

RESOLUTION NO. 2019- 308

A RESOLUTION AWARDDING A CONTRACT TO NJB NJ CONTRACTORS, LLC., MULLICA HILL, NJ, TO COMPLETE THE 2019 SPOT PAVING, IN THE AMOUNT OF \$200,251.96.

WHEREAS, the City of Vineland has heretofore advertised for bids to Complete the 2019 Spot Paving, in accordance with specifications on file in the office of the Purchasing Agent; and

WHEREAS, on June 11, 2019, bids were received, duly opened and read aloud, being referred to the Business Administrator for tabulation, evaluation, report and recommendation; and

WHEREAS, GWP Enterprises submitted a request to withdraw their bid within the prescribed time limits as per 40A:11-23.3; and

WHEREAS, after review of said request the City Engineer and Purchasing Agent agree that it is in the best interest of all parties to accept the withdrawal request; and

WHEREAS, the City Solicitor has reviewed and approved the withdrawal request; and

WHEREAS, NJB NJ Contractors, LLC is now declared the lowest, responsive, responsible bidder;

BE IT RESOLVED by the Council of the City of Vineland that said contract to complete the 2019 Spot Paving, be and the same is awarded to NJB NJ Contractors, LLC., Mullica Hill, NJ, on their bid in the amount of \$200,251.96, 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 Chief Financial Officer has certified that the funds for the contract to be awarded herein are available.

Adopted:

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President of Council

ATTEST:

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City Clerk



July 16, 2019

REPORT TO: THE MAYOR AND COUNCIL

RE: Proposals Submitted to the Purchasing Board 6/11/19

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 June 11, 2019.

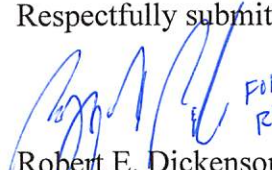
2019 SPOT PAVING

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It is the recommendation of the Acting City Engineer, which has the concurrence of the City Solicitor, Purchasing Agent and Business Administrator that a contract be awarded to the lowest, responsive, responsible bidder, NJB NJ Contractors, LLC, Mullica Hill, NJ, on their bid in the amount of \$200,251.96. The apparent low bidder, GWP Enterprises withdrew their bid within the prescribed time limit per 40A:11-23.3.

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

Respectfully submitted,



Robert E. Dickenson, Jr.  
Business Administrator

RD/rl



**BID EVALUATION FORM**

**DEPARTMENT** ADMIN / CITY ENGINEER

Date: JUNE 28, 2019

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

1. Bid Title: 2019 SPOT PAVING

2. Amount to be Awarded: 200,251.96

Encumber Total Award

Encumber by Supplemental Release

3. Engineer's Estimate: 142,050.00

4. Amount Budget: \$ \_\_\_\_\_

5. Account Number to be Charged: C-04-00-000-1754-78631

*Ord. # 2017-54*

6. Date Bids Received: JUNE 11, 2019

7. Date to be Awarded: \_\_\_\_\_

8. Recommended Vendor: NJB NJ CONTRACTORS, LLC

9. Is Recommended Vendor the Apparent Lowest Bidder?  Yes  No

10. Comments/Special Instructions: See attached recommendation from Purchasing Agent and Solicitor

11. Evaluation Performed by: David J. Maillet, PE

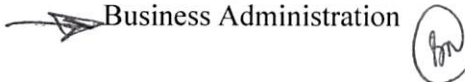
12. Approved By:   
David J. Maillet, PE

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



**PURCHASING AGENT REVIEW**  
**COV BID # 2019-16**  
**REVISED 6/18/19**

GWP Enterprises Inc. has submitted their letter of withdrawal for this project within the time limit for Bid withdraws. After reviewing their request and the bid prices for each line item I'm not sure that I agree with their assessment that the error was in the traffic control. If any errors, I would say it was in the Milling and Asphalt line items. GWP was significantly higher (over \$80,000) on these 2 items than that of the 2<sup>nd</sup> lowest bidder. Add the plus \$8,000 for the Casting line item brings the difference to \$88,000. Although it may not appear significant it would be in this case as the total project costs is about \$200,000. I have no issues granting their withdraw request and awarding to the next lowest responsive responsible bidder (NJB NJ Contractors LLC). In my professional opinion I believe that GWP may have made an honest mistake in their Bid as previously stated and by forcing the award on GWP may be cause for possible change orders that could significantly increase the final cost to the City. A bidder is only able to withdraw their bid if they believe or find that they made an error in their Bid cost. They are not allowed to submit a revised bid. If the using department after review and clarification of the request agrees that request should be accepted the next move would be to recommend acceptance of GWP's withdraw request and award to the next lowest responsive responsible bidder.

