

RESOLUTION NO. 2015-_____

A RESOLUTION AWARDED A CONTRACT TO FRANCHI DEMOLITION & EXCAVATING INC., CAMDEN, NJ, TO COMPLETE DEMOLITION OF 1675 W. GARDEN ROAD, IN THE AMOUNT OF \$21,000.00.

WHEREAS, the City of Vineland has heretofore advertised for bids to Complete Demolition of 1675 W. Garden Road for the Department of Economic Development, in accordance with specifications on file in the office of the Purchasing Agent; and

WHEREAS, on November 10, 2015, bids were received, duly opened and read aloud, being referred to the Assistant Business Administrator for tabulation, evaluation, report and recommendation; and

WHEREAS, the Assistant Business Administrator has under date of December 15, 2015 submitted a written report and tabulation of the bids received and has recommended that a contract to Complete Demolition of 1675 W. Garden Road for the Department of Economic Development, be awarded to Franchi Demolition & Excavating Inc., Camden, NJ, in the amount of \$21,000.00, said bid being the lowest responsive, responsible bid received and considered in the best interest of the City of Vineland; and

WHEREAS, the following bidder has been disqualified

VENDOR

Delphi Engineering & Cont. Inc.,
Sewell, NJ

REASON

This vendor is rejected due to the fact that they did not provide a Bid Guarantee, a statutory requirement;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Vineland that said contract to Complete Demolition of 1675 W. Garden Road for the Department of Economic Development, be and the same is awarded to Franchi Demolition & Excavating Inc., Camden, NJ, on their bid in the amount of \$21,000.00, said bid being the lowest responsive, responsible bid received and considered in the best interest of the City of Vineland, and the Purchasing Agent be and the same is hereby authorized and directed to issue purchase order contract for the same in behalf of the City; and

BE IT FURTHER RESOLVED that the City Comptroller has certified that the funds for the contract to be awarded herein are available.

Adopted:

President of Council

ATTEST:

City Clerk



December 1, 2015

REPORT TO: THE MAYOR AND COUNCIL

RE: Proposals Submitted to the Purchasing Board 11/10 & 11/24/15

Dear Mayor and Members of Council:

Submitted to you herewith for your consideration is our evaluation of the proposals submitted to the Purchasing Board on November 10, and November 24, 2015.

COMPLETE DEMOLITION OF 1675 W. GARDEN ROAD FOR THE DEPARTMENT OF ECONOMIC DEVELOPMENT

It is the recommendation of the Director of Economic Development, which has the concurrence of the Purchasing Agent and the Assistant Business Administrator that a contract be awarded to the lowest responsive, responsible bidder, Franchi Demolition & Excavating Inc., Camden, NJ, in the amount of \$21,000.00. The low bidder, Delphi Engineering & Cont. Inc., Sewell, NJ is rejected due to the fact that they did not provide a Bid Guarantee, a statutory requirement.

FURNISHING AND DELIVERY OF SCR REAGENT QUALITY AMMONIA FOR UNIT 11 AND CLAYVILLE 1, FOR THE VINELAND MUNICIPAL ELECTRIC UTILITY GENERATION DIVISION, FOR A PERIOD OF ONE YEAR BEGINNING FEBRUARY 1, 2016, WITH OPTION FOR AN ADDITIONAL YEAR

It is the recommendation of the Director of Municipal Utilities, which has the concurrence of the Purchasing Agent and the Assistant Business Administrator that a contract be awarded to the low bidder, Univar USA Inc., Middletown, PA, in the amount of \$21,780.00.

FURNISHING AND DELIVERY OF 15KV URD CABLE FOR THE VINELAND MUNICIPAL ELECTRIC UTILITY – DISTRIBUTION DIVISION

It is the recommendation of the Director of Municipal Utilities, which has the concurrence of the Purchasing Agent and the Assistant Business Administrator that a contract be awarded to the low bidder, Wesco Distribution, Richmond, VA, in the amount of \$92,074.32, plus a contingency in the amount of \$4,603.72 to allow for manufacturer's standard length put-up tolerances of +/-10%.

