

# RESOLUTION

No. 24 - 4 6 6

Date of Adoption

NOV 07 2024

Approved as to Form and Legality

Factual content certified by

  
WESLEY BRIDGES, ESQ., DIRECTOR OF LAW

  
WAHAB ONITIRI, DIRECTOR OF PUBLIC WORKS

Councilman /woman

presents the following Resolution:

SPONSORED BY: 

**RESOLUTION AUTHORIZING THE REJECTION OF BIDS  
RECEIVED FOR ROAD MAINTENANCE AND THE FURNISHING  
AND DELIVERY OF ASPHALT MATERIALS FOR THE  
DEPARTMENT OF PUBLIC WORKS, DIVISION OF STREETS -  
BID2024-50**

**WHEREAS**, two (2) sealed bids were received in the Division of Purchasing on July 10, 2024, at 11:00a.m by the Purchasing Agent from Walter R. Earle Asphalt, LLC., in an amount not to exceed \$1,300,000.00 and Trap Rock Industries in an amount not to exceed \$2,300,000.00 for road maintenance, furnish and delivery of asphalt F.O.B. Plant on an as needed basis for a period of one (1) year for the Department of Public Works, Division of Streets.

**WHEREAS**, the bids of Walter R. Earle Asphalt, LLC and Trap Rock Industries were rejected by Resolution #24-371, on September 5, 2024, for failure to provide an option for the furnishing and delivery of asphalt materials per required specifications; and

**WHEREAS**, on September 6, 2024, at 11:00a.m, one (1) sealed bid was received in the Division of Purchasing by the Purchasing Agent for the second time from Walter R. Earle Asphalt, LLC, P.O. Box 728, Farmington, New Jersey 07727 in an amount not to exceed \$1,680,000.00; for road maintenance, furnish and delivery of asphalt on an as needed basis for a period of one (1) year for the Department of Public Works, Division of Streets; and

**WHEREAS**, pursuant to N.J.S.A. 40A:11-13.2 (b) the low bid substantially exceeds the contracting unit's appropriation for the goods or services. Walter R. Earle Asphalt P.O. Box 728, Farmington, New Jersey 07727; and

**WHEREAS**, pursuant to N.J.S.A. 40A:11-4 (1) (2) the bidder defaulted on a bid submittal, thereby requiring the local unit to utilize the services of another contractor to provide the goods or perform the services or to correct or complete the contract.

b. The following conditions apply if the governing body of a contracting unit is contemplating a disqualification based on prior negative experience:

(1) The existence of any of the indicators of prior negative experience set forth in this section shall not require that a bidder be disqualified. In each instance, the decision to disqualify shall be made within the discretion of the governing body and shall be rendered in the best interests of the contracting unit.

(2) All mitigating factors shall be considered in determining the seriousness of the prior negative experience and in deciding whether disqualification is warranted.

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**WHEREAS**, it is in the best interest of the City of Trenton to reject the sole bid received from Walter R. Earle Asphalt, LLC, P.O. Box 728, Farmington, New Jersey 07727 and revise the specifications and re-advertise the procurement process for the third time.

**NOW, THEREFORE, IT IS RESOLVED** by the City Council of Trenton that the bid received from Walter R. Earle Asphalt, LLC, P.O. Box 728, Farmington, New Jersey 07727 be rejected, and the Division of Purchasing will re-advertise the procurement process.

MOTION: <i>Frisby</i>					SECOND: <i>Figueroa Kettenburg</i>									
	Aye	Nay	Abstain	Absent		Aye	Nay	Abstain	Absent		Aye	Nay	Abstain	Absent
EDWARDS	<input checked="" type="checkbox"/>				GONZALEZ	<input checked="" type="checkbox"/>				FELICIANO	<input checked="" type="checkbox"/>			
FIGUEROA					HARRISON	<input checked="" type="checkbox"/>								
KETTENBURG	<input checked="" type="checkbox"/>					<input checked="" type="checkbox"/>								
FRISBY	<input checked="" type="checkbox"/>				WILLIAMS	<input checked="" type="checkbox"/>								

This Resolution was adopted at a Meeting of the City Council of the City of Trenton on

NOV 07 2024

*[Signature]*  
President of Council

*[Signature]*  
City Clerk