



# UNION COUNTY IMPROVEMENT AUTHORITY

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Resolution No. 47-2016

Date: May 12, 2016

**RESOLUTION OF THE UNION COUNTY IMPROVEMENT AUTHORITY ALLOWING FINE WALL CORPORATION TO WITHDRAW ITS BID FOR FIT OUT OF THE UNION COUNTY LEARNING LINK DEPARTMENT AT PARK MADISON OFFICE BUILDING, 200 WEST SECOND STREET, PLAINFIELD, NEW JERSEY (OPTION 1B) PURSUANT TO N.J.S.A 40A:11-23.3; RESCINDING AWARD OF A CONTRACT TO MBT CONTRACTING, LLC FOR THE FIT OUT OF SPACE FOR NEW JERSEY DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT – WORKERS’ COMPENSATION COURT (OPTION 1A); AND AWARDDING A CONTRACT TO MBT CONTRACTING, LLC FOR THE ENTIRE PROJECT (OPTION 2) IN THE TOTAL AMOUNT OF \$1,062,540**

APPROVED AS TO FORM:  
 Lisa M. da Silva  
 Clerk of the Authority

APPROVED AS TO SUFFICIENCY OF FUNDS  
 YES [ ] NO [ ] NONE REQUIRED  
 UNION COUNTY IMPROVEMENT AUTHORITY

*Lisa M. da Silva*

*[Signature]*

	PRESENT	ABSENT	AYE	NAY	ABSTAIN	MOTION	SECOND
<i>Bornstad</i>	X		X			X	
<i>D’Elia</i>	X		X				
<i>Hockaday</i>		X					
<i>Lattimore</i>	X		X				X
<i>Salerno, Secretary</i>	X		X				
<i>Szpond</i>	X		X				
<i>Tomko, Treasurer</i>		X					
<i>Rountree, Vice Chair</i>		X					
<i>Scutari, Chairman</i>	X		X				

**RESOLUTION OF THE UNION COUNTY IMPROVEMENT AUTHORITY ALLOWING FINE WALL CORPORATION TO WITHDRAW ITS BID FOR FIT OUT OF THE UNION COUNTY LEARNING LINK DEPARTMENT AT PARK MADISON OFFICE BUILDING, 200 WEST SECOND STREET, PLAINFIELD, NEW JERSEY (OPTION 1B) PURSUANT TO N.J.S.A 40A:11-23.3; RESCINDING AWARD OF A CONTRACT TO MBT CONTRACTING, LLC FOR THE FIT OUT OF SPACE FOR NEW JERSEY DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT – WORKERS’ COMPENSATION COURT (OPTION 1A); AND AWARDED A CONTRACT TO MBT CONTRACTING, LLC FOR THE ENTIRE PROJECT (OPTION 2) IN THE TOTAL AMOUNT OF \$1,062,540**

**WHEREAS**, the Union County Improvement Authority (the “Authority”) has been duly created by an Ordinance of the Board of Chosen Freeholders (the “Freeholders”) of the County of Union, State of New Jersey (the “County”) duly adopted as a public body corporate and politic of the State of New Jersey pursuant to and in accordance with the County Improvement Authorities Law, constituting Chapter 183 of the Pamphlet Laws of 1960 of the State, and the acts amendatory thereof and supplemental thereto (the “Act”); and

**WHEREAS**, the Authority and County entered into a Shared Services Agreement to enable the Authority to properly perform the fit out of space for the State of New Jersey Workers’ Compensation Court and for the County of Union’s Learning Link Department at the Park Madison Building in Plainfield, New Jersey; and

**WHEREAS**, on April 21, 2016, the Authority published a notice of bids pursuant to New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1 *et seq.* (LPCL), for Fit Out of Space for the New Jersey Department of Labor and Workforce Development – Workers’ Compensation Court and/or Fit out of Space for the Union County Learning Link Department at Park Madison Building, located at 200 West Second Street, Plainfield, New Jersey 07060; and

**WHEREAS**, on May 3, 2016, the Authority received two (2) bids, as follows:

MBT Contracting, LLC, 63 Beaver Brook Road, Suite 104C, Lincoln Park NJ

Option 1A (Workers’ Compensation Court only):	\$ 739,479
Option 1B (Learning Link Department only):	339,062
Option 2 (WC Court and Learning Link Dept.):	1,062,540

Fine Wall Corporation, 1404 Oak Tree Road, Suite #204, Iselin, NJ

Option 1A (Workers’ Compensation Court only):	No bid
Option 1B (Learning Link Department only):	\$ 253,500
Option 2 (both WC Court and Learning Link Dept.)	No bid;

and

**WHEREAS**, in accordance with the bid specifications, on May 3, 2016 the Authority awarded Option 1 (A and B), which offered the lowest price for the entire project, as follows:

Option 1A – MBT Contracting, LLC	\$739,479
Option 1B – Fine Wall Corporation	253,500; and

**WHEREAS**, on May 6, 2016, Fine Wall Corporation submitted a request to withdraw its bid on Option 1B based on an unintended mistake in its bid price; and

**WHEREAS**, in accordance with N.J.S.A.40A:11-23.3, Fine Wall Corporation provided pertinent documents evidencing a mathematical calculation error in its pre-bid worksheet that resulted in Fine Wall Corporation erroneously recording \$253,500 rather than \$309,412.50 on its Bid Proposal Form submitted to the Authority via sealed bid; and

**WHEREAS**, given the magnitude of the error and under the circumstances presented, enforcement of the contract would be unconscionable; the error in price is a material feature of the bid; Fine Wall Corporation’s bid submission, in all other respects, was legally compliant evidencing bidder’s reasonable care in preparing the bid; and allowing Fine Wall Corporation to withdraw its bid would not seriously prejudice the Authority, and a contract award to the remaining bidder to perform the entire project is actually desirable from a logistics and coordination perspective; and

**WHEREAS**, MBT Contracting, LLC, the sole remaining bidder, has indicated that it is prepared to undertake the entire project at its total bid price of \$1,062,546 under Option 2 (Fit out of Workers’ Compensation Court and Union County Learning Link Department),

**NOW THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Authority as follows:

1. The aforesaid recitals are incorporated herein as if set forth at length;
2. Fine Wall Corporation’s request to withdraw its bid due to mistake, in accordance with N.J.S.A. 40A:11-23.3, is hereby granted, and the contract award previously made to Fine Wall Corporation in the amount of \$253,500 under Option 1B is hereby rescinded; and
3. The bid bond of Fine Wall Corporation shall be returned, and Fine Wall Corporation is hereby disqualified from future bidding, if any, on this project; and
4. The contract award previously made to MBT Contracting, LLC under Option 1A, in the amount of \$739,479 is hereby rescinded, and simultaneously, MBT Contracting, LLC is hereby awarded a contract at its bid price of \$1,062,540 under Option 2 (Fit out of Workers’ Compensation Court and Union County Learning Link Department); and

5. The foregoing contract award to MBT Contracting, LLC is made subject to the availability of funds and further subject to issuance of a Notice to Proceed upon certification of the availability of funds; and
6. The Executive Director is hereby authorized and directed to execute the contract with MBT Contracting, LLC for Option 2; and
7. The Executive Director is hereby authorized and directed to take any and all actions necessary to implement the contract; and
8. A copy of this Resolution shall be forthwith provided to Fine Wall Corporation and MBT Contracting, LLC.