

**RESOLUTION AUTHORIZING THE PAYMENT OF SERVICES FOR TREE
PLANTING AS BID IN THE 2024 TREE PLANTING AT VARIOUS LOCATIONS**

WHEREAS, the Township of West Orange, ("Township") has received an invoice from Frank Galbraith & Son Excavation and Demolition LLC ("FGS") in connection with FGS's contract ("Contract") with the Township of West Orange ("Township") pursuant to which FGS agreed to perform work on the project known as 2024 Tree Planting at Various Locations ("Project"); and

WHEREAS, in October 2024, the Township issued a set of bid specifications for a proposed contract for the purchase and planting of 248 trees and purchase and installment of 57 tree barriers; and

WHEREAS, the bid documents specified that these were estimated quantities, and that "[i]f a greater . . . amount of the various classes given in the estimated amounts for bidding is required to complete the work," the contractor will be paid "on the actual amount of Work performed at his unit price bid" as set forth in the Instructions to Bidders, §B-11; and

WHEREAS, the Contract similarly states that "[t]he quantities shown are approximate only, and the Township reserves the right to increase or decrease them, at the unit price bid," and that [p]ayment will be made for the actual quantity of authorized work done under each item scheduled in the Proposal" as set forth in the Contract, § C-54; and

WHEREAS during the course of the performance of the Contract, the Township Forester directed FGS to purchase and install a total of 285 trees, as more trees were needed to complete the Contract; and

WHEREAS, at the direction of the Township's authorized representatives, FGS installed 285 trees, exceeding the Contract's estimated quantities by 37 trees; and

WHEREAS, thereafter directed that FGS submit two separate requests for payment – first, an invoice for the estimated quantities set forth in the bid documents (248 trees, 57 root barriers), followed by a separate request for payment for the additional quantities installed by FGS at the direction of the Township's representatives; and

WHEREAS, FGC has submitted an invoice in the amount of \$16,187.50 for the planting of 37 additional trees within the Township; and

WHEREAS, the Township has reviewed the invoice and confirmed that the tree planting services were satisfactorily completed in accordance with the specifications outlined in the Contract; and

WHEREAS, the Purchasing Agent, Business Administrator and Chief Financial Officer have certified that sufficient funds are available in the Budget Account to pay this invoice; and

WHEREAS, the Township has determined that the procurement of these tree planting services was conducted in accordance with the requirements of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the Governing Body has determined that it is in the best interest of the Municipality to authorize payment to the Township for the tree planting services provided;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Orange, County of Essex, State of New Jersey as follows:

1. Authorizes the payment of the FGS invoice in the amount of \$16,187.50 to Frank Galbraith & Son Excavation and Demolition LLC, for tree planting services provided to the Township in compliance with the Project and the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.
2. The Mayor and Municipal Clerk are hereby authorized and directed to execute any documents and take any actions necessary to effectuate the payment authorized by this Resolution.
3. The Business Administrator is hereby authorized and directed to issue payment to Frank Galbraith & Son Excavation and Demolition LLC in the amount of \$16,187.50 in accordance with the terms of the Contract and this Resolution.
4. The Business Administrator certifies that this payment is in compliance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., including but not limited to any applicable provisions regarding cooperative purchasing agreements.
5. This Resolution shall take effect immediately.

BE IT FURTHER RESOLVED, that 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

Susan Scarpa
Council President

Adopted: March 3, 2026