

RESOLUTION

WHEREAS, the Township of West Orange (“Township”) is seeking to retain a vendor to provide improvements and repairs to the Township Municipal Building at 66 Main Street, including, but not limited to: (i) cleaning, fixing, and painting designated walls; (ii) providing new interior flooring and wall base; (iii) repairing and/or replacing ceiling tiles; (iv) replacing all plumbing fixtures in private toilet rooms; (v) removing all through window and/or wall mechanical units and all associated support and mounting; (vi) providing solid panels at windows and infill masonry for wall opening at exterior walls; and (vii) providing window treatments (collectively the “Improvements”); and

WHEREAS, on or about October 27, 2022, the Township issued and advertised a Project Manual for Bids for the Municipal Building Interior Improvements and Repairs Phase I, annexed hereto as Exhibit “A” (the “Bid Specifications”); and

WHEREAS, on November 15, 2022, the Township issued an addendum, captioned “Addendum No. 1” to the Bid Specifications, annexed hereto as Exhibit “B;” and

WHEREAS, on November 29, 2022, the Township received four (4) bids seeking award of the contract to perform the Improvements (the proposed “Contract”), including the following bids:

- (i) VMF Construction - \$274,000 base bid, \$50,000 additional alternate bid;
- (ii) T.N.S. Construction, LLC - \$278,000 base bid, \$95,000 additional alternate bid;
- (iii) Skopye LLC - \$329,500 base bid, \$76,000 additional alternate bid; and
- (iv) Grove Contracting LLC - \$328,500, \$40,000 additional alternate bid;

and

WHEREAS, VMF Construction with offices at 10-09 Utica Terrace, Fair Law, New Jersey (“VMF Construction”) submitted the lowest bid, annexed hereto as Exhibit “C,” in response to the Township’s Bid Specifications; and

WHEREAS, on November 29, 2022, the Township received a letter of protest from T.N.S. Construction, LLC (“TNS”) challenging the bid submitted by VMF Group, annexed hereto as Exhibit “D;” and

WHEREAS, TNS’s challenged: (i) VMF Construction’s omission of a certified financial statement; and (ii) VMF Construction’s omission of a Public Works Certificate for its electrical subcontractor; and

WHEREAS, the alleged defects in TNS’s challenge do **not** constitute material defects in VMF Construction’s bid as: (i) pursuant to N.J.S.A. 40A:11-13(f) the Township’s Bid Specifications could not and did not require the submission of certified financial statements as reflected in the bid submission checklist on page 69 of the Bid Specifications did not include an “x” for “A Certified Financial statement prepared within the last twelve months;” and (ii) N.J.S.A. 34:11-56.55 of the Public Works Contractor Registration Act requires that Public Works Certificates for a Contractor’s subcontractors are due “after the bid is made and prior to the awarding of the contract; and

WHEREAS, VMF Construction has executed the Contract, annexed hereto as Exhibit “E,” as included in the Township’s Bid Specifications.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Orange that the Township awards the Contract to VMF Construction as the lowest responsible bidder; and be it further

RESOLVED that the Mayor be and is hereby authorized to execute the Contract with VMF Construction, annexed hereto as Exhibit “E,” and the Municipal Clerk be and is hereby authorized to attest to the Mayor’s signature thereon; and be it further

RESOLVED that notice of this award shall be available in the Clerk’s office in accordance with any applicable law.

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

Susan McCartney
Council President

Adopted: December 20, 2022

I hereby certify funds available from
01-2010-00-8052-090

John O. Gross, Chief Financial Officer