Miguel A. Mercado, QPA  
Purchasing Agent

Additional Comment: After review and discussion with David Maillet, Acting City Engineer we agree that GWP's bid prices for the Milling & Asphalt appear to be under bid. Like Dave, I feel that allowing their withdraw request is in the best interest of both parties and more importantly avoid potential change orders that could exceed the second lowest bid. As much as I would like to agree with Dave to bar GWP from future road work, I must disagree as it violates NJ Public Contracts Law for debarment. In order to bar a potential bidder there are reasons and procedures that must be followed. If Legal agrees with this assessment I recommend we move forward with award to NJB NJ Contractors LLC in the amount of \$200,251.96 contingent upon availability of funding.

## **Mercado Miguel**

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**From:** Tonetta Richard  
**Sent:** Friday, June 28, 2019 4:34 PM  
**To:** Mercado Miguel; Maillet David J.  
**Subject:** release of bid for 2019 spot paving

Dear Mike and DJ,

As I understand the issue, we received several bids for spot paving for 2019. The apparent low bidder was GWP Enterprises which was quite a bit lower than the next closes bidder and @ \$7,000 below the engineers estimate. Subsequent to bid opening, GWP requested to rescind their bid indicating they made an error in calculations. The error was apparent to DJ and was quite substantial. The issue of withdrawing a bid is determined by a 4 prong test set up by our courts. The test is as follows

1. The mistake must be of so great a consequence that the enforce the contract as actually made would be unconscionable.
2. The matter as to which the mistake was made must relate to the material feature of the contract
3. The mistake must have occurred notwithstanding the exercise of reasonable care by the party making the mistake
4. The City must be able to get relief by way of rescission without serious prejudice to the other party, except for loss of his bargain.

As I understand from DJ, all of the above 4 prong test has been met and therefore, we can allow the apparent low bidder to withdraw their bid and award to the second low bidder, NJB NJ Contractors LLC, which leads to the issue surrounding their bid.

As I understand the facts, NJB entered the room where the bids were being opened at 2:03 pm, 3 minutes past the deadline. I understand that the company was in the building prior to the deadline and were in fact first at the VPD and then to the City Clerk. This was confirmed by the VPD and Clerk's Office. I believe that the fact they were in the Clerk's Office prior to the time limit would put them within the timeframe for receipt of the bid. While being late is totally their fault, it is not fair to them if they arrived at the VPD well before the deadline and it took time to get directions. Same with their arrival at the clerk's office.

Richard P. Tonetta, Esq.  
Director Dept. of Law and Solicitor  
City of Vineland  
640 East Wood Street  
Vineland, New Jersey 08360

**TABULATION OF BIDS-COV BID # 2018-16**  
**2019 SPOT PAVING**  
**JUNE 11, 2019**

Engineers estimate - \$142,000.00

	<b>GWP Enterprises Inc. PO Box 498 Franklinville, NJ 08322</b>	<b>NJB NJ Contractors, LLC 18 Lange Crt. Mullica Hill, NJ 08062</b>	<b>Landberg Construction LLC 82 Tuckahoe Rd. Dorothy, NJ 08317</b>	<b>Diamond Construction 35 Beaverson Blvd. Ste 12C Brick, NJ 08723</b>
BB, CAC, CEC	BB 10%	BB 10%	BB 10%	BB 10%
Surety	YES	YES	YES	YES
Ownership Disclosure	YES	YES	YES	YES
Affirm. Action	YES	YES	YES	YES
Non-Collusion	YES	YES	YES	YES
Check List	YES	YES	YES	YES
Proposal	YES	YES	YES	YES
Acknowledgement of Addenda	YES	YES	YES	YES
Iran Disclosure	YES	YES	YES	YES
<b>TOTAL</b>	<b>\$135,410.00</b>	<b>\$199,524.18</b>	<b>\$251,150.00</b>	<b>\$308,550.00</b>
<b>CORRECTED TOTAL</b>		<b>\$200,251.96</b>		

