Lopatcong Township Board of Education
Resolutions –March 14, 2011

a. Facilities and Technology

R-208-11 Rejection of All Bids, Revise Specifications and Rebid

Motion by , second by ,

WHEREAS, the Lopatcong Township Board of Education (the "Board") advertised for bids for the Renovations and Alterations to the Lopatcong Elementary School project, Project No. 2009-152 (the "Project"); and

WHEREAS, the Public School Contracts Law, N.J.S.A. 18A:18A-1 *et seq*. (the "Contracts Law"), provides that the Board must award bids to the lowest responsive and responsible bidder for goods or services in excess of the bid threshold, as is defined in the Contracts Law; and

WHEREAS, the Board received and publicly opened ten (10) bids on March 3, 2011, in connection with the Project; and

WHEREAS, each of the bids were reviewed by the School Business Administrator and appropriate staff and professionals to determine whether each bid was both responsive and responsible; and

WHEREAS, after that review of the bids, it was determined that all of the bids received contained non-waiveable, material defect(s) and/or substantially exceeded the cost estimate for the Project, rendering all of the bids unresponsive under the bid requirements and specifications for the Project pursuant to the Contracts Law; and

WHEREAS, the Contracts Law provides that a board of education cannot accept bids that do not conform to its specifications; and

WHEREAS, the Contracts Law further provides that a board of education may reject all bids received for a public contract if the purposes and/or provisions of the Contracts Law are being violated, if the bids received substantially exceed the estimated cost for the Project and/or if a board of education wants to substantially revise the specifications for the project; and

WHEREAS, awarding a contract for the Project to a bidder whose bid contains non-waiveable, material defect(s) and/or substantially exceeded the cost estimate for the Project would violate the purposes and provisions of the Contract Law.

NOW THEREFORE BE IT RESOLVED as follows:

1. That all of the bids received for the Project are rejected as unresponsive as a result of each bid containing non-waiveable, material defect(s) and/or substantially exceeding the cost estimate for the Project pursuant to the Contracts Law, and thus violate the purposes and provisions of the Contracts Law; and

2. The Board has determined that the Project specifications must be substantially revised and hereby directs the Project Architect to revise the Project specifications; and

3. That the Board hereby authorizes the School Business Administrator/Board Secretary to advertise the Project for rebid pursuant to the revised specifications as soon as possible.

This resolution will take effect immediately on this March 14, 2011.

Roll Call Vote: