

RESOLUTION

WHEREAS, the Township of West Orange (the “Township”) issued a Request for Bid Proposal for Janitorial Services (the “RFP”) at several municipal buildings including West Orange Town Hall, West Orange Police Building, West Orange Senior Health Center, Department of Public Works/Engineering, Department of Recreation, West Orange Police Valley Road, and West Orange Police Washington Street Sub Station; and

WHEREAS, on December 21, 2010, the Township received two (2) bids in response to the RFP: (1) Ocean Clean from Cedar Grove, New Jersey with a bid price of \$55,692 and (2) Excellent Building Services Corp. from Orange, New Jersey with a bid price of \$57,540; and

WHEREAS, the RFP required that each vendor provide its experience and qualification as provided in the Bidder’s Requirements Check List; and

WHEREAS, the Township advised that the basis of the award would include investigation of references provided by the vendor to determine the vendor’s ability to perform the work; and

WHEREAS, the Proposal Form also required that each bidder provides an hourly rate for optional services including stripping and waxing floors; and

WHEREAS, Ocean Clean failed to provide its experience and qualifications and failed to provide references with its bid; and

WHEREAS, Ocean Clean also failed to provide an hourly rate, but instead provides a price per square feet for optional services; and

WHEREAS, on December 28, 2010, Excellent Building Services, submitted an objection to Ocean Clean’s bid attacking Ocean Clean’s price per square foot for the optional services; and

WHEREAS, under the New Jersey Supreme Court case of Meadowbrook Carting Company, Inc. v. Borough of Island Heights, 138 N.J. 307 (1994), Ocean Clean’s omission of references and listing of qualifications and experience and error as to the pricing for optional

services constitute material defects as they (1) deny the Township a means of comparing the bids under the basis outlined in the bid specifications and (2) deny the Township a means of checking references in order to determine whether Ocean Clean can properly perform the services as well as pricing for optional services. See also Township of River Vale v. R.J. Longo Construction Co., Inc., 127 N.J. Super. 207 (Law Div. 1974).

NOW, BE IT HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE that the bid submitted by Ocean Clean in response to the Township's Request for Bid Proposal is hereby rejected as a materially defective bid; and it is further

RESOLVED, that the Township shall award the contract for Janitorial Services to Excellent Building Services, Corp.; and it is further

RESOLVED, that the Mayor be and is hereby authorized to execute all documents necessary to effectuate the Contract and the Municipal Clerk be and is hereby authorized to attest to the Mayor's signature; and it is further

RESOLVED, that the original of the Contract between Township of West Orange and Excellent Building Services, Corp. shall be maintained in the Municipal Clerk's office.

Karen J. Carnevale
Township Clerk

Honorable Sal M. Anderton
Council President

Adopted: February 8, 2011