

## TOWNSHIP COMMITTEE SPECIAL MEETING – AUGUST 29, 2016

Mayor McMillan called the meeting to order at 2:00 p.m. and requested the Clerk to call the roll. The following members were present: Dr. Michael Brantley, Carol Rizzo, Nicholas Williams and Mayor Kevin B. McMillan.

Also present at the dais were Pamela D. Howard, Deputy Municipal Clerk; and Gene Anthony, Township Attorney

Mayor McMillan announced that the notice requirements of R.S. 10:4-18 have been satisfied by the publication of the required advertisement in the Asbury Park Press and The Coaster on August 25, 2016, posting the notice on the Board in the Municipal Complex, and filing a copy of said notice with the Municipal Clerk.

### PUBLIC COMMENTS ON RESOLUTIONS

The Mayor requested public comments on the resolutions presented on this agenda. There were no comments.

### AWARD CONTRACT FOR FLOOD MITIGATION PROJECT ON SOUTH CONCOURSE

Mr. Anthony stated that the Township went out to bid twice on this project and both times the bids received were too high so the bids were rejected. State statute says that the Township can negotiate with the bidders from the last bid to come up with a bid price that is within the Township budget.

Ms. Rizzo offered the following resolution, moved and seconded by Dr. Brantley, that it be adopted:

WHEREAS, the Township Committee authorized the preparation of plans and specifications and seeking bid opportunity for a flood mitigation project on South Concourse in Neptune Township through the Township Engineer and T&M Associates; and

WHEREAS, the Township sought bid proposals pursuant to the Public Contracts Act on two occasions, and the governing body rejected the same on both occasions upon receiving bids based on the proposition that the bids received on both occasions were not reasonable as to price, and were above the budget allowed for the project; and

WHEREAS, pursuant to N.J.S.A. 40A:11-5 of the Public Contracts Act, Section 3, where the governing body has rejected the bids on two occasions because it has determined that they are not reasonable as to price, on the basis of cost estimates prepared for or by the contracting agent prior to the advertising thereof, and in this case above the budget allowed for the project, the Township negotiated among the three responsible bidders that submitted bids on the last bidding occasion for a contract that would be within the reasonable price and consistent with the budget; and

WHEREAS, Neptune Township, through its Municipal Engineer, Leanne Hoffmann; T&M Associates and its Municipal Attorney, Gene J. Anthony, Esq., negotiated with Bird Construction, 105 Harbor Inn Rd., Bayville, New Jersey; Lucas Group, Inc., 173 Amboy Rd., Morganville, NJ and Marbro General Contractors, 195 Brighton Avenue, West End, NJ, under terms, conditions, restrictions and specifications not substantially different from those that were part of the competing bidding specifications, and determined that Bird Construction, through negotiations provided the only reduced proposal that meets with the scope and intent of the Township's budget and FEMA Grant, which is the subject of financing for the aforesaid project, (a true copy of said recommendation from the Municipal Engineer, Leanne Hoffmann is attached hereto and made a part hereof as Exhibit "A") and that said proposal represents a revised total contract value of \$737,331.00, by revising and reducing unit prices almost entirely and providing only minor modifications of terms, conditions, restrictions and specifications, as shall be stated below; and

WHEREAS, funds for this purpose are available in Ordinance No. 11-05, as amended by Ordinance 14-30, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, that Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, hereby authorizes a contract with Bird Construction, 105 Harbor Inn Rd., Bayville, New Jersey 08721, for flood mitigation of South Concourse in Neptune Township in accordance with the original specifications and plans prepared by T&M Associates, unit price reductions and minor modifications of Bird Construction's original proposal, per its letter of August 11, 2016 (a true copy of which is attached hereto and made a part hereof as Exhibit "B"), for a new contract price of \$737,331.00.

BE IT FURTHER RESOLVED, that all modifications to the original specifications, terms, conditions and restrictions are considered minor and are included in said letter of August 11, 2016 (Exhibit "B").

BE IT FURTHER RESOLVED, that the Municipal Engineer and the Township Attorney are authorized to either prepare the necessary contract for review, or approve of the contract submitted by the contractor; with the Mayor and Clerk authorized to execute the same.

BE IT FURTHER RESOLVED, that a copy of this Resolution and attachments shall be forwarded to the Prosecutor's Office of Monmouth County and the Attorney General's Office of the State of New Jersey, per the requirements of the Public Contracts Act, where Section 3 of N.J.S.A. 40A:11-5 is utilized.

The resolution was adopted on the following vote: Brantley, aye; Rizzo, aye; Williams, aye; and McMillan, aye.

APPOINT MEMBER TO NEPTUNE TOWNSHIP COMMITTEE

Dr. Brantley offered the following resolution, moved and seconded by Ms. Rizzo, that it be adopted:

WHEREAS, on August 22, 2016 at 11:59 p.m., Township Committeeman J. Randy Bishop resigned as a member of the Neptune Township Committee, thereby creating a vacancy on the Committee; and,

WHEREAS, in accordance with N.J.S.A. 40A:16-11, the Neptune Township Democratic Municipal Committee has submitted the names of three nominees for the section of a successor to fill the vacancy; and,

WHEREAS, the remaining members of the Township Committee desire to appoint one of the nominees to serve as a member of the Township Committee in accordance with said statute,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Robert Lane be and is hereby appointed to serve as a member of the Neptune Township Committee for the remainder of an unexpired three year term expiring December 31, 2016; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Monmouth County Clerk.

The resolution was adopted on the following vote: Brantley, aye; Rizzo, aye; Williams, aye; and McMillan, aye.

Dr. Brantley offered a motion, seconded by Mr. Williams, to adjourn. All were in favor.

Pamela D. Howard,  
Deputy Municipal Clerk