

RESOLUTION

WHEREAS, on October 30, 2018, the Township Council for the Township of West Orange (the “Township”) received eight (8) bids for a Contract 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 (the “Contract”); and

WHEREAS, the lowest bid for the Contract was submitted by Ocean Clean, Inc. from Cedar Grove, New Jersey (“Ocean Clean”); and

WHEREAS, Ocean Clean advised the Township that it would not enter into the Contract with the Township despite being the lowest responsible bidder; and

WHEREAS, the Township proceeded to award the Contract to Excellent Building who submitted the second lowest bidder; and

WHEREAS, the Township filed a claim on the bid bond submitted by Ocean Clean with First Indemnity of America Insurance Company (“FIA”); and

WHEREAS, FIA refused to issue payment on the bid bond; and

WHEREAS, the Township proceeded to prepare and file an Complaint with the Superior Court of New Jersey, Special Civil Part, against FIA and Ocean Clean; and

WHEREAS, the Township proceeded to prepare and file an Complaint with the Superior Court of New Jersey, Special Civil Part, against FIA and Ocean Clean in a matter captioned: Township of West Orange v. First Indemnity of America Insurance Company and Ocean Clean, Inc., Docket No. ESX-DC-258-19 (the “Lawsuit”); and

WHEREAS, Ocean Clean and the Township have reached a tentative agreement to resolve the Lawsuit and the Township’s claim on the bid bond submitted by Ocean Clean; and

WHEREAS, Ocean Clean agrees to make payment to the Township in the amount of \$4,000 in installment payments and the Township have reached a tentative agreement to resolve the Lawsuit and the Township's claim on the bid bond submitted by Ocean Clean, as set forth in the proposed Settlement Agreement annexed hereto as Exhibit "A."

NOW, BE IT HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, that Township is authorized to agree to the terms of the Settlement Agreement, annexed hereto as Exhibit "A;" and

RESOLVED, that the Mayor is hereby authorized to execute the Settlement Agreement, annexed hereto as Exhibit "A."

RESOLVED that a copy of this resolution shall be made available in the Clerk's Office for reasonable inspection in accordance with applicable law.

Karen J. Carnevale, R.M.C.
Municipal Clerk

Jerry Guarino
Council President

Adopted: March 19, 2019