

**\*REVISED\***

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MOUNT OLIVE AUTHORIZING THE AWARD OF CONTRACTS FOR LANDSCAPING SERVICES TO JS MORGEN BUILDING AND DESIGN, LLC FOR CATEGORY A LANDSCAPING SERVICES AND TO LTI, INC. FOR CATEGORIES B, C AND D LANDSCAPING SERVICES FOR THE YEARS 2015-2016**

**WHEREAS**, the Township advertised and received bids for the provision of Landscaping Services for the Township’s property from four vendors for four categories of services as follows:

Category A – Utility Properties

1.	JS Morgen Building and Design, LLC	\$1,350.00 /cut
2.	D’Onofrio & Son, Inc.	\$1,380.00 /cut
3.	LTI, Inc.	\$1,550.00 /cut
4.	Pat Scanlan Landscaping, Inc.	\$2,195.00 /cut

Category B – Distressed Properties

1.	LTI, Inc.	\$50.00 /hour
2.	JS Morgen Building and Design, LLC	\$75.00 /hour
3.	D’Onofrio & Son, Inc.	\$95.00 /hour
4.	Pat Scanlan Landscaping, Inc.	\$175.00 /hour

Category C – Landscape Trail Clearing

1.	LTI, Inc.	\$90.00 /hour
2.	D’Onofrio & Son, Inc.	\$95.00 /hour
3.	Pat Scanlan Landscaping, Inc.	\$175.00 /hour
4.	JS Morgen Building and Design, LLC	no bid

Category D – Spraying of curblines

1.	D’Onofrio & Son, Inc.	\$80.00 /hour
2.	LTI, Inc.	\$175.00 /hour
3.	Pat Scanlan Landscaping, Inc.	\$190.00 /hour
4.	JS Morgen Building and Design, LLC	no bid

**WHEREAS**, the Township Council is satisfied with the proposal submitted by JS Morgen Building and Design, LLC, the lowest responsible bidder for Category A – Utility Properties, as being the proposal which satisfies the best interest of the Township and being in conformance with the requirements promulgated pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

**WHEREAS**, the Township Council is satisfied with the proposal submitted by LTI, Inc., the lowest responsible bidder for Category B – Distressed Properties, as being the proposal which satisfies the best interest of the Township and being in conformance with the requirements promulgated pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

**WHEREAS**, the Township Council is satisfied with the proposal submitted by LTI, Inc., the lowest responsible bidder for Category C – Landscape Trail Clearing, as being the proposal which satisfies the best interest of the Township and being in conformance with the requirements promulgated pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

**WHEREAS**, the bid submitted by D’Onofrio & Son, Inc., the apparent low bidder for Category D – Spraying of curblines, must be rejected as the bid proposal submission of D’Onofrio & Son, Inc. contained a bid bond that references the previous Bid #25-2014 Landscaping Services; and

**WHEREAS**, Bid #25-2014 was the initial bid for landscaping services; and

**WHEREAS**, the Township Council previously adopted a resolution rejecting all bids for landscaping services submitted in response to Bid #25-2014 in accordance with the Local Public Contracts Law; and

**WHEREAS**, this defect in the bid bond is substantial and non-waivable because any waiver of the defect would deprive the Township of its assurance that the contract will be entered into for the current bid if awarded to D’Onofrio & Son, Inc. and would adversely affect competitive bidding by placing D’Onofrio & Son, Inc. in a position of advantage over other bidders because it would potentially face no consequences for failing to enter into a contract with the Township, due to the potential unenforceability of the defective bid bond submitted, whereas other bidders face those consequences for such a failure; and

**WHEREAS**, the Township Council is satisfied with the proposal submitted by LTI, Inc., the lowest responsible bidder for Category D – Spraying of curblines, as being the proposal which satisfies the best interest of the Township and being in conformance with the requirements promulgated pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

**WHEREAS**, the Township wishes to proceed with this necessary service and for that purpose accepts the proposal submitted by JS Morgen Building and Design, LLC for landscaping services for Category A – Utility Properties; and

**WHEREAS**, the Township wishes to proceed with this necessary service and for that purpose accepts the proposal submitted by LTI, Inc. for landscaping services for Category B – Distressed Properties; and

**WHEREAS**, the Township wishes to proceed with this necessary service and for that purpose accepts the proposal submitted by LTI, Inc. for landscaping services for Category C – Landscape Trail Clearing; and

**WHEREAS**, the Township wishes to proceed with this necessary service and for that purpose accepts the proposal submitted by LTI, Inc. for landscaping services for Category D – Spraying of curblines; and

**NOW THEREFORE BE IT RESOLVED** by the Township of Mount Olive, in the County of Morris and State of New Jersey, as follows:

1. It does hereby authorize the issuance of a contract to JS Morgen Building and Design, LLC for landscaping services for Category A – Utility Properties, which contract shall specify the scope of services as set forth in JS Morgen Building and Design, LLC’s proposal, at a total cost not to exceed the prices set forth in the proposal.

2. It does hereby authorize the issuance of a contract or contracts to LTI, Inc. for landscaping services for Category B – Distressed Properties, Category C – Landscape Trail Clearing and Category D – Spraying of curblines, which contract/contracts shall specify the scope of services as set forth in LTI, Inc.’s proposal, at a total cost not to exceed the prices set forth in the proposal.

3. The Mayor is specifically authorized to execute the aforementioned contracts.

This resolution will take effect immediately upon its passage.

TOWNSHIP OF MOUNT OLIVE

---

Joseph Nicastro, Council President

I hereby certify the above to be a true copy of a resolution passed by the Mount Olive Township Council at a duly convened meeting held on June 28, 2016.

---

Michelle Masser, Township Clerk