

RESOLUTION:225-22

**RESOLUTION OF THE BOROUGH OF CLAYTON REJECTING BID SUBMITTED
FOR THE PURCHASE OF A 2020 OR NEWER UTILITY/BRUSH TRUCK**

WHEREAS, the Borough of Clayton (hereinafter referred to as “Borough”) has a need to award a contract for a 2020 or Newer Utility/Brush Truck; and

WHEREAS, the Borough advertised for public bids for a 2020 or Newer Utility/Brush Truck; and

WHEREAS, one (1) sealed bid from Kyrish Government Group for a 2020 or Newer Utility/Brush Truck was received and opened on October 25, 2022; and

WHEREAS, on October 26, 2022, the Borough Solicitor reviewed the bid submission and submitted a letter to the Borough of Clayton noting the following discrepancies:

1. Stockholder Disclosure Certification was not completed as to the stockholders of the LLC nor was the document signed and notarized.
2. Non-Collusion Affidavit was not submitted with Bid.
3. Bidder Information Statement. In Section A, the line for State of Corporation has “expired” but in Section B indicates corporation is registered in Texas.

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 October 25, 2022 from Kyrish Government Group 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 Kyrish Government Group for 2020 or Newer Utility/Brush Truck for 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 October 27, 2022.

BOROUGH OF CLAYTON



THOMAS BIANCO, Mayor

Attest:



Christine Newcomb, Municipal Clerk

CERTIFICATION

I, Christine Newcomb, 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 October 27, 2022.

Christine Newcomb, Municipal Clerk

LAW OFFICE OF TIMOTHY D. SCAFFIDI

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



28 Cooper Street
Woodbury, NJ 08096
Tel: (856) 848-2950
Fax: (856) 848-8061

Via e-mail to (cnewcomb@claytonnj.com) and First-Class Mail

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

Attn: Christine Newcomb, Borough Clerk

RE: Review of Bid Proposal Submitted For Purchase of 2020 or Newer Utility/Brush Truck

Dear Ms. Newcomb:

Please be advised that I am in receipt of a copy of the bid submission received by the Borough of Clayton from Kyriah Government Group for a 2020 or Newer Utility/Brush Truck.

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

1. Stockholder Disclosure Certification was not completed as to the stockholders of the LLC nor was the document signed and notarized.
2. I did not see an attached Non-Collusion Affidavit. If it was submitted, please forward to me.
3. Bidder Information Statement. In Section A, the line for State of Corporation has "expired" but in Section B indicates corporation is registered in Texas. Might need to be clarified.

Since the Stockholder Disclosure Certification is a mandatory bid item, failure to complete the document is a material, non-waivable and fatal defect which results in the bid being rejected.

As such, please note that the Borough cannot award a contract to this vendor.

Very truly yours,



TIMOTHY D. SCAFFIDI
Solicitor, Borough of Clayton

TDS/dco