

RESOLUTION NO. 6-2015

Member Roundtree introduced and moved the adoption of the following resolution and Member Tomko seconded the motion:

**RESOLUTION OF THE UNION COUNTY IMPROVEMENT AUTHORITY
AUTHORIZING THE EXECUTIVE DIRECTOR AT HIS DISCRETION TO
TERMINATE A CONTRACT WITH APS CONTRACTING INC. FOR THE
CONSTRUCTION OF THE NEW UNION COUNTY FAMILY COURT
BUILDING AT CHERRY STREET, ELIZABETH, NEW JERSEY**

WHEREAS, the Union County Improvement Authority (the "Authority") has been duly created by ordinance of the Union County Board of Chosen Freeholders 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, as amended and supplemented from time to time (the "Act"); and

WHEREAS, the Authority has entered into a Shared Services Agreement dated November 1, 2011 with the County of Union (the "County"), pursuant to the Uniformed Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, *et seq.*, in which the County has requested that the Authority assist it with the design, financing, management and construction of a new Family Court Building and Parking Deck for the Superior Court, County of Union (the "Project") in Elizabeth, New Jersey, and the Authority has agreed to undertake all actions necessary to implement the Project; and

WHEREAS, in or about February 2013, the Authority published a notice of bids pursuant to New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1 *et seq.* for the Construction of the Project (the "Project Services"), and on March 13, 2013, it received eleven (11) bids for the Project Services, all of which were over budget; and

WHEREAS, on June 12, 2013, the Authority awarded a contract for the construction of the new Union County Family Court Building to APS Contracting Inc. as the lowest responsible bid, exclusive of the deduct alternate, in accordance with N.J.S.A. 40A: 11-1 *et seq.*; and

WHEREAS, APS Contracting Inc., has failed to perform in accordance with the terms and conditions of the contract documents; and

WHEREAS, APS Contracting Inc.'s failure to perform has jeopardized the timely completion of the Court Building; and

WHEREAS, the Authority desires to authorize the Executive Director at his discretion to terminate APS Contracting Inc.; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Authority that:

1. the Executive Director is hereby formally authorized at his discretion to terminate the contract with APS Contracting Inc. in accordance with terms and conditions of said contract; and

2. the Executive Director is authorized and directed to work with the Construction Manager, the Architect and legal counsel to take all actions necessary and convenient to complete the Court Building as expeditiously as possible; and
3. this resolution shall take effect immediately.

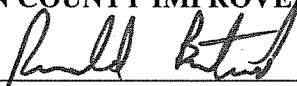
The foregoing resolution was adopted by the following roll call vote:

RECORD OF VOTE	YEA	NAY	ABSTAIN	MOTION	ABSENT	SECOND
Ronald Bornstad Commissioner	1					
Seb D'Elia Commissioner	1					
Linda Hines Commissioner	1					
Steve Hockaday Commissioner	1					
John Salerno Secretary					1	
Bryan Tomko Treasurer	1					1
Carolyn Vollero Commissioner					1	
Cherron Rountree Vice Chairman	1			1		
Tony Scutari Chairman	1					
TOTAL:	7				2	

CERTIFICATION

I, Ronald Bornstad, Acting Secretary of the Union County Improvement Authority, HEREBY CERTIFY that the foregoing **RESOLUTION OF THE UNION COUNTY IMPROVEMENT AUTHORITY TERMINATING A CONTRACT TO APS CONTRACTING INC. THE CONSTRUCTION OF A NEW UNION COUNTY FAMILY COURT BUILDING AT CHERRY STREET, ELIZABETH, NEW JERSEY** is a true copy of a resolution adopted by the governing body of the Authority on January 7, 2015.

UNION COUNTY IMPROVEMENT AUTHORITY

By: 
 Ronald Bornstad, Acting Secretary

Dated: January 7, 2015
 SEAL