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Township Council
1 Municipal Plaza
Bloomfield, NJ 07003

Louise M. Palagano
Municipal Clerk

<http://www.bloomfieldtwpnj.com>

Meeting: 11/19/12 07:00 PM

2012 RESOLUTION ACCEPTANCE

Responsible Bidder

WHEREAS, the Township of Bloomfield finds that it is in its best interest to define the term "responsible" as contained in competitive bidding statutes governing its purchases of construction goods and services;

WHEREAS, the Township of Bloomfield wishes to ensure that contracts are awarded in an atmosphere that invites competition and guards against favoritism, improvidence, arbitrary conduct, extravagance, fraud and corruption, so as to secure the best work or supplies at the lowest cost practicable;

WHEREAS, the Township of Bloomfield possesses great discretion in determining the "lowest responsible bidder" and is entitled to specify the terms of the contract when its solicits bids and the criteria that bidders must meet in order to be considered a "responsible" bidder in the exercise of its proprietary duties and responsibilities;

WHEREAS, the contracting authority of the Township of Bloomfield is entrusted with the power to determine whether a respective bidder is the "lowest responsible bidder"; and,

WHEREAS, the Township of Bloomfield solicits bids and/or proposals on many different types of construction contracts with varying factors affecting each purchasing decision, and therefore must take into account reasonable benefits to the community's welfare arising from each bid and in the exercise of its proprietary functions.

NOW, THEREFORE, BE IT RESOLVED, that financial responsibility is an important factor in determining the lowest responsible bidder, and the Township of Bloomfield, through its contracting authority, shall require an entity that bids on a public

APPROVED AS TO FORM AND PROCEDURE
ON BASIS OF FACTS SET FORTH

Director of Law - Township Attorney

contract produce satisfactory evidence that the business entity is properly registered and authorized to conduct the type of work to be performed, including evidence that demonstrates that the entity possesses or complies with requirements of the Internal Revenue Service, New Jersey Departments of Treasury and/or Labor, as well as complying with the general business license requirements of the Township of Bloomfield prior to the award and during the term of the contract.

Additionally the contracting authority, in order to make its determination as to whether the bidding entity is responsible, shall confirm and substantiate that the contract awardee can reasonably be expected to complete and perform under the contract specifications, and the contracting authority may require the successful bidder to post a bid, performance, wage/fringe benefit and/or material bond(s). The contracting authority shall also determine if the successful bidder can reasonably be expected to complete the project within the time constraints as delineated in the request for bids and/or proposals. The contracting authority shall also determine if the bidding entity maintains a satisfactory level of past performance and integrity as well as possesses the financial, supervisory, personnel, material, equipment, and other resources and expertise to satisfactorily meet its contractual responsibilities and obligations.

BE IT FURTHER RESOLVED, that social responsibility is a concern in awarding public contracts, and the contracting authority may factor in its determination of whether a bidder is "responsible" such factors as bidder's record of conformity with environmental, labor, and health and safety laws including compliance with the requirements of the U.S. Department of Labor's Occupational Safety & Health Administration. Furthermore, the

bidder shall be required to provide a certificate of insurance, designating the Township of Bloomfield as an Additional Insured under all pertinent policies, specifying all required coverage, including general liability, workers' compensation, completed operations, automobile, hazardous occupation, product liability, and professional liability at such limits as the contracting authority deems appropriate to protect the interests of the Township of Bloomfield.

BE IT FURTHER RESOLVED, that the provision of satisfactory evidence by the bidding entity that it provides or participates in an apprenticeship and training program approved and registered with the U.S. Department of Labor's Bureau of Apprenticeship & Training, as well as benefit configuration being no less than required under the New Jersey Prevailing Wage Act is minimally required to demonstrate that a bidding entity is "responsible".

* * * * *

I hereby certify that the above resolution was duly adopted by the Mayor and Council of the Township of Bloomfield at a meeting of said Township Council held on November 19, 2012.

Louise Pellegrino

 Municipal Clerk of the Township of Bloomfield

Raymond McCarthy

 Mayor of the Township of Bloomfield

| ✓ Vote Record - Resolution 2284 | | | | | | |
|--|-----------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|--|
| | | Yes/Aye | No/Nay | Abstain | Absent | |
| <input type="checkbox"/> Adopted | Elias Chalet | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> Adopted as Amended | Nicholas Joanow | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> Defeated | Carlos Bernard | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> Withdrawn | Michael Venezia | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> Tabled | Peggy O'Boyle Dunigan | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| <input type="checkbox"/> Approved | Bernard Hamilton | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> Approved by Consensus | Raymond McCarthy | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> Not Discussed | | | | | | |
| <input type="checkbox"/> Tabled with No Vote | | | | | | |
| <input type="checkbox"/> Discussed | | | | | | |
| <input type="checkbox"/> Veto by Mayor | | | | | | |