

RESOLUTION NO. 2014-296

A RESOLUTION AWARDING A CONTRACT TO TURF CONSTRUCTION CO., INC., VINELAND, NJ FOR THE COMPLETION OF GRASS CUTTING/DEBRIS REMOVAL FOR BLIGHT ELIMINATION FOR THE DEPARTMENT OF LICENSES & INSPECTIONS – CODE ENFORCEMENT

WHEREAS, the City of Vineland has heretofore advertised for bids for the Completion of Grass Cutting/Debris Removal for Blight Elimination for the Department of Licenses & Inspections – Code Enforcement for a contract period from date of award ending December 31, 2014, in accordance with specifications on file in the office of the Purchasing Agent; and

WHEREAS, on July 8, 2014, bids were received, duly opened and read aloud, being referred to the Business Administrator for tabulation, evaluation, report and recommendation; and

WHEREAS, the Business Administrator has, under date of July 15, 2014 submitted a written report and tabulation of the bids received and has recommended that a contract for the Completion of Grass Cutting/Debris Removal for Blight Elimination for the Department of Licenses & Inspections – Code Enforcement, be awarded to Turf Construction Co., Inc., Vineland, NJ, in the amount of \$20,000.00, for a contract period from date of award and ending December 31, 2014 or until appropriated funds are exhausted, said bid being the lowest qualified bid received and considered in the best interest of the City of Vineland; and

WHEREAS, the City Solicitor's Office has rendered the following legal opinion disqualifying the low bidder Vineland Landscaping, LLC, Vineland, NJ;

“While it would seem that an award based upon a bid is a fair and open process, the Local Government Ethics Law specifically states “No local government officer or employee or member of his immediate family shall have an interest in a business organization or engage in any business, transaction, or professional activity which is in substantial conflict with the proper discharge of his duties in the public interest.” As I understand the issue, this individual employee of the City works with a department that enforces the Municipal Code. As such the public perception could reasonably be that his side work would be tied to inspections done through code enforcement. As such I would indicate that an award of a contract such as this which the public could view as being suspect would be in violation of the Local Government Ethics Laws and therefore impermissible”

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Vineland that said contract for the Completion of Grass Cutting/Debris Removal for Blight Elimination for the Department of Licenses & Inspections – Code Enforcement, be and the same is awarded to Turf Construction Co., Inc., Vineland, NJ, in the amount of \$20,000.00, for a contract period from date of award and ending December 31, 2014 or until appropriated funds are exhausted, said bid being the lowest qualified bid received and considered in the best interest of the City of Vineland, and the Purchasing Agent be and the same is hereby authorized and directed to issue purchase order contract for the same in behalf of the City; and

BE IT FURTHER RESOLVED that the City Comptroller has certified that the funds for the contract to be awarded herein are available.

Adopted:

President of Council

ATTEST:

City Clerk



July 15, 2014

REPORT TO: THE MAYOR AND COUNCIL

RE: Proposals Submitted to the Purchasing Board 7/8/14

Dear Mayor and Members of Council:

Submitted to you herewith for your consideration is our evaluation of the proposals submitted to the Purchasing Board on July 8, 2014.

COMPLETION OF GRASS CUTTING/DEBRIS REMOVAL FOR BLIGHT ELIMINATION FOR THE DEPARTMENT OF LICENSES & INSPECTIONS – CODE ENFORCEMENT

It is the recommendation of the Director of Licenses & Inspections and the City Solicitor, which has the concurrence of the Business Administrator and the Purchasing Agent that a contract be awarded to the lowest qualified bidder, Turf Construction Co., Inc., Vineland, NJ, in the amount of \$20,000.00, for a contract period from date of award and ending December 31, 2014 or until appropriated funds are exhausted.

The City Solicitor's Office has rendered the following legal opinion disqualifying the low bidder Vineland Landscaping, LLC, Vineland, NJ;

"While it would seem that an award based upon a bid is a fair and open process, the Local Government Ethics Law specifically states "No local government officer or employee or member of his immediate family shall have an interest in a business organization or engage in any business, transaction, or professional activity which is in substantial conflict with the proper discharge of his duties in the public interest." As I understand the issue, this individual employee of the City works with a department that enforces the Municipal Code. As such the public perception could reasonably be that his side work would be tied to inspections done through code enforcement. As such I would indicate that an award of a contract such as this which the public could view as being suspect would be in violation of the Local Government Ethics Laws and therefore impermissible"

We trust that the above recommendation will receive your favorable consideration and that the recommended resolution will be adopted as presented.

Respectfully submitted,

A handwritten signature in black ink that reads "Denise Monaco".

Denise Monaco
Assistant Business Administrator

DM/wr

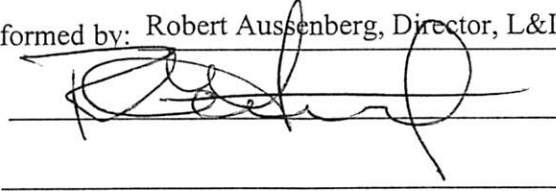


BID EVALUATION FORM

DEPARTMENT Licenses and Inspections

Date: 7-9-14

The undersigned recommends that a contract be awarded for the following:

1. Bid Title: Grass Cutting/Debris Removal for Blight Elimination
2. Amount to be Awarded: \$20,000
 Encumber Total Award
 Encumber by Supplemental Release
3. Engineer's Estimate: \$20,000
4. Amount Budget: \$ 20,000
5. Account Number to be Charged: 001-1-16-16-1606-5023103
6. Date Bids Received: July 8, 2014
7. Date to be Awarded: July 22, