

**TOWNSHIP COMMITTEE SPECIAL MEETING – AUGUST 29, 2016 – 2:00 P.M.**

Mayor McMillan calls the Special Meeting to order at 2:00 p.m. and asks the Clerk to call the roll:

<u>ROLL CALL</u>	<u>PRESENT/ABSENT</u>
Dr. Michael Brantley	_____
Carol Rizzo	_____
Nicholas Williams	_____
Kevin B. McMillan	_____

Also present: Pamela D. Howard, Deputy Municipal Clerk; and Gene Anthony, Township Attorney.

Mayor McMillan announces that the notice requirements of R.S. 10:4-18 have been satisfied by the publication of the required advertisement in The Coaster and the Asbury Park Press on August 25, 2016, posting the notice on the Board in the Municipal Complex, and filing a copy of said notice with the Municipal Clerk.

**PUBLIC COMMENTS ON RESOLUTIONS**

Public comments regarding Resolutions on this agenda only. The public will be permitted one visit to the microphone with a limit of five minutes.

**Res. # 16-393 – Award contract for flood mitigation project on South Concourse.**

Offered by: \_\_\_\_\_ Seconded by: \_\_\_\_\_  
Vote: Brantley, \_\_\_\_\_; Rizzo, \_\_\_\_\_; Williams, \_\_\_\_\_; McMillan, \_\_\_\_\_.

(In accordance with State Statute, the members of the Neptune Township Committee will appoint an individual to the vacant seat on the Township Committee from the list of three nominees submitted by the Neptune Township Democratic Municipal Committee.)

**Res. #16-394 – Appoint member to the Neptune Township Committee.**

Offered by: \_\_\_\_\_ Seconded by: \_\_\_\_\_  
Vote: Brantley, \_\_\_\_\_; Rizzo, \_\_\_\_\_; Williams, \_\_\_\_\_; McMillan, \_\_\_\_\_.

**ADJOURNMENT**

RESOLUTION #16-393 – 8/29/16

AWARD CONTRACT FOR FLOOD MITIGATION PROJECT ON SOUTH CONCOURSE

WHEREAS, the Township Committee authorized the preparation of plans and specifications and seeking bid opportunity for a flood mitigation project on South Concourse in Neptune Township through the Township Engineer and T&M Associates; and

WHEREAS, the Township sought bid proposals pursuant to the Public Contracts Act on two occasions, and the governing body rejected the same on both occasions upon receiving bids based on the proposition that the bids received on both occasions were not reasonable as to price, and were above the budget allowed for the project; and

WHEREAS, pursuant to N.J.S.A. 40A:11-5 of the Public Contracts Act, Section 3, where the governing body has rejected the bids on two occasions because it has determined that they are not reasonable as to price, on the basis of cost estimates prepared for or by the contracting agent prior to the advertising thereof, and in this case above the budget allowed for the project, the Township negotiated among the three responsible bidders that submitted bids on the last bidding occasion for a contract that would be within the reasonable price and consistent with the budget; and

WHEREAS, Neptune Township, through its Municipal Engineer, Leanne Hoffmann; T&M Associates and its Municipal Attorney, Gene J. Anthony, Esq., negotiated with Bird Construction, 105 Harbor Inn Rd., Bayville, New Jersey; Lucas Group, Inc., 173 Amboy Rd., Morganville, NJ and Marbro General Contractors, 195 Brighton Avenue, West End, NJ, under terms, conditions, restrictions and specifications not substantially different from those that were part of the competing bidding specifications, and determined that Bird Construction, through negotiations provided the only reduced proposal that meets with the scope and intent of the Township's budget and FEMA Grant, which is the subject of financing for the aforesaid project, (a true copy of said recommendation from the Municipal Engineer, Leanne Hoffmann is attached hereto and made a part hereof as Exhibit "A") and that said proposal represents a revised total contract value of \$737,331.00, by revising and reducing unit prices almost entirely and providing only minor modifications of terms, conditions, restrictions and specifications, as shall be stated below; and

WHEREAS, funds for this purpose are available in Ordinance No. 11-05, as amended by Ordinance 14-30, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, that Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, hereby authorizes a contract with Bird Construction, 105 Harbor Inn Rd., Bayville, New Jersey 08721, for flood mitigation of South Concourse in Neptune Township in accordance with the original specifications and plans prepared by T&M Associates, unit price reductions and minor modifications of Bird Construction's original proposal, per its letter of August 11, 2016 (a true copy of which is attached hereto and made a part hereof as Exhibit "B"), for a new contract price of \$737,331.00.

