



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 20-129

**RESOLUTION RESCINDING RESOLUTION 20-125 AND AUTHORIZING THE
AWARD OF A NON-FAIR AND OPEN CONTRACT FOR CONSTRUCTION WORK
FOR THE BAYSIDE DRIVE SLOPE IMPROVEMENTS**

WHEREAS, the Local Public Contracts Law permits the award of emergency contracts pursuant to N.J.S.A. 40A:11-6 et. seq., subject to certain criteria; and

WHEREAS, the Local Public Contracts Law pursuant to N.J.S.A. 40A:11-6 et. seq., allows the award of contracts without public bidding for bids and bidding when an emergency exists affecting the public health, safety and welfare which requires the immediate delivery of goods or the performance of services; wherein the award of a contract is made in the manner prescribed by the aforesaid statutory provisions; and

WHEREAS, the Borough of Highlands has determined that an emergency exists, wherein due to a heavy rain event a ground slippage on Bayside Drive occurred displacing large areas of soil and creating a slope instability exacerbated by the presence of a natural water spring; and

WHEREAS, the Borough has determined that the aforesaid emergency affects the public health, safety and welfare and requires immediate performance of services; and

WHEREAS, on May 6, 2020 at the Borough Council meeting, Resolution 20-125 was adopted awarding a contract to Precise Construction, Inc. for the Bayside Drive Slope improvements; and

WHEREAS, by letter dated May 13, 2020, Precise Construction, Inc. advised that it could not commit to acceptance of the contract as it could not guarantee completion on schedule, and as such, declined the award; and

WHEREAS, as a result of Precise Construction, Inc. declining the award, Maser Consulting again solicited quotes for the aforesaid project; and

WHEREAS, in accordance with the declaration and pursuant to N.J.S.A. 40A:11-6 et. seq., Maser Consulting has recommended the aforesaid emergency repair of the slippage and slope instability on Bayside Drive be awarded to Compass Construction, Inc. which submitted a quote in the amount of \$141,250.00; and

WHEREAS, a certification of funds is hereby provided by the Chief Financial Officer of the Borough of Highlands.

I hereby certify funds are available as follows:


Patrick DeBlasio, Chief Financial Officer

Account: -c-04-12-120-000-555

Amount: Not to Exceed \$141,700.00

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Highlands that Resolution 20-125 be and is hereby rescinded and that the Contract for the aforesaid emergency repair of the slippage and slope instability on Bayside Drive, is hereby authorized and ratified to Compass Construction, Inc. in an amount not to exceed \$141,250.00.

BE IT FURTHER RESOLVED, that the Borough Officials, including but not limited to, the Borough Administrator, are hereby authorized to execute said emergency contract, as well as any and all documents required to effectuate the same.

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
BRASWELL			X			
MAZZOLA		X	X			
RYAN						X
VALKOS			X			
BROULLON	X		X			

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF VOTE: May 20, 2020



Matthew Conlon, RMC, Municipal Clerk