FURNISHING AND DELIVERY OF JANITORIAL SUPPLIES FOR THE CITY OF VINELAND FOR A PERIOD OF ONE YEAR FROM DATE OF AWARD, WITH OPTION FOR A SECOND YEAR

It is the recommendation of the Purchasing Agent, which has the concurrence of the Assistant Business Administrator that a contract be awarded to on an individual line item and categorical basis to the respective lowest bidders, as follows:



CATEGORY A (PAPER PRODUCTS):

1. Tri City Products, Vineland, NJ - **\$28,189.80**

CATEGORY B (CLEANERS & WAXES):

1. Interline Brands Inc./Supply Works, Mt. Laurel, NJ - **\$1,800.98**

CATEGORY C (FLOOR SUPPLIES):

1. Interline Brands Inc./Supply Works, Mt. Laurel, NJ - **\$1,246.60**

CATEGORY D (DISINFECTANTS, CLEANERS, SOAPS & MISC. ITEMS):

1. South Jersey Paper, Vineland, NJ – **\$6,793.47**
2. Tri City Products, Vineland, NJ - **\$5,278.60**
3. Interline Brands Inc./Supply Works, Mt. Laurel, NJ – **\$7,254.92**
4. Dave's Cleaning Service, Inc. d/b/a General Chemical and Supply, Maple Shade, NJ – **\$10,639.58**

ACQUISITION OF ENVIRONMENTAL HEALTH SOFTWARE FOR THE DEPARTMENT OF HEALTH

It is the recommendation of the Director of the Department of Health, which has the concurrence of the Purchasing Agent and the Assistant Business Administrator that a contract be awarded to the low bidder, Accela Inc., San Ramon, CA, in the amount of \$43,980.00

We trust that the above recommendation will receive your favorable consideration and that the recommended resolutions will be adopted as presented.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Robert Dickenson", with the initials "RD" written to the right of the signature.

Robert Dickenson
Assistant Business Administrator

/wr

Justification for Vendor Recommendation

Project: Demolition of 1675 W. Garden Road

Recommended Vendor: Franchi Demolition & Excavating, Inc.

Per Richard Tonetta's legal opinion below, the bid of Delphi Engineering & Contracting, Inc. for Demolition of 1675 W. Garden Road, must be rejected due to the fact that they did not provide a Bid Guarantee. Therefore, we are awarding the contract to the next bidder, Franchi Demolition & Excavating.

From: Tonetta Richard

Sent: Monday, November 30, 2015 9:26 AM

To: Lewis Yvonne <ylewis@vinelandcity.org>

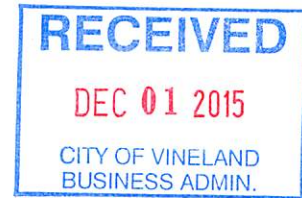
Subject: RE: Bid Bond - Demolition of 1675 W. Garden Road

Hi Yvonne,

I did review all of the documents regarding the above. You are correct that the purpose of a bid bond is really twofold. First and foremost, the purpose is to assure that the bidder will enter into the contract if the bidder is declared to be the lowest responsible bidder. The bonding company is answerable to the city in the amount of the bond for damages should the bidder fail to enter into the contract. Secondly, the bid bond will typically assure they would provide a performance bond should the bidder be awarded the contract. Failure to include a bid bond as required with the bid will render the bid non responsive. However, the courts have allowed deviations from this principle to occur. In one matter, the Appellate Court allowed a bid where the bid bond was delivered within 24 hours stating it was an "unavoidable Glitch." (Marvec Allstate v Gray and Fear, Inc. 148 NJ Super.481) In another case, Kensil v Ocean city 89 NJ Super. 342 the bidder submitted a check as security but the check bounced. Funds were ultimately put into the account and the court said that was OK. So the old adage No Bid Bond or Security-No Contract isn't always the way. The courts also acknowledged that forms of surety vary by company and sometimes their interpretations are important.

Here, the Consent of Surety does not provide the appropriate language assuring that the bidder will enter into the contract if he is awarded. There are no other documents that I saw even after the event that would give us any reason to consider this bidder and therefore the bid must be rejected as being unresponsive. Sorry, for the initial response to Jeanine, but I had not had a chance to review everything at that time.

