

**A RESOLUTION OF THE TOWNSHIP OF NORTH BRUNSWICK
AUTHORIZING AWARD OF CONTRACT BID22001
TO LUCAS BROTHERS, INC.
FOR THE 2022 ROAD IMPROVEMENT PROGRAM**

WHEREAS, the Department of Community Development is responsible for reconstruction and improvements of Township streets and roads; and

WHEREAS, Michael C. Hritz, the Director for the Department of Community Development, along with the Mayor and Council reviewed the pavement management plan and determined it necessary to continue with the 2022 road schedule as part of the Road Program initiated in 2000; and

WHEREAS, road segments include:

1. Antonio Drive (entire length)
2. Hartland Commons (Hadleigh Lane to Aaron Road)
3. Hickory Lane (entire length)
4. Hidden Lake Drive (Nathan Drive to Rt. 27)
5. La Rose Avenue (Iris Street to Rt. 27)
6. Princess Drive / Regal Court (Cozzens Lane to brook)
7. Riverbend Drive (entire length) (Delete Item 2)
8. Todd Circle (entire length) (Delete Item 1)
9. How Lane (sanitary sewer improvements between the pumping station and the storage facility)

WHEREAS, the project will be funded from existing General, Water and Sewer Capital Ordinances; and

WHEREAS, on April 11, 2022 the Township Council approved Resolution 134-4.22 authorizing advertisement for receipt of bids for the 2022 Road Improvement Program, BID22001; and

WHEREAS, the Municipal Clerk witnessed the receipt of three bids on May 6, 2022 and the lowest qualifying bid was submitted by Lucas Brothers Inc. of Morganville, NJ with a base bid of \$3,690,689.97 for Items 1 through 131, which is inclusive of Deletion Item A in the amount of \$170,049.09 and Deletion Item B in the amount of \$204,375.45; and

WHEREAS, CME Associates, Engineers for this project, the Purchasing Agent and Legal Counsel have reviewed the qualifications and bid submitted by _____ 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, that the bid submitted by Lucas Brothers Inc. is hereby accepted.

BE IT FURTHER RESOLVED, Township Council of the Township of North Brunswick does hereby authorize the Mayor to execute and Township Clerk to witness an agreement with Lucas Brothers Inc. for the 2022 Road Improvement Program, Contract BID22001, in the amount of \$3,690,689.97 for Items 1 through 131, which is inclusive of Deletion Item A in the amount of \$170,049.09 and Deletion Item B in the amount of \$204,375.45.

CERTIFICATION

I, Cavel Gallimore, Chief Financial Officer of the Township of North Brunswick, certify that funds in the following accounts totaling \$3,690,689.97 are available under Contract BID22001:

- \$ 411,087.28 are available in Capital Ordinance 19-23 account C-04-55-C20-190-201,
- \$ 66,600.93 are available in Capital Ordinance 20-17 account C-04-55-C20-210-201,
- \$2,000,000.00 are available in Capital Ordinance 21-13 account C-04-55-C21-220-201,
- \$ 500,000.00 are available in Capital Ordinance 22-08 account C-04-55-C22-220-101,
- \$ 500,000.00 are available in Water Capital Ordinance account C-06-55-C21-211-101, and
- \$ 213,001.76 are available in Sewer Capital Ordinance account C-08-55-C20-200-101.

Cavel Gallimore
Chief Financial Officer

Michael C. Hritz
Director of Community Development

Justine Progebin
Business Administrator

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

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 16, 2022.

Lisa Russo
Township Clerk

JOHN H. ALLGAIR, PE, PP, LS (1983-2001)
DAVID J. SAMUEL, PE, PP, CME
JOHN J. STEFANI, PE, LS, PP, CME
JAY B. CORNELL, PE, PP, CME
MICHAEL J. McCLELLAND, PE, PP, CME
GREGORY R. VALES, PE, PP, CME



