

RESOLUTION

WHEREAS, in October 2024, the Township of West Orange (the “Township”) issued a set of bid specifications (the “Specifications”) for a proposed contract for the purchase and planting of 248 trees and purchase and installation of 57 root barriers; and

WHEREAS, the Specifications provided a list of tree species to be purchased and planted pursuant to the proposed contract, including twenty-three (23) species of trees from which the Township could select; and

WHEREAS, the Specifications required bidders to submit bids based upon prices which reflected the size of the trees to be purchased by the Township and did not correspond to the specific tree species to be purchased; and

WHEREAS, the Specifications reserved the right for the Township to determine the quantity from each category of tree size or tree species; and

WHEREAS, on November 7, 2024 the Township received bids in response to the Specifications, including the lowest bid submitted in the amount of **\$142,130.00** from:

Frank Galbraith & Son Excavation and Demolition, LLC
831 Raritan Rd
Scotch Plains, NJ 07076

(“Galbraith”); and

WHEREAS, the Township Council objected to the list of trees species set forth in the Specifications based on the inclusion of non-native trees and required only non-native trees be purchased and planted; and

WHEREAS, the Township has updated and revised the list of tree species to be purchased and planted including the addition of native tree species not previously included in the Specifications, annexed hereto as Exhibit “A;” and

WHEREAS, according to the Township’s tree consultant, the additional tree species are equivalent to the previous tree species listed in the Specification and are comparable in cost; and

WHEREAS, the revised list of tree species does not therefore constitute a material change from the Specification.

NOW, BE IT HEREBY RESOLVED, by the Township Council of the Township of West Orange that the Township is hereby authorized to award the Contract for the purchase of trees and root barriers to Galbraith pursuant to: (i) Galbraith’s bid submitted in response to the Specifications; and (ii) the updated list of tree species, annexed hereto as Exhibit “A;” and be it further

RESOLVED, that the Certified Checks and/or Bid Bonds submitted by all bidders, except Galbraith, be released and returned to all other bidders; and be it further

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

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

Council President

Adopted: January 6, 2025

I hereby certify funds are available from Account No.:

<u>01-2010-00-7202-200</u>	<u>\$52,500.00</u>
<u>01-2010-00-7202-090</u>	<u>\$89,630.00</u>

John Ditnyak, Chief Financial Officer