BE IT FURTHER RESOLVED, that all modifications to the original specifications, terms, conditions and restrictions are considered minor and are included in said letter of August 11, 2016 (Exhibit "B").

BE IT FURTHER RESOLVED, that the Municipal Engineer and the Township Attorney are authorized to either prepare the necessary contract for review, or approve of the contract submitted by the contractor; with the Mayor and Clerk authorized to execute the same.

BE IT FURTHER RESOLVED, that a copy of this Resolution and attachments shall be forwarded to the Prosecutor's Office of Monmouth County and the Attorney General's Office of the State of New Jersey, per the requirements of the Public Contracts Act, where Section 3 of N.J.S.A. 40A:11-5 is utilized.

CERTIFICATION

I HERBY CERTIFY THE ABOVE TO BE A TRUE  
COPY OF A RESOLUTION ADOPTED BY THE  
TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF NEPTUNE ON 08/29/16



RICHARD J. CUTTRELL, MUNICIPAL CLERK

## Memo

To: Gene Anthony, Esq.

From: Leanne R. Hoffmann, P.E., P.P., C.M.E., Director of Engineering and Planning

Date: August 23, 2016

Re: **South Concourse Flood Mitigation Project  
FEMA Grant  
Township of Neptune**

C: Vito Gadaleta, Business Administrator  
Michael Bascom, CMFO  
Richard Cuttrell, Clerk  
Edward Hudson, Asst. CFO

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As you are aware the Township of Neptune received bids for the second time on the above referenced project on May 18, 2016. Bids were rejected at that point in time due to the fact that all bidders were over the engineers estimate and the allotted funding for this project. Since that time the Township Attorney and this office have met with all three qualified contractors that previously bid and began negotiations.

This Department of Engineering, the Finance Office, the Township Attorney and T & M have met with each contractor individually and outlined the procedures and process. Since that point in time we have received revised bid numbers from two (2) contractors, Bird Construction and Lucas Construction Group. Each contractor has revised their unit pricing with minimal changes to the project scope.

Bird Construction has revised 12 of the 33 bid items for a revised total contract value of \$737,331.00 Lucas Construction Group has revised 14 of the 33 bid items for a total revised contract value of \$777,325.00. No additional information was submitted from Marbro General Construction.

The reduced unit price from Bird Construction of \$737,331.00 meets the scope and intent of the FEMA Grant. The roadway will be paved for the limits reflected on the plans and reconstructed from approximately the boat ramp east in order to raise the elevations to minimize flooding on the North side of South Concourse.

The Township of Neptune can fund the project as presented by Bird Construction through both the FEMA Grant and Capital monies.

Should you have any questions, please contact me at 732.988.5200, ext. 228.

**BIRD CONSTRUCTION**  
**MARINE CONSTRUCTION**  
**BULKHEADING ♦ PILE DRIVING ♦ DOCK BUILDERS ♦ DREDGING**  
**105 HARBOR INN ROAD, BAYVILLE, NJ 08721**  
**732-269-1333                      FAX: 732-269-4747**

August 11, 2016

Mr. Gene J. Anthony, Esq.  
48 South Street  
Eatontown, NJ 07724  
E-Mail: gantpol@aol.com

Ms. Leanne R. Hoffmann, PE  
25 Neptune Boulevard  
Neptune, NJ 07753  
E-Mail: lhoffmann@neptunetownship.org

Ref.: South Concourse Avenue Reconstruction  
Township of Neptune

Subj.: Negotiations for South Concourse Project

Dear Sir/Madam,

Bird Construction (Bird) is in receipt of your letter dated August 9, 2016 regarding the above referenced project. Pursuant to your request to re-evaluate the project documents and if possible, provide the Township of Neptune a reduced price for the work while maintaining the desired end result, Bird Construction is pleased to offer the following adjustments for your consideration.

