

RESOLUTION OF THE CITY OF GLOUCESTER CITY

County of Camden, State of New Jersey

#R-2016

MB

**AUTHORIZING THE AWARD OF A CONTRACT TO CLEAN AIR COMPANY, INC., FOR
THE PROVISION OF A VEHICLE EXHAUST SYSTEM**

WHEREAS, the City of Gloucester City ("City" and/or "Gloucester City") has advertised for, and received three (3) bids for Contract GCFD-2016-01 to provide a Vehicle Exhaust System; and

WHEREAS, the City furnished detailed bid specifications to potential bidders; and

WHEREAS, bids were received and opened by the City on Thursday, October 20, 2016 as follows:

| <u>VENDOR</u> | <u>TOTAL BID AMOUNT</u> |
|-------------------------|--------------------------------|
| 1. Aire-Deb (MagneGrip) | \$52,550.00 |
| 2. Clean Air Company | \$55,551.00 |
| 3. Aire-Deb (Hazvent) | \$59,268.00 |

WHEREAS, Captain Patrick R. Hagan of the Gloucester City Fire Department reviewed the bid submitted by the apparent low bidder, Aire-Deb(MagneGrip), and opined via a memorandum dated October 20, 2016 that the bid submitted by Aire-Deb(MagneGrip) contained material deviations from the Technical Specifications; and

WHEREAS, the City Solicitor, in a Legal Opinion dated October 26, 2016, opined that the Bid submitted by Aire-Deb (MagneGrip) did not meet the requirements of the Technical Specifications for the Vehicle Exhaust System, thereby rendering the Bid non-responsive; and

WHEREAS, Captain Patrick R. Hagan of the Gloucester City Fire Department reviewed the bid submitted by the next apparent low bidder, Clean Air Company, Inc., and opined via a memorandum dated October 20, 2016 that bid submitted by Clean Air Company, Inc. complied with all material provisions of the Bid Specifications and Advertisement; and

WHEREAS, the City Solicitor, in a Legal Opinion dated October 26, 2016, recommended the award of the contract for Vehicle Exhaust System to Clean Air Company, Inc., subject to staff

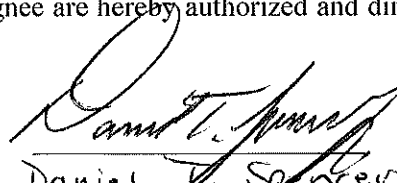
concurrence and the availability of funds as the bid submitted by Clean Air Company, Inc. complied with all material provisions of the Bid Specifications and Advertisement; and

WHEREAS, the City has reviewed Captain Hagan's and the Solicitor's recommendations and has determined that Clean Air Company, Inc., is the lowest qualified bidder for Contract GCFD-2016-01 to provide a Vehicle Exhaust System, having submitted the lowest bid complying with the statutory obligations, Bid Specifications and Advertisement; and

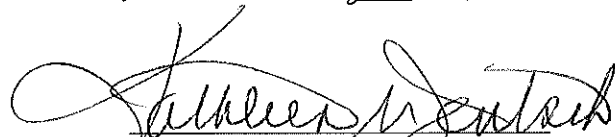
WHEREAS, funds are available for such purpose.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Gloucester, County of Camden and State of New Jersey as follows

1. The provisions of the **WHEREAS** clauses set forth above are incorporated herein by reference and made a part hereof.
2. The Bid received from Aire-Deb (MagneGrip) for Contract GCFD-2016-01 to provide a Vehicle Exhaust System is hereby rejected as non-responsive.
3. Should a Court of competent jurisdiction determine that the deviations set forth in the bid of Aire-Deb (MagneGrip) are waivable as a matter of law, then the City of Gloucester City hereby exercises its discretion not to waive the deviations.
4. Contract GCFD-2016-01 to provide a Vehicle Exhaust System, in the total bid price of \$55,551.00, is hereby awarded to Clean Air Company, Inc., in accordance with their Bid received on October 20, 2016.
5. The Mayor, City Administrator, or their designee are hereby authorized and directed to execute said Contract.


Daniel V. Spencer Mayor Pro Tem

Passed by the Mayor and Common Council of the City of Gloucester this 22nd day of November, 2016.


Kathleen M. Jentsch, City Clerk