

**RESOLUTION REJECTING ALL BIDS SUBMITTED IN RESPONSE TO REQUEST FOR BIDS FOR
SOLID WASTE AND RECYCLING COLLECTION SERVICE DATED FEBRUARY 15, 2024**

WHEREAS, the Township of West Orange (“Township”) issued a Request for Sealed Bids in response to Uniform Bid Specifications for Solid Waste and Recycling Collection Service dated February 15, 2024 (the “Specifications”); and

WHEREAS, the Specifications concern an anticipated contract for solid waste disposal for a bid period of three years commencing on June 1, 2024 and ending on May 31, 2027, with the Township having the option to renew the contract for two (2) additional one (1) year periods for a final contract termination of either May 31, 2028 or May 31, 2029 (the “Contract”); and

WHEREAS, the Specifications sought to solicit pricing for four different options of solid waste removal services, which options were articulated in Section 5.3 of the Specifications and generally summarized as follows:

Service	Option 1	Option 2	Option 3	Option 4
Solid Waste Collection Frequency	Two (2) Times Per Week	Two (2) Times Per Week	One (1) Time Per Week	One (1) Time Per Week
Township Provided Carts for Solid Waste and Recycling	No Carts	With Township Provided Carts	No Carts	With Township Provided Carts
Commercial Collection	Yes	Yes	No	No
Electronic Waste Collection	Yes (by Reservation)	Yes (by Reservation)	No	No
Bulk Waste Collection	Weekly No Reservation	Weekly (by Reservation)	One Time Per Month (by Reservation)	One Time Per Month (by Reservation)
Ownership of Recyclable Material and Market Selection	Contractor Owns & Selects Market	Contractor Owns & Selects Market	Township Owns & Selects Market	Township Owns & Selects Market

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(collectively, the “Options”); and

WHEREAS, the Specifications required bidders to submit pricing for each of the Options; and

WHEREAS, the Township received proposals (the “Bids”) from the following three respondents: (i) Filco Carting, Inc. (“Filco”), Suburban Disposal, Inc. (“Suburban”); and (iii) Century Waste Services LLC (“Century”); and

WHEREAS, the pricing submitted by each bidder for the Options are summarized as follows:

<u>Bidder</u>	<u>Option #1</u>	<u>Option #2</u>	<u>Option #3</u>	<u>Option #4</u>
Filco Carting	\$17,516,319	No Bid	No Bid	No Bid
Suburban Disposal	\$18,503,000	\$17,905,000	\$15,751,000	\$15,610,000
Century Waste	\$18,900,000	\$18,900,000	\$18,900,000	\$18,900,000

WHEREAS, after review of the submitted bid package, it was found that Filco failed to provide the required pricing for Options 2 through 4 and therefore, was not responsive with the mandatory documentation required under the Local Public Contracts Law 40A:11-23.2 and must be rejected; and

WHEREAS, the Township is dissatisfied with the provision in the Specifications requiring that bidders submit pricing for all of the Options; and

WHEREAS, the Township believes that the requirement that bidders submit pricing for all of the Options may have discouraged prospective bidders from responding to the Specifications if those prospective bidders were unable or unwilling to provide collection services to the Township under all of the Options; and

WHEREAS, the Township also believes that it needs to consider new service options which may reduce the Township’s solid waste disposal costs while more effectively catering to the needs of the public; and

WHEREAS, the Township wishes to discuss and consider with its environmental consultant, Wayne DeFeo of DeFeo Associates, and its special counsel, Franklin Barbosa, Jr., of Schenck, Price, Smith & King, LLP, substantially revised specifications that eliminate the

requirement that bidders submit pricing for all possible options identified in the specifications and set forth new service options, including, but not limited to, an option for twice weekly solid waste and recycling collection that does not contemplate the use and distribution of garbage carts and eliminates commercial collection; and

WHEREAS, the collection of solid waste and recycling is an issue of public import and interest and concerns the health, safety and welfare of the general public; and

WHEREAS, the Township's intention to reject all bids and re-bid the proposed solid waste Contract with substantially different specifications is expressly permitted under N.J.S.A. § 40A:11-13.2(d); and

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Orange, County of Essex, and State of New Jersey that the Township Council hereby rejects the Bids in their entirety.

BE IT FURTHER RESOLVED, a notice of the action shall be published at least once in the West Orange Chronicle and the Star Ledger.

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

Bill Rutherford,
Council President

Adopted: July 23, 2024

CERTIFICATION

I, KAREN J. CARNEVALE, Municipal Clerk of the Township of WEST ORANGE, in the County of Essex, State of New Jersey do hereby certify that the foregoing is true and correct copy of a Resolution adopted by the Governing Body of the Township of West Orange at a regular meeting held on July 23, 2024.

Karen J. Carnevale, RMC