

**A RESOLUTION OF THE TOWNSHIP OF NORTH BRUNSWICK
AUTHORIZING AWARD OF CONTRACT BID22004
TO MONTANA CONSTRUCTION CORP. INC. FOR THE
MILE RUN INTERCEPTOR REHABILITATION PROJECT
UNDER THE DEPARTMENT OF PUBLIC WORKS**

WHEREAS, the Township is the owner and operator of its municipal sewer distribution system, including the *Mile Run Interceptor*, which is over 60 years old; and

WHEREAS, the Mile Run Interceptor pipeline, transmits over 90 percent of the municipal wastewater flow from the Township to the Middlesex County Utility Authority for treatment; and

WHEREAS, the Department of Public Works Sewer Division is responsible for providing maintenance and repairs to the municipal wastewater distribution system; and

WHEREAS, in 2012, pursuant to Resolution 293-10.12, as part of the Township's review of the Mile Run Interceptor pipeline, CME Associates was engaged to perform a land survey and prepare record drawings to reflect the existing sewer manhole locations, pipe sizes and invert elevations; and

WHEREAS, in April of 2013, pursuant to Resolution 117-4.13, CME Associates was also engaged to assist the Sewer Division in assessing the condition of the Mile Run Interceptor; and

WHEREAS, in April of 2013, pursuant to confirming Resolution 202-7.13, the Sewer Division, while reviewing the line identified a section of the pipe had collapsed in the vicinity of 127 Georges Road, and J.Fletcher Creamer and Son, Inc. was engaged to provide emergency repairs to 310-feet of the failed section of 24-inch asbestos concrete piping; and

WHEREAS, in February of 2014, pursuant to Resolution 68-2.14, subsequent to the emergency repair, Stantec Engineering was engaged to provide design through construction oversight services for the next 690-feet of 24-inch asbestos concrete piping, downstream from the emergency repair, in the vicinity of Georges Road to Commercial Avenue, including improvements to five existing manholes; and

WHEREAS, in June of 2017, pursuant to Resolution 159-6.17, P&A Construction was awarded contract BID17012 to replace the 690-feet of 24-inch asbestos concrete piping, including manholes; and

WHEREAS, in August of 2019, pursuant to Resolution 222-8.19, T&M Associates was engaged to assist the Sewer Division to perform an extensive review of the Mile Run Interceptor pipeline, which included approximately 17,200-feet of the Mile Run Interceptor line, with segments ranging 24-inch to 36-inch in diameter, and material including; concrete, ductile iron and asbestos concrete; and

WHEREAS, in 2020, CME Associates reviewed the report and provided an evaluation and recommendation based on the 2019 findings, which concluded the rehabilitation of two sections of the pipeline were necessary in the short-term, including pipeline from Manhole 22 to 26 and pipeline from Manhole 3 to 5; and

WHEREAS, in February of 2021, pursuant to Resolution 64-2.21, CME Associates was engaged to provide professional services associated with the Mile Run Interceptor Rehabilitation Project in the amount of \$143,434.00 for *survey, design and permitting services*; and

WHEREAS, the Township of North Brunswick filed a loan application with the New Jersey Department of Environmental Protection (NJDEP) for Finance Assistance through the New Jersey Infrastructure Bank (NJ I-Bank) Financing Program for this Project (No. S340888-04); and

WHEREAS, in August of 2021, as part of the NJ I-Bank process, the Township was notified that under the application, costs for the project's *construction administration* phase must be authorized prior to the solicitation for bids; and

WHEREAS, in September of 2021, pursuant to Resolution 267-9.21, as part of the NJ I-Bank application, CME Associates was engaged to provide professional services associated with the Mile Run Interceptor Rehabilitation Project in the amount of \$178,980.00 for *construction administration* services; and

WHEREAS, in February of 2022, the State of New Jersey, Department of Environmental Protection provided authorization to advertise the prepared construction bid documents under a competitive bidding process pursuant to Local Public Contract Law N.J.S.A. 40A:11-1 et seq., and

WHEREAS, on March 7, 2022, the Township Council approved Resolution 89-3.22 authorizing the advertisement for receipt of bids for the Mile Run Interceptor Rehabilitation Project, BID22004; and

WHEREAS, on April 27, 2022, the Municipal Clerk witnessed the receipt of three bids, with the apparent lowest bid submitted by Underground Utilities Corp. of Linden, New Jersey with a bid of \$2,189,981.00 for items 1 through 47 inclusive; and

WHEREAS, the apparent lowest bid submitted by Underground Utilities Corp. contained an irregularity in that the acknowledgement of the receipt of Addendum No. 2 was not included with the submission as required under Local Public Contracts Law N.J.S.A. 40A:11-23.2(e) et seq.; and

WHEREAS, in addition, Underground Utilities Corp. submitted a request to have their bid withdrawn due to a *mistake* in calculating the proposal which did not include costs associated with Addendum No. 2; and

WHEREAS, after review, a recommendation is hereby made to the governing body to approve the request submitted by Underground Utilities Corp. to withdrawal their submission due to a *mistake* in the bidding process in accordance with Local Public Contracts Law N.J.S.A. 40A:11-23.3 et seq.; and

WHEREAS, the second lowest bid was submitted by Montana Construction Corp. Inc. with a bid of \$2,669,776.00 for items 1 through 47 inclusive; and

WHEREAS, CME Associates, Engineers for this project, the Purchasing Agent and Legal Counsel have reviewed bid submitted by Montana Construction Corp. and determined them responsive under the provisions of the Local Public Contracts Law N.J.S.A. 40A:11-1 et seq. and all other provisions of the revised statutes of the State of New Jersey.

NOW THEREFORE, BE IT RESOLVED, on this 2nd day of May 2022, that the Township Council of the Township of North Brunswick does hereby acknowledge and approve the request made by Underground Utilities Corp. to withdraw their bid due to a mistake in the bid submission; and

BE IT FURTHER RESOLVED, the Township Council does hereby authorize the Mayor to execute and Township Clerk to witness an agreement with Montana Construction Corp. Inc. for the Mile Run Interceptor Improvements Project, pursuant to Contract BID22004, in the amount of \$2,669,776.00; and

BE IT FURTHER RESOLVED, the contract shall be awarded based on the bid specifications, inclusive of Addendum No. 1 and Addendum No. 2, and in accordance with the stipulations put forth under New Jersey Infrastructure Bank (NJ I-Bank) Financing Application S340888-04 and shall be contingent upon review and approval issued by the State of New Jersey, Department of Environmental Protection.

CERTIFICATION

I, Cavell Gallimore, Chief Financial Officer of the Township of North Brunswick, certify that funds in the following accounts totaling \$2,669,776.00 are available under Contract BID22004:

\$ 55,014.13 are available in Sewer Capital account C-08-55-C19-181-101,
\$2,614,761.87 are available in Sewer Capital account C-08-55-C20-200-101.

Cavell Gallimore
Chief Financial Officer

Eric Chaszar
Director of Public Works

Justine Progebin
Business Administrator

Ronald Gordon, Esq.
Township Attorney
Approved as to legal form

Resolution: _____

RECORDED VOTE:

COUNCIL MEMBER	YES	NO	ABSTAIN	NOTES
MEHTA				
LOPEZ				
GUADAGNINO				
ANDREWS				
SOCIO				
DAVIS				
MAYOR WOMACK				

I hereby certify that the above Resolution was duly adopted by the Township Council of the Township of North Brunswick, County of Middlesex, at its meeting held on May 2, 2022.

Lisa Russo
Township Clerk