

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE MEETING
December 23, 2009
8:00 A.M.

1. Montgomery Township Committee met at the Municipal Building, 2261 Van Horne Road, Belle Mead, NJ at 7:00 p.m. on the above date. Those present were:

TOWNSHIP COMMITTEE: Mayor Wilson, Committeemembers Caliguire, Fay and Dyer
Deputy Mayor Birge was absent

Also present were:

TOWNSHIP ATTORNEY - Kristina P. Hadinger, Esq.

TOWNSHIP ADMINISTRATOR - Donato Nieman

CHIEF FINANCIAL OFFICER - Walter Sheppard

TOWNSHIP CLERK - Donna Kukla

2. Mayor Wilson stated the following: "Under the provisions of the Open Public Meetings Act, notice of the time and place of this meeting has been posted and sent to the officially designated newspapers."

3. Mayor Wilson led the Salute to the Flag.

4. **PUBLIC COMMENT**

Mayor Wilson opened the public comment portion of the meeting. There being no public comment, Mayor Wilson closed this portion of the meeting.

5. **RESOLUTION #09-12-379 - AWARDING A CONTRACT FOR THE PIKE BROOK WASTEWATER TREATMENT PLANT UPGRADE & EXPANSION**

WHEREAS, after proper notice and advertising in accordance with the New Jersey Local Public Contracts Law, N.J.S.A.40A:11-1 et seq., five (5) bids were received on November 20, 2009 for the Pike Brook Wastewater Treatment Plant Upgrade & Expansion; and

WHEREAS, after full review of the relevant documents by the Township Attorney, Consulting Engineer, and Township Engineer, it was determined that the bid submitted by the initial apparent low bidder for the project could not be considered by reason of a serious irregularity that could not be cured, namely, a significant calculation error in preparation of its bid; and

WHEREAS, the actual apparent low bidder for the project is APS CONTRACTING, INC., 155-161 Pennsylvania Ave., Paterson, NJ 07503, with a grand total lump sum bid of \$14,250,000.00; and

WHEREAS, the Township's consulting engineer has reviewed the details of the bid and the qualifications and experience of the apparent low bidder, and has recommended that the lump-sum contract be awarded to APS CONTRACTING, INC., as the lowest responsive and responsible bidder; and

WHEREAS, the Township Engineer and the Township Attorney have also recommended the contract be awarded to APS; and

WHEREAS, the Chief Financial Officer has certified that funds for this project are available in Capital Account #08-216-55-901-1320; and

WHEREAS, certain funding for the project will be provided through the New Jersey Environmental Infrastructure Financing Program; and

WHEREAS, by letter dated December 9, 2009, to the Township Administrator, the New Jersey Department of Environmental Protection, Municipal Finance and Construction Element, formally authorized the Township to award the following contract: "Pike Brook Wastewater Treatment Plant Upgrade & and Expansion to APS Contracting, Inc., in the amount of \$14,250,000.00."

NOW THEREFORE BE IT RESOLVED by Township Committee of the Township of Montgomery, County of Somerset, State of New Jersey as follows:

1. The contract for the Pike Brook Wastewater Treatment Plant Upgrade & Expansion is hereby awarded to APS Contracting, Inc., 155-161 Pennsylvania Ave., Paterson, NJ 07503, in the amount of \$14,250,000.00.
2. As set forth in the aforesaid December 9, 2009 letter from the Department of Environmental Protection, this contract award is subject to and conditioned upon the final approval of the New Jersey Department of Environmental Protection which approval is a condition of receipt by the Township of funding through the New Jersey Environmental Infrastructure Financing Program, and the Township may determine not to issue a Notice to Proceed until that approval is received.
3. The Mayor and Clerk are hereby authorized and directed to execute an agreement with APS Contracting, Inc., subject to approval of the Township Attorney; and the Township staff, consultants and professionals are authorized and directed to undertake any and all actions necessary to effectuate the terms and intent of this Resolution, and to meet the state and federal requirements associated with the New Jersey Environmental Infrastructure Financing Program.

(Item #5 Cont.)

5-1. Committeeman Fay moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Caliguire and carried on the following:

ROLL CALL - Ayes - Caliguire, Fay, Dyer, Wilson
Nays - None
Absent - Birge

ADJOURNMENT was at 8:05 a.m. on a motion by Committeeman Caliguire, seconded by Committeewoman Dyer and carried unanimously.

Date of Approval:

Donna Kukla, Township Clerk