TIM W. GILLEN, PE, PP, CME (1991-2019)
BRUCE M. KOCH, PE, PP, CME
LOUIS J. PLOSKONKA, PE, CME
TREVOR J. TAYLOR, PE, PP, CME
BEHRAM TURAN, PE, LSRP
LAURA J. NEUMANN, PE, PP
DOUGLAS ROHMEYER, PE, CFM, CME
ROBERT J. RUSSO, PE, PP, CME
JOHN J. HESS, PE, PP, CME

May 11, 2022

Mr. Michael Hritz
Director of Community Development
Township of North Brunswick
710 Hermann Road
North Brunswick, NJ 08902

**Re: 2022 Road Improvement Program
Contract No. 22-001
Township of North Brunswick
Our File No.: PNO00656.02**

Dear Mr. Hritz,

On May 6, 2022 three (3) bids were received for the 2022 Road Improvement Program as indicated on the attached summary of bids.

The apparent low bid was submitted by Lucas Brothers, Inc. of Morganville, New Jersey with a base bid of \$3,690,690.00 for items 1 through 131 inclusive, which is \$303,443.88 under the price bid by the second lowest bidder. The second lowest bid was submitted by P&A Construction, Inc. of Colonia, New Jersey with a base bid of \$3,994,133.88 for items 1 through 131 inclusive.

The apparent low bid submitted by Lucas Brothers, Inc. contained an irregularity in that page G-14 of the Supplementary Conditions for Construction Contracts was not provided with their bid, and the unit prices bid for deletion items A-5, A-22 and B-22 were inconsistent with their respective base bid items. Lucas Brothers' bid also contained an addition error for the base bid total. We have recalculated the totals accordingly, resulting in a decrease in the total base bid from \$3,690,690.00 to \$3,690,689.97, an increase in the total for deletion item A from \$163,399.09 to \$170,049.09, and an increase in the total for deletion item B from \$197,725.45 to \$204,375.45. It should also be noted that Lucas Brothers, Inc. included penny bids for thirty-four (34) of the one hundred and thirty one (131) bid items.

Regarding the mathematical irregularities contained in the apparent low bid, it should be noted that Section B 2.5 in the Instruction to Bidders of the bid documents indicates that in case of a conflict, words will take precedence over numbers, and unit prices shall take precedence over total price extensions, and the sum of individual items, including unit prices multiplied by estimated quantities, and/or individual lump sum and/or allowance amounts will take precedence over the Total Bid or Deletion Item price.

It is our understanding that the apparent low bid is within the available funding for the Project. Accordingly, should the aforementioned irregularities be deemed curable and should there be no other irregularities in the apparent low bid as determined by the Township Attorney, we recommend award of the Project to Lucas Brothers, Inc. for the total base bid amount with the



Mr. Michael Hritz
Township of North Brunswick
Re: 2022 Road Improvement Program

May 11, 2022
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aforementioned addition correction, which still renders Lucas Brothers, Inc. the apparent low bidder for items 1 through 131 inclusive in the amount of \$3,690,689.97, subject to certification of funds by the Township's Chief Financial Officer, review and approval by the Township Attorney including verification that the bonding and surety company is licensed to do business in the State of New Jersey and appears in the current list of "Surety Companies Acceptable on Federal Bonds", by the U.S. Treasury Department, verification that the Contractor has sealed the bid with their corporate seal where appropriate, and the submission of the required performance bonds and insurance certificates for the Project.

Any award of the project should be further subject to the Contractor Lucas Brothers, Inc. submitting a certification indicating that the work required under item nos. 2, 3, 4, 5, 7, 8, 9, 13, 14, 21, 22, 23, 25, 28, 32, 33, 34, 35, 43, 48, 84, 85, 86, 87, 100, 101, 102, 117, 123, 124, 125, 126, 130, and 131 will be provided at the prices bid, if and where ordered by the Township.

Original bid packages submitted by the three (3) bidders will be forwarded to the Township Attorney for his review.

Should you have any questions regarding this matter, please do not hesitate to contact this office.

Very truly yours,

CME Associates



Louis Ploskonka, PE
Township Engineer's Office

LP/GO/jm
Enclosures

cc: Mayor & Township Council
Ronald Gordon, Esq.
Justine Progebin, Business Administrator
Lisa Russo, Township Clerk