Richard P. Tonetta, Esq.
Solicitor, City of Vineland
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Fax: (856) 405-4632
Email: rtonetta@vinelandcity.org



BID EVALUATION FORM

DEPARTMENT Economic Development

Date: 12/1/2015

The undersigned recommends that a contract be awarded for the following:

1. Bid Title: Demolition of 1675 W. Garden Road
2. Amount to be Awarded: \$21,000.00
 Encumber Total Award
 Encumber by Supplemental Release
3. Engineer's Estimate: \$21,000.00
4. Amount Budget: \$ 21,000.00
5. Account Number to be Charged: 025-0-00-50-5001-2-6144044
6. Date Bids Received: November 10, 2015
7. Date to be Awarded: December 22, 2015
8. Recommended Vendor: Franchi Demolition & Excavating, Inc.
9. Is Recommended Vendor the Apparent Lowest Bidder? Yes No
10. Comments/Special Instructions: Lowest bidder did not provide a Bid Guarantee
11. Evaluation Performed by: Sandra Forosisky
12. Approved By: *Sandra Forosisky*
13. Attached: (Check-Off List)
 Tabulation of Bids
 Justification for Vendor Recommendation (if applicable)
 Evaluation Data (if applicable)

Send copies to:
Purchasing Division
Business Administration

TABULATION OF BIDS
DEMOLITION OF 1675 W. GARDEN RD.
NOVEMBER 10, 2015

Engineers estimate - \$20,000.00

	Delphi Engineering & Cont. Inc. 131 Blackwood-Barnsboro Rd. Sewell, NJ	Franchi Demolition & Excavating Inc. PO Box 734 Camden, Nj	Abhzeen Design 2152 Whitesville Rd. Toms River, NJ	Neri's Constr. & Rental Inc. 849 Clayton Rd. Willimstown, NJ	A.J. Puggi Recycling Inc. 6150 Mill Rd. Egg Harbor Twp., NJ
BB, CAC, CEC	BB 10%	BB 10%	BB 10%	BB 10%	BB 10% *
Surety	YES	YES	YES	YES	YES
Stock Discl.	YES	YES	YES	YES	YES
Affir Action	YES	YES	YES	YES	YES
Check List	YES	YES	YES	YES	YES
Proposal	YES	YES	YES	YES	YES
Non Coll	YES	YES	YES	YES	YES
Addenda	YES	YES	YES	YES	YES
Iran Discl	YES	YES	YES	YES	YES
TOTAL	\$19,689.91	\$21,000.00	\$23,370.00	\$23,605.00	\$24,396.00

* Referred to legal dept. to see if a smooth seal is acceptable.

** E. Federal Business Design submitted (2) bids, one from them and one from Green Earth construction Services LLC.

*** Green Earth Construction Services LLC was not mentioned in the Purchasing Board Meeting. We noticed after the copies were made.

Notices received by the following:

D&J Mazza Demolition
 Garden State General Constr.
 Meco Demolition Inc.
 Site Contractors, Inc.
 All County Services
 Perna Construction LLC
 National Demo & Recycling
 Fred M. Schiavone
 Winzinger Inc.
 Earthtech contracting Inc.
 Mazza & Sons, Inc.
 American Demolition corp.

Specifications sent of the following:

Earthtech Contracting
 Clearwater Solutions of NJ
 Marsh Services LLC
 ISQFT
 Ashley Construction
 Titan Demolition & Salvage

Richard E. Pierson Const. Co. Inc. 426 Swedesboro Rd. Pilesgrove, NJ	E. Federal Business Design PO Box 1174 Medford, NJ	Green Earth Constr. Services LLC 30 Haines Ave. Berlin, NJ
BB 10%	BB 10%	BB 10%
YES	YES	YES
YES	YES	YES
YES	YES	YES
YES	YES	YES
YES	YES	YES
YES	YES	YES
YES	YES	YES
YES	YES	YES
\$34,230.00	\$42,606.84	\$42,606.84
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