

**THE TOWNSHIP OF PENNSAUKEN
RESOLUTION NO. 2023:215**

**RESOLUTION OF THE TOWNSHIP OF PENNSAUKEN, IN
THE COUNTY OF CAMDEN, NEW JERSEY, REJECTING
THE NUMERIC LOW BID FOR CONSTRUCTION OF A
NEW LIBRARY/MUNICIPAL BUILDING COMPLEX OF
ERNEST BOCK & SONS-DOBCO PENNSAUKEN JOINT
VENTURE AND RECOMMENDING AWARD OF
CONTRACT TO TERMINAL CONSTRUCTION
CORPORATION AS THE LOWEST RESPONSIBLE
RESPONSIVE BIDDER**

BACKGROUND

WHEREAS, the Township of Pennsauken (the “Township”) received construction funding for the establishment and construction of a new facility that will house the Library and Municipal Administration (the “Project”), pursuant to the New Jersey Library Construction Bond Act (the “Act”), P.L. 2017, c.149, enacted July 21, 2017; and

WHEREAS, on March 23, 2023, the Township advertised for bids for the Project pursuant to N.J.S.A. 40A:11-1, *et. seq.*; and

WHEREAS, on May 11, 2023, four (4) bids were received in response to the advertisement; and

WHEREAS, the apparent low bid of Ernest Bock & Sons-Dobco Pennsauken Joint Venture (the “JV”), in the amount of **\$27,285,000.00**, per the advice of Township counsel, contained material defects requiring rejection of the bid as non-responsive, including the JV’s failure to provide proof of the JV’s registration under the Public Works Contractor Registration Act (the “Act”), N.J.S.A. 34:11-56.48, *et seq.*, and as set forth in the Bidding Specifications; and

WHEREAS, the Department of Labor and Workforce Development/Wage and Hour Division and Contract Compliance (“Department”), has advised Township counsel that the Department’s position is that the JV is required to be registered under the Act in order to bid on, and perform work for, this Project; and

WHEREAS, counsel for the Township then reviewed the second low bid, submitted by Terminal Construction Corporation (“Terminal”) for **\$27,490,000.00**, and determined that Terminal’s bid is compliant in all material, non-waivable respects; and

WHEREAS, counsel for the Township therefore recommended award to Terminal as the lowest responsive and responsible bidder; and

WHEREAS, it is the desire of the Township to authorize, accept, and approve the award of the Project and make certain related determinations and authorizations in connection therewith.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP OF PENNSAUKEN, IN THE COUNTY OF CAMDEN, NEW JERSEY, AS FOLLOWS:

Section 1. The Township hereby deems Ernest Bock & Sons-Dobco Pennsauken Joint Venture's bid as non-responsive and rejects same.

Section 2. The Township hereby awards the Contract for the Project to Terminal Construction Corporation for **\$27,490,000.00**.

Section 3. The Township hereby authorizes the execution of all necessary Contract Documents, contingent upon review and approval by the Township's Counsel.

Section 4. Effective Date. This Resolution shall take effect immediately upon adoption this ___ day of _____, 2023.

Recorded Vote

AYE

NO

ABSTAIN

ABSENT

The foregoing is a true copy of a resolution adopted by the Township of Pennsauken, in the County of Camden, New Jersey on _____, 2023.

PAMELA SCOTT-FORMAN
Township Clerk