



PASSAIC VALLEY WATER COMMISSION

RESOLUTION #17-15

RESOLUTION OF PASSAIC VALLEY WATER COMMISSION

DATE OF ADOPTION: February 15, 2017

Factual Contents certified to by Louis Amodio, Administrative Secretary. Approved as to Form and Legality on basis of facts set forth by George T. Hanley, General Counsel. Entering Executive Closed Session in accordance with Open Public Meetings Act, R.S. 10:4-6 et seq. Pursuant to the Open Public Meetings Act,

COMMISSIONER: BLUMENTHAL offers the following Resolution for adoption:

WHEREAS, Section 8 of the Open Public Meetings Act, c. 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances: and

WHEREAS, the public body is of the opinion that such circumstances presently exist:

NOW, THEREFORE, BE IT RESOLVED, by the Commissioners of Passaic Valley Water Commission:

1. The public shall be excluded from discussion of the hereinafter specified subject Matters; the general nature of the subject matters being: Financial, Insurance, Personnel, Contracts, Negotiations, Security, and Law: LAW: Personnel: Administration: other matters as may be discussed *in camera*.
2. It is anticipated at this time that the above-stated subject matter will be ratified During public meeting following or as soon thereafter as the reason for discussion no Longer exists.
3. This Resolution shall take effect immediately.

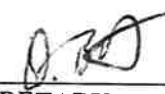
Second by COMMISSIONER: KOLODZIEJ AYES: 4 Time: 9:37 a.m.

RECORD OF COMMISSION VOTE ON FINAL PASSAGE

	AYE	NAY	ABSTAIN	ABSENT
JEFFREY LEVINE				9:44
ROBERT VANNOY	X			
DAVID BLUMENTHAL	X			
JOSEPH KOLODZIEJ	X			
RIGO SANCHEZ				X
IDIDA RODRIGUEZ				9:37
GERALD FRIEND	X			



 PRESIDENT
 GERALD FRIEND



 SECRETARY
 DAVID BLUMENTHAL



PASSAIC VALLEY WATER COMMISSION

CERTIFICATION

I, LOUIS AMODIO, Administrative Secretary of the Passaic Valley Water Commission in the County of Passaic, and the State of New Jersey do hereby certify that the foregoing Resolution is a true copy of a legal quorum of the Original Resolution duly passed and adopted by a majority of the full membership of the Passaic Valley Water Commission at its meeting of February 15, 2017.


LOUIS AMODIO
Administrative Secretary

RESOLUTION: 17-16
RESOLUTION OF PASSAIC VALLEY WATER COMMISSION
DATE OF ADOPTION: February 15, 2017

Approved as to form and legality by Law Department on basis of facts set forth by Executive Director, Purchasing, Engineering and Finance Departments.

Introduced by Commissioner: **BLUMENTHAL**

Seconded by Commissioner: **VANNOY**

WHEREAS, on January 17, 2016 two (2) bids were received by Passaic Valley Water Commission ("PVWC") for Contract No. 17-B-3 "Bituminous Materials"; and

WHEREAS, said bids have been reviewed by the Executive Director, Director of Engineering, and the Director of Purchasing, (and Counsel as to form and legality) and a copy of a memorandum from the Director of Engineering dated February 8, 2017, along with other relevant correspondence, is attached hereto and made a part hereof as Exhibit A; and

WHEREAS, the Local Public Contracts Law provides for the awarding of the Contract upon receipt of bids and qualifications of bidders therefor; and

WHEREAS, the apparent low numerical bid submitted by Stone Industries, Inc. ("Stone Industries") of Haledon, New Jersey, failed to include a proper bid bond with their bid and failed to bid on all of the bid items; which material defects are in contravention of the Local Public Contracts Law and the Bid Documents; and

WHEREAS, the second low numerical bid submitted by Tilcon New York, Inc. ("Tilcon") of Parsippany, New Jersey included qualifications and exceptions with their bid; which material defects are in contravention of the Local Public Contracts Law and the Bid Documents; and

