

AGENDA
LIBERTY TOWNSHIP EMERGENCY MEETING

29 August 2018
8:00 PM

Municipal Building
349 Mountain Lake Road
Great Meadows, NJ 07838

Sunshine Notice
Flag Salute
Roll Call

New Business
Award of Bid for LSDW Wall Project

Public Comment
Executive Session

Adjournment

An emergency meeting of the Township of Liberty was held in the Municipal Building, 349 Mountain Lake Road, Great Meadows on 29 August 2018. The meeting was opened by Mayor John Inscho with Adequate Notice of Meeting and the Pledge of Allegiance at 8:00 p.m.

Present: Mayor John Inscho; Deputy Mayor Daniel Grover; Carl Cummins; and Mike Beyer

Absent: Peter Karcher

Also, Present: Roger Skoog, Municipal Attorney; and, Diane M Pflugfelder, Municipal Clerk/Administrator

John Inscho stated that the reason for this emergency meeting is the impromptu matter pertaining to the wall as to not do substantial harm to the public. We have to take some action on the wall to get it done. It's been going on for ten months now. It's time to get it. Something done. So the first thing is, we have to have Roger explain to us what happened.

Attorney Skoog continued with the following comments;

Gentlemen at the last workshop, August 23, Thursday the primary purpose of that workshop was to review and accept the bid for Lakeside Drive West wall reconstruction project. There were a number of bids. I think there were eight. Two lowest of course were the ones that were basically going to be considered. The lowest was a bid submitted by Samson Concrete & Masonry. The second lowest bid was submitted by CMS. The bid submitted by Samson was \$400,000.00. The bid submitted by CMS was \$428,460.00. Both myself and Jess Symonds from Ferriero Engineering reviewed bid packages. And we both noted that the package by Samson Concrete & Masonry was missing important documents. The missing documents were P15, Consent of Surety and a Power of Attorney for the Bid Bond. Both of these documents being material and deemed a material defect if they were not a part of the bid. As a consequence I indicated that they couldn't be considered. That the pack was not complete.

There was a motion then by Mayor Inscho to then accept the second lowest bid. That was the bid by CMS and I think there were three members here at that time. The bid, the motion was passed by Resolution #2018.056, to award the contract to CMS Construction. So that being said, of course the unsuccessful bidders need to be notified. I sent a letter on, actually dated yesterday, sent over today to Samson advising them that their bid was not accepted because it was found deficient and not complete. I don't think 15 minutes passed and I received a response back from them indicating that the documents I had recited were missing were in fact in the package.

I told Samson I would re-review the package again. So I proceeded here to the municipal building to see if there was some error or discrepancy in what we had. It turns out there was an error. The engineer and I both were scanned a copy of the bid package. Unfortunately in that scanning process there was one document that had stapled to it four other documents. I have marked that document as "Liberty Exhibit 1". The cover page of that document is a CAN Surety Bid Bond. That's what I received and that what Jess Symonds of Ferriero Engineering received. Attached to that though. Stapled to it is the Form of Consent of Surety that I said wasn't with the package. In addition there were powers of attorney attached again that I had referenced, and our engineer having referenced, as being missing.

That being said, the package that initially submitted by Samson Concrete should have been viewed as being a proper package and therefore one to be considered by the committee.

A motion by Mayor Inscho to rescind Resolution #2018.056 carried.

A motion by Mayor Inscho to review the Lakeside Drive West Wall Restoration bid package submitted by Samson Concrete/Masonry carried.

Attorney Skoog stated I can indicate now that we previously having reviewed the package with these additional documents the package is complete and Samson would be the lowest bidder

A motion by John Inscho to adopt the following Resolution carried.

Resolution #2018.059
Award of Contract

BE IT RESOLVED, that the Township of Liberty hereby awards the contract for Lakeside Drive West Retaining Wall Reconstruction Project to Samson Concrete & Masonry LLC, 102 S. Main Street, Suite A, Phillipsburg, NJ 08865 whose bid amounted to \$400,000.00.

Vote: absent - Karcher
aye - Beyer
aye - Cummins
aye - Grover
aye - Inscho

John Inscho,
Mayor

PUBLIC COMMENT

No public was present

ADJOURNMENT

There being no further business, a motion by Mayor Inscho to adjourn the meeting carried.

Meeting adjourned at 8:07 p.m.

Diane M Pflugfelder RMC/MMC
Municipal Clerk/Administrator
Minutes Approved 6 September 2018

