

**RESOLUTION**

**WHEREAS**, the Township of West Orange has advertised for bids, pursuant to the New Jersey Local Public Contracts Law (N.J.S.A 40A: 11-1), for the 2021 Street Improvements, Phase II project; and

**WHEREAS**, in November 2023, the Township of West Orange (the “Township”) issued bid specifications for the Contract for 2021 Street Improvements, Phase II (the “Contract”) involving approximately 33,200 square yards of milling, approximately 4,500 tons of hotmix asphalt surface course, approximately 14,250 linear feet of curb replacement, sidewalk improvements, and new driveway aprons, at various streets within the Township; and

**WHEREAS**, on Wednesday, February 21, 2024, the Township received ten bids in response to the bid specifications; and

**WHEREAS**, Reggio Construction, Inc. with offices at 416 E. Central Boulevard in Palisades Park, New Jersey 07650 (“Reggio”) submitted the lowest bid at approximately \$2,080,282.97. based on the rates proposed by Reggio and the estimated quantities set forth in the bid specifications; and

**WHEREAS**, on February 27, 2024, the second lowest bidder, Riverview Paving, Inc. (“Riverview”) submitted a letter objecting to Reggio’s bid based on: (1) Reggio’s failure to write out its proposed prices in words in addition to numerically; (2) Reggio’s failure to initial sections where it whited out mistakes and errors; and (3) Reggio’s errors in computing the total amount of the estimated bid price; and

**WHEREAS**, the defects identified in Riverview’s letter do not constitute material defects set forth pursuant to the Local Public Contracts Law as these defects do not: (i) deprive the Township of assurance that Reggio can perform the Contract pursuant to the terms set forth in the bid specifications; and (ii) that Reggio did not gain any competitive advantage in the waiver of these defects.

**NOW, THEREFORE BE IT RESOLVED** by the Township Council of the Township of West Orange that the Mayor be and hereby is authorized to execute the Contract with Reggio for the 2021 Street Improvements, Phase II project pursuant to the rates set forth in Reggio's bid submission and the terms and conditions set forth in the bid specifications issued; that the contract for the project 2021 Street Improvements, Phase II be awarded to:

**REGGIO CONSTRUCTION INC.  
416 E. CENTRAL BOULEVARD  
PALISADES PARK, NEW JERSEY, 07650**

in an amount not to exceed without authorization of \$2,080,282.97 and be it further

**RESOLVED** that a copy of this resolution shall be available in the Clerk's office in accordance with applicable law.

**BE IT FURTHER RESOLVED** that Certified Checks and/or Bid Bonds of all except the lowest responsible bidder be forthwith returned, and the Mayor and Township Clerk be and they hereby are respectively authorized to execute and attest a contract for the foregoing.

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

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**Bill Rutherford, Council President**

**Adopted: March 12, 2024**

**I hereby certify funds are available from Account No.**

\_\_\_\_\_  
**\$2,080,282.97**

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**John O. Gross, Chief Financial Officer**