WHEREAS, these material non-curable defects (Stone Industries' failure to include a proper bid bond with their bid and failure to bid on all of the bid items, and Tilcon's inclusion of

qualifications and exceptions with their bid), thereby disqualifies both of the bids received; and

WHEREAS, in accordance with the Specifications and the Invitation to Bidders provided with respect to the above-referenced contract, the Commission has retained the authority, inter alia, to reject the two bids received, modify the Contract Documents to provide additional clarification of the contract requirements, and thereafter to re-bid the said contract in accordance with the Local Public Contracts Law; and

WHEREAS, the Commissioners of PVWC have considered the recommendations of PVWC's Law Department, Director of Engineering, and Executive Director and have determined that it is appropriate and in the best interest of PVWC, its users and constituent municipalities, to adopt same as its act;

NOW, THEREFORE, BE IT RESOLVED, by Passaic Valley Water Commission, in the County of Passaic, New Jersey:

1. That both of the two (2) bids received by PVWC on January 17, 2017, with respect to the Contract are hereby rejected; and
2. That the appropriate officials and employees of the Commission be and are hereby directed to solicit new bids for Contract 17-B-3 "Bituminous Materials"; in accordance with these findings and applicable law, and to perform such acts and execute such documents as are necessary to implement the terms and intentions of this Resolution as set forth hereinabove.


RECORD OF COMMISSION VOTE ON FINAL PASSAGE

	AYE	NAY	ABSTAIN	ABSENT
*LEVINE, J.	—	—	—	—
VANNOY, R.	<u>X</u>	—	—	—
BLUMENTHAL, D.	<u>X</u>	—	—	—
KOLODZIEJ, J.	<u>X</u>	—	—	—
SANCHEZ, R.	—	—	—	<u>X</u>
RODRIGUEZ, I.	<u>X</u>	—	—	—
FRIEND, G.	<u>X</u>	—	—	—

Adopted at a meeting of Passaic Valley Water Commission.



President
GERALD FRIEND




Secretary
DAVID BLUMENTHAL

This Resolution, when adopted, must remain in the custody of the Administrative Secretary.
***Commissioner Levine-out of the room at time of vote**

CERTIFICATION

I, LOUIS AMODIO, Administrative Secretary of the Passaic Valley Water Commission in the County of Passaic, and the State of New Jersey do hereby certify that the foregoing Resolution is a true copy of a legal quorum of the Original Resolution duly passed and adopted by a majority of the full membership of the Passaic Valley Water Commission at its meeting of February 15, 2017.



LOUIS AMODIO
Administrative Secretary

PASSAIC VALLEY WATER COMMISSION

**PVWC MEMORANDUM DATED FEBRUARY 8, 2017
AND OTHER RELEVANT CORRESPONDENCE**

EXHIBIT A

**PASSAIC VALLEY WATER COMMISSION
INTEROFFICE MEMORANDUM**

Date: February 8, 2017

To: Hon. Commissioners

From: J. Duprey

C: J. Bella

G. Hanley
L. Amodio
G. Lucianin

Re: Contract No. 17-B-3 "Bituminous Materials"

On January 17, 2017, two (2) bids were received by Passaic Valley Water Commission ("PVWC") for Contract No. 17-B-3 "Bituminous Materials".

The apparent low numerical bid submitted by Stone Industries, Inc. ("Stone Industries") of Haledon, New Jersey, failed to include a proper bid bond with their bid and failed to bid on all of the bid items; which material defects are in contravention of the Local Public Contracts Law and the Bid Documents.

The second low numerical bid submitted by Tilcon New York, Inc. ("Tilcon") of Parsippany, New Jersey included qualifications and exceptions with their bid; which material defects are in contravention of the Local Public Contracts Law and the Bid Documents.

These material non-curable defects (Stone Industries' failure to include a proper bid bond with their bid and failure to bid on all of the bid items and Tilcon's inclusion of qualifications and exceptions with their bid), thereby disqualifies both of the bids received.

Based on the above, and subject to review and approval by the Law Department, it is recommended that both of the two (2) bid received be rejected, that the Contract Documents be modified to provide additional clarification of the contract requirements, and thereafter to re-bid the said contract in accordance with the Local Public Contracts Law.