**Specifications also received by the following:**

American Asphalt	CIS Leads
A.E. Stone Inc.	RE Pierson Construction Inc.
South State	Construction Journal
GWP Enterprises	Arbrisco Enterprises Inc.
Prime Vendor Inc.	
Construct Connect	

CITY OF VINELAND  
2019 SPOT PAVING  
BID TABULATION  
BID OPENING DATE JUNE 11, 2019

CONTRACT INFORMATION				ENGINEER'S ESTIMATE		GWP ENTERPRISES, INC.				NJB NJ CONTRACTORS, LLC				LANDBERG CONSTRUCTION, LLC				DIAMOND CONSTRUCTION			
ITEM NO.	DESCRIPTION	UNITS	CONTRACT QUANTITY	ENCL. EST. UNIT PRICE	ENCL. EST. TOTAL	BID UNIT PRICE	BID TOTAL	% OF ENCL. EST.	\$ DIFFERENCE (CONTRACTOR - ESTIMATE)	BID UNIT PRICE	BID TOTAL	% OF ENCL. EST.	\$ DIFFERENCE (CONTRACTOR - ESTIMATE)	BID UNIT PRICE	BID TOTAL	% OF ENCL. EST.	\$ DIFFERENCE (CONTRACTOR - ESTIMATE)	BID UNIT PRICE	BID TOTAL	% OF ENCL. EST.	\$ DIFFERENCE (CONTRACTOR - ESTIMATE)
1.1	TRAFFIC CONTROL	LS	1	\$10,000.00	\$ 10,000.00	\$ 25,000.00	\$ 25,000.00	250.00%	\$15,000.00	\$ 1,945.24	\$ 1,945.24	19.45%	(\$8,054.76)	\$ 30,000.00	\$ 30,000.00	300.00%	\$20,000.00	\$ 10,000.00	\$ 10,000.00	100.00%	
1.2	MOBILIZATION	LS	1	\$55,000.00	\$ 55,000.00	\$ 10,000.00	\$ 10,000.00	18.18%	(\$45,000.00)	\$ 7,780.97	\$ 7,780.97	14.15%	(\$47,219.03)	\$ 20,000.00	\$ 20,000.00	36.36%	(\$35,000.00)	\$ 10,000.00	\$ 10,000.00	18.18%	(\$45,000.00)
4.10.1	RESEY CASTINGS	UNIT	15	\$330.00	\$ 4,950.00	\$ 150.00	\$ 2,250.00	45.45%	(\$2,700.00)	\$ 698.41	\$ 10,476.15	211.64%	\$5,526.15	\$ 1,800.00	\$ 24,000.00	484.85%	\$19,050.00	\$ 1,000.00	\$ 15,000.00	303.03%	\$10,050.00
5.5.1	MILLING OF HMA, 2'-4" THICK	SY	5,000	\$2.70	\$ 13,500.00	\$ 5.50	\$ 27,500.00	203.70%	\$14,000.00	\$ 14.39	\$ 71,950.00	532.86%	\$58,450.00	\$ 15.00	\$ 75,000.00	555.56%	\$61,500.00	\$ 45.00	\$ 225,000.00	1666.67%	\$211,500.00
7.1.4	HOT MIX ASPHALT 9.5M64 SURFACE COURSE, 2" THICK	TON	670	\$80.00	\$ 53,600.00	\$ 98.00	\$ 65,660.00	122.50%	\$12,060.00	\$ 153.88	\$ 103,099.60	192.35%	\$49,499.60	\$ 145.00	\$ 97,150.00	181.25%	\$43,550.00	\$ 65.00	\$ 43,550.00	81.25%	(\$10,050.00)
7.8.1	ASPHALT PRICE ADJUSTMENT	DOLLAR	5,000	\$1.00	\$ 5,000.00	\$ 1.00	\$ 5,000.00	100.00%		\$ 1.00	\$ 5,000.00	100.00%		\$ 1.00	\$ 5,000.00	100.00%		\$ 1.00	\$ 5,000.00	100.00%	
<b>TOTAL ESTIMATED PROJECT COSTS</b>					<b>\$ 142,050.00</b>		<b>\$ 135,410.00</b>				<b>\$ 200,251.96</b>				<b>\$ 251,150.00</b>				<b>\$ 308,550.00</b>		