

RESOLUTION:139-22

**RESOLUTION OF THE BOROUGH OF CLAYTON REJECTING BID SUBMITTED
FOR TREATMENT PLANT UPGRADES BY C & D INSTRUMENT SERVICES, LLC**

WHEREAS, the Borough of Clayton (hereinafter referred to as “Borough”) has a need to award a contract for upgrades to the Control System at the Treatment Plant; and

WHEREAS, the Borough advertised for public bids for upgrades to the Control System at the Treatment Plant; and

WHEREAS, one (1) sealed bid from C & D Instrument Services, LLC for upgrades to the Control System at the Treatment Plant was received and opened on June 9, 2022; and

WHEREAS, on June 9, 2022, the Borough Solicitor reviewed the bid submission and submitted a letter to the Borough of Clayton noting the following discrepancies:

1. The bid specifications call for a General Aggregate insurance amount of \$3,000,000.00. The bidder’s Certificate of Insurance shows a General Aggregate amount of \$2,000,000.00.
2. The bidder failed to write in the Acknowledgement of Receipt of Addenda of the Borough’s Addendum No. 1. As such, the bid submitted must be rejected as non-conforming; and

WHEREAS, N.J.S.A. 40A:11-13 et al. outlines the reasons why a contracting unit may reject bids received; and


WHEREAS, the Borough desires to reject the bid received and opened on June 9, 2022 from C & D Instrument Services, LLC for failure to meet the mandatory bid requirement pursuant to N.J.S.A. 40A:11-23.2(e).

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Clayton, County of Gloucester and State of New Jersey as follows:

1. That the bid received from C & D Instrument Services, LLC for upgrades to the Control System at the Treatment Plant in the Borough of Clayton be and is hereby rejected for the reasons as stated above.

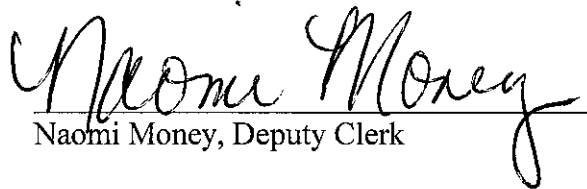
ADOPTED at a meeting of the Mayor and Council of the Borough of Clayton, County of Gloucester, and State of New Jersey held on June 9, 2022.

BOROUGH OF CLAYTON



THOMAS BIANCO, Mayor

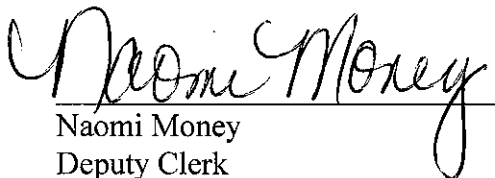
Attest:



Naomi Money, Deputy Clerk

CERTIFICATION

I, Naomi Money, Deputy Clerk, of the Borough of Clayton, in the County of Gloucester, do hereby certify that the foregoing Resolution was presented and duly adopted by the Borough Council at a meeting of the Borough of Clayton held on June 9, 2022.



Naomi Money
Deputy Clerk

LAW OFFICE OF TIMOTHY D. SCAFFIDI

Timothy D. Scaffidi*
Jeffrey Krachun**
*Admitted in NJ & PA
**Admitted in NJ



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Woodbury, NJ 08096
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June 9, 2022

(Via E-mail and First-Class Mail)

Borough of Clayton
125 N. Delsea Drive
Clayton, New Jersey 08312

Attn: Christine Newcomb, Municipal Clerk

**Re: Bid Submission/Upgrades to the Control System at the
Treatment Plant**

Dear Ms. Newcomb:

Please be advised that I am in receipt of the one bid package received for the Upgrades to the Control System at the Treatment Plant/Replace the Allen-Bradley PLC's and HMI Interface from C & D Instrument Services, LLC.

I have reviewed the bid submission and note the following two observations:

1. The bid specifications call for a General Aggregate insurance amount of \$3,000,000.00. The bidder's Certificate of Insurance shows a General Aggregate amount of \$2,000,000.00. This discrepancy is a non-mandatory/waivable item, which would not in of itself, disqualify the bid submitted for this project.
2. The bid package Acknowledgment of Receipt of Addenda (i.e., on page 21 of the bid package) is signed by Douglas Bregler, Partner, and dated May 11, 2022 with the box "No addenda were received" checked off. The bidder failed to write on the Acknowledgment of Receipt of Addenda the Borough's Addendum No. 1. Pursuant to N.J.S.A. 40A:11-23.2(e), failure to write the Addendum No. 1 on the bid form is a non-waivable bid requirement. As such, the bid submitted must be rejected as a non-conforming bid.

As stated, the failure to have completed the Acknowledgment of Receipt of Addenda on the bid package, page 21 is a non-waivable bid requirement. As such, the Borough must reject this bid submission.

Borough of Clayton
Attn: Christine Newcomb, Municipal Clerk
June 9, 2022
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Re: Bid Submission/Upgrades to the Control System at the
Treatment Plant

Should you have any questions or comments, please do not hesitate to contact me.

Very truly yours,



TIMOTHY D. SCAFFIDI
Solicitor, Borough of Clayton

TDS/lah

cc (*Via e-mail only*):

Mayor and Council
Sue Miller, Borough Administrator
Donna Nestore, CFO
Greg Sawyer, Water and Sewer Superintendent
Mark R. Brunermer, PE, CME