

RESOLUTION

WHEREAS, the Township of West Orange (the "Township") is authorized to provide emergency medical services ("EMS Services") for the residents of the Township and others within its boundaries under the general police powers granted pursuant to N.J.S.A. 40:48-2; and

WHEREAS, pursuant to N.J.S.A. 40A:11-4.1(f) of the Local Public Contracts Law, contracting units are authorized to utilize competitive contracting for the procurement of emergency medical services;

WHEREAS, on October 1, 2013 the Township Council adopted Resolution #180-13 authorizing the use of competitive contracting pursuant to N.J.S.A. 40A:11-4.3 for the procurement of a contract for emergency medical services (the "EMS Contract") ;

WHEREAS, on January 22, 2014, the Township issued a Request for Competitive Contracting Proposals ("RFP") for Emergency Medical Services; and

WHEREAS, on April 22, 2014, the Township advertised and issued Addendum 5 amending various provisions of the RFP; and

WHEREAS, on Tuesday, May 13, 2014, the Township received two (2) proposals from the following vendors:

Fuchs EMS & Medical Transportation Services ("Fuchs")
16-00 Highway 208 Suite LL3
Fair Lawn, NJ 07410

Monmouth-Ocean Hospital Service Corporation ("MONOC")
4806 Megil Road
Neptune, NJ 07753

and

WHEREAS, pursuant to the Local Public Contracts Law and the New Jersey Administrative Code, the Township established a five (5) person Evaluation Committee (the "Evaluation Committee") to evaluate and score the proposals; and

WHEREAS, pursuant to the N.J.A.C. 5:34-3.4(f) each member of the Evaluation Committee executed a certification that they do not have a conflict of interest with any of the vendors; and

WHEREAS, MONOC failed to address the substantive changes to the RFP described in Addendum 5, despite receipt and acknowledgement of receipt of Addendum 5; and

WHEREAS, under the New Jersey Supreme Court case of Meadowbrook Carting Company, Inc. v. Borough of Island Heights, 138 N.J. 307 (1994), MONOC's failure to respond to the changes in the Township's RFP following issuance of Addendum 5: (1) denies the Township a means of comparing the proposals under the basis outlined in the RFP specifications; and (2) denies the Township assurance that MONOC would perform the EMS Contract consistent with the terms and provision of the Township's RFP, including Addendum 5; and

WHEREAS, the Evaluation Committee reviewed and scored the remaining proposal from Fuchs; and

WHEREAS, the Evaluation Committee issued an Evaluation Report (the "Report"), attached herein as Exhibit "A," recommending that the Township award of the EMS Contract to Fuchs as the remaining responsive proposal; and

WHEREAS, Fuchs executed a consent to extend its Proposal into September 2014; and

WHEREAS, a proposed EMS Contract was drafted consistent with the terms and provisions of the Township's RFP and provided to Fuchs for review and execution; and

WHEREAS, on September 29, 2014, Fuchs advised that it could not proceed with the award of the EMS Contract absent material amendments which would deviate from the advertised specifications of the Township's RFP for EMS Services; and

WHEREAS, such amendments are prohibited as a matter of law under the Local Public Contracts Law, which prohibits material amendments to an agreement following selection of a vendor in a procurement process; and

WHEREAS, the Township received no other responsive proposals in response to its RFP; and

WHEREAS, the West Orange Fire Department has the staff and resources to perform the necessary EMS services for the Township;

WHEREAS, the Township has determined that the EMS Services should be performed by the West Orange Fire Department.

NOW, BE IT HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE that the MONOC Proposal is hereby rejected in conformance with the Local Public Contracts Law; and it is further

RESOLVED, that the Fuchs has been deemed to have withdrawn its proposal submitted to the Township; and it is further

RESOLVED, that the Mayor be and is hereby authorized to assign to the West Orange Fire Department the duties necessary to perform the EMS Services within the Township of West Orange.

Karen J. Carnevale
Township Clerk

Jerry Guarino
Council President

Adopted: June 9, 2015