



**TOWNSHIP OF DOWNE
CUMBERLAND COUNTY, NEW JERSEY**

| | YES | NO | ABSTAIN | ABSENT |
|--------------|-----|----|---------|--------|
| Jordan, L. | X | | | |
| Byrne, S. | X | | | |
| Rothman, M. | X | | | |
| Bart, E. | X | | | |
| Campbell, R. | X | | | |

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| Resolution Number: R-76-2024 Dated: May 23, 2024 Offered By: JORDAN Seconded By: CAMPBELL |
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**RESOLUTION AUTHORIZING AN AWARD OF CONTRACT TO
AGATE CONSTRUCTION CO., INC. FOR THE FORTESCUE
WASTEWATER TREATMENT PLANT**

WHEREAS, the Township of Downe has determined there is a need for construction of a wastewater treatment plant and effluent pump station in Fortescue to serve the communities of Fortescue and Gandy's Beach, and

WHEREAS, the project will consist of the construction of a wastewater treatment plant (WWTP) in Fortescue with a 3,241 LF treated effluent pipe within the existing road right of way (ROW) with surface water discharge to the Fortescue Creek, and

WHEREAS, a notice of advertisement for bids and an Invitation to Bid were prepared in accordance with the Local Public Contracts Law; and

WHEREAS, sealed bids were opened and read on March 30, 2023 at 1:00 PM in accordance with the requirements of the Local Public Contracts Law; and

WHEREAS, four (4) bids were received as follows:

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|---|------------------------|
| Richard E. Pierson Construction Inc. | \$10,192,125.00 |
| Agate Construction Co., Inc. | \$10,459,000.00 |
| Northeast Remsco Construction, Inc. | \$11,885,000.00 |
| JPC Group, Inc. | \$13,055,000.00 |

WHEREAS, Joseph Maffei, P.E. Township Engineer, and Nadine Lockley, Township Clerk have reviewed the bids and recommend that the award of contract be made to **Agate Construction Co., Inc.** in the amount of \$10,459,000.00 as the second lowest responsible bidder; and

WHEREAS, Richard E. Pierson Construction Co., Inc. was the lowest responsible bidder but could not sustain their bid after such time had passed since the bid was placed; and

WHEREAS, Nathan Van Embden, Esq., Township Attorney has reviewed the bid proposal package for the four (4) lowest bidders and declared them to be in conformance with the Township Instructions to Bidders and the Local Public Contracts Law and recommends an award of contract to Agate Construction Co., Inc, as the lowest responsible bidder after the initial lowest bidder withdrew their bid; and

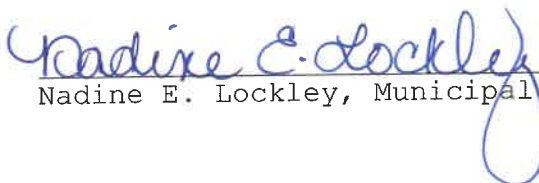
WHEREAS, funds are available to make such expenditure and have been certified as such by Judson Moore, CFO, said certification being attached to the resolution.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Downe, County of Cumberland and State of New Jersey as follows:

1. An award of contract for the Fortescue Wastewater Treatment Plant as outlined hereinabove, is hereby made to **Agate Construction Co., Inc.** as the lowest responsible bidder in the amount of \$10,459,000.00.
2. The Mayor and Township Clerk are hereby authorized to execute a Contract for provision of goods and services as outlined in the bid documents as well as any non-substantive modifications thereto and related constituent documents.
3. The Township Clerk is directed to forward a certified copy of this Resolution to the Qualified Purchasing Agent, Chief Financial Officer, Township Engineer, Township Attorney and Agate Construction Co., Inc.

RESOLUTION was adopted by the Township Committee of the Township of Downe on May 23, 2024.

ATTEST:


Nadine E. Lockley, Municipal Clerk


Michael L. Rothman, Mayor

C E R T I F I C A T I O N

I, **NADINE E. LOCKLEY, RMC, CMR**, Municipal Clerk of the Township of Downe, County of Cumberland, State of New Jersey do hereby certify the foregoing to be a true and accurate copy of the Resolution adopted by the Downe Township Committee of the Township of Downe, County of Cumberland, State of New Jersey, at a Special Meeting held on May 23, 2024 at 10:00 am at the Municipal Complex.

Date

NADINE E. LOCKLEY, RMC, CMR
Municipal Clerk