



**BOROUGH OF EDGEWATER
RESOLUTION**

COUNCILPERSON	YES	NO	ABSTAIN	ABSENT
HENWOOD	✓			
DORAN	✓			
MONTE	✓			
VIDAL	✓			
JORDAN				✓
BARTOLOMEO	✓			

DATE: September 24, 2014
 RESOLUTION NO. 2014-231
 INTRODUCED BY: _____

S. Vidal

SECOND BY: *A. Bartolomeo*

WHEREAS the Borough of Edgewater previously adopted Resolution No. 2014-063 which Resolution set forth the procedural history of the award of a contract to Waterside Construction, LLC (“Waterside”) for the remediation and renovation to Veteran’s Field in accordance with the bid specifications; and

WHEREAS the Borough was presented with documentation that confirmed that during the remediation phase of the contract, Waterside imported contaminated fill onto Veteran’s Field that contained elevated levels of PCB’s. The importation of contaminated fill onto the field constituted a breach of Contract by Waterside. The Borough of Edgewater thereafter declared Waterside in Default of the Contract; and

WHEREAS pursuant to the terms of the Contract, the Borough made a good faith effort to mediate the claims that arose as a result of the Breach of Contract with Waterside; and

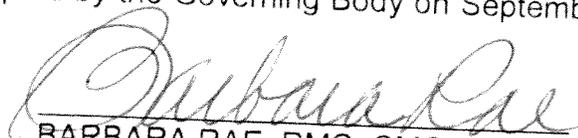
WHEREAS after several mediation sessions between the Borough and Waterside which included the assistance of Retired Superior Court Judge Daniel Mecca, the parties were unable to reach a mutually agreeable settlement of the issues in this matter.

NOW, THEREFORE BE IT RESOLVED BY the Borough of Edgewater that the Borough hereby declares that Waterside, which was previously declared to be in Default of their Contract with the Borough for the remediation of Veteran’s Field has failed to cure such default, and therefore in accordance with the Contract, Waterside is hereby **TERMINATED** for the reasons previously set forth on the record.

BE IT FURTHER RESOLVED that the Borough shall pursue all legal remedies available to them for the full reimbursement of all damages and expenses against Waterside and other responsible parties.

BE IT FUTHER RESOLVED that a copy of this Resolution shall be sent to Waterside and Liberty Mutual Insurance Company which company issued the Performance and Payout Bond for this project.

I hereby certify that this Resolution was adopted by the Governing Body on September 15, 2014.



BARBARA RAE, RMC, CMC
Borough Clerk



**BOROUGH OF EDGEWATER
RESOLUTION**

COUNCILPERSON	YES	NO	ABSTAIN	ABSENT
HENWOOD	✓			
DORAN	✓			
MONTE	✓			
VIDAL	✓			
JORDAN				✓
BARTOLOMEO	✓			

DATE: September 24, 2014
 RESOLUTION NO. 2014-232
 INTRODUCED BY:

S. Vidal

SECOND BY: *V. Monte*

WHEREAS the Borough of Edgewater has received solicited bids for the re-bid of the Veterans Field Site Remediation; and

WHEREAS consistent with the New Jersey Local Public Contract Law, N.J.S.A. 40A:11-1 et seq., the Borough of Edgewater did publicly solicit bids for said project under the title "Veterans Field Site Remediation" issued on August 29, 2014; and

WHEREAS in response to said solicitation, eight (8) bids were received; and

WHEREAS the lowest base bid of \$2,024,100.00 was submitted by Enterprise Network Resolutions Contracting LLC, maintaining offices at 874 Piney Hollow Road, Winslow, NJ 08095; and

WHEREAS Enterprise's price for Alternate Bid was \$2,955,350.00; and

WHEREAS Enterprise's combined price for the Base Bid plus Alternate Bid of \$4,979,450.00 was the lowest received; and

WHEREAS said bid was within the funds allocated for this project; and

WHEREAS the offices of the Borough Engineer and Borough Attorney have reviewed this bid and have deemed it responsive to the bid specifications; and

WHEREAS I, Joseph Iannaconi, Jr., C.F.O., do hereby certify that funds have been appropriated for this purpose as authorized by Joseph Iannaconi, Jr., C.F.O.

WHEREAS the Borough has advised the Bond Company, Liberty Mutual Insurance Company, of the Borough's intention to award a Contract to the lowest responsible

bidders for the remediation of Veteran's Field and that the Borough shall seek full reimbursement and restitution for the costs thereof from the Bond Company; and

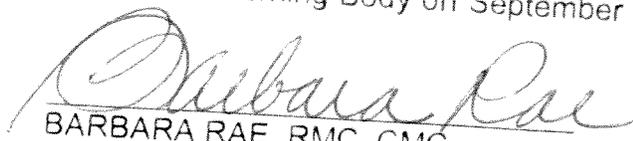
WHEREAS the Borough has further advised the Contractor, Waterside Construction, LLC that they are in default of their Contract with the Borough by bringing contaminated material onto Veteran's Field and therefore the Contract with Waterside Construction, LLC is hereby terminated; and

WHEREAS, the Borough did receive two challenges to the award of bid from unsuccessful bidders, Applied Landscape Technologies and Creamer Environmental, Inc., and the Borough has determined that said challenges are without merit.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Edgewater that a contract for the above referenced project shall be awarded, consistent with the bid specifications and contractor's bid as follows:

Contractor	Amount
Enterprise Network Resolutions Contracting	Base Bid: \$2,024,100.00
	Alt. Base \$2,955,350.00
	TOTAL \$4,979,450.00

I hereby certify that this Resolution was adopted by the Governing Body on September 15, 2014.


BARBARA RAE, RMC, CMC
Borough Clerk