- Reduce Bid Item 1, Site Work from \$74,000.00 to \$70,429.50 LS
- Reduce Bid Item 6, Dense Graded Aggregate Base 6" quantity to 0 SY
- Reduce Bid Item 7, Asphalt Surface Course 2" quantity from 450 tons to 420 tons
- Reduce Bid Item 8, Asphalt Base Course 4" quantity from 900 tons to 620 tons
- Reduce Bid Item 18, 15" Tideflex Valve unit price from \$4,300.00 to \$3,850.00
- Reduce Bid Item 19, 18" Tideflex Valve unit price from \$7,300.00 to \$6,250.00
- Reduce Bid Item 20, 21" Tideflex Valve unit price from \$7,900.00 to \$6,700.00
- Reduce Bid Item 21, 24" Tideflex Valve unit price from \$12,300.00 to \$10,500.00
- Reduce Bid Item 22, 30" Tideflex Valve unit price from \$16,100.00 to \$13,800.00
- Reduce Bid Item 25, Concrete Driveway Reinforced 6" quantity from 175 SY to 85 SY
- Reduce Bid Item 28, 6"x18" Concrete Vertical Curb quantity from 1,650 LF to 1,250 LF
- Reduce Bid Item 32, Permanent Sheeting total price from \$268,620.00 to \$216,450.00 LS

The above modifications when incorporated into the contract will result in a price reduction of \$150,000.50 from our originally submitted bid, therefore changing the total contract value to \$737,331.00.

The above reductions have been allowed by leaving the existing roadway in place, eliminating the need for Dense Graded Aggregate Base Course, using Asphalt Base Course where needed to accommodate proposed elevation changes and subsequently overlaying the area within the project limits with Asphalt Surface Course. This approach also reduces the number of affected driveways and the need to replace all the vertical curb. Additionally, the bulkhead sheeting is proposed to be 30' in length for both bulkhead areas, the Adeka sealant has been eliminated and the bulkhead cap has been changed to a timber supported composite deck.

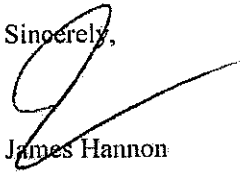
**BIRD CONSTRUCTION**  
**MARINE CONSTRUCTION**  
**BULKHEADING ♦ PILE DRIVING ♦ DOCK BUILDERS ♦ DREDGING**  
**105 HARBOR INN ROAD, BAYVILLE, NJ 08721**  
**732-269-1333                      FAX: 732-269-4747**

Be advised that our sheet piling supplier has informed us that we will need to place our order by the end of August in order to roll the A690 sheeting in its September rolling. To substantially complete the project this season, it is imperative that we make the September rolling. With that said, should the Township of Neptune wish to award this project to Bird, we request that the contract be expedited in order to allow us to place the order by the end of August or provide written direction authorizing us to proceed with the order. Should the contract be extended into next spring, there will be cost escalations and therefore the proposed prices will no longer be valid.

If, after your review of the above, you have any questions and/or comments, do not hesitate to contact us; if you wish to meet regarding this matter, we are available at your convenience.

Thanking you in advance.

Sincerely,



James Hannon

RESOLUTION #16-394 - 8/29/16

APPOINT MEMBER TO NEPTUNE TOWNSHIP COMMITTEE

WHEREAS, on August 22, 2016 at 11:59 p.m., Township Committeeman J. Randy Bishop resigned as a member of the Neptune Township Committee, thereby creating a vacancy on the Committee; and,

WHEREAS, in accordance with N.J.S.A. 40A:16-11, the Neptune Township Democratic Municipal Committee has submitted the names of three nominees for the section of a successor to fill the vacancy; and,

WHEREAS, the remaining members of the Township Committee desire to appoint one of the nominees to serve as a member of the Township Committee in accordance with said statute,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Robert Lane be and is hereby appointed to serve as a member of the Neptune Township Committee for the remainder of an unexpired three year term expiring December 31, 2016; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Monmouth County Clerk.

CERTIFICATION

I HERBY CERTIFY THE ABOVE TO BE A TRUE  
COPY OF A RESOLUTION ADOPTED BY THE  
TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF NEPTUNE ON 08/29/16



RICHARD J. CUTTRELL, MUNICIPAL CLERK