE INSERTED:

- A minimum of:**
1. Site Map (as proposed) with location and sizes of ancillary equipment.
 2. Antenna location on tower (as proposed) with sizes.
 3. Any additional backup information that will assist the City in granting this lease.

INITIALS

Notes:

1. This Exhibit may be replaced by a land survey of the Premises once it is received by Lessee.
2. Setback of the Premises from the Land's boundaries shall be the distance required by the applicable governmental authorities
3. Width of access road shall be the width required by the applicable governmental authorities, including police and fire departments.
4. The type, number and mounting positions and locations of antennas and transmission lines are illustrative only. Actual types, numbers, mounting positions may vary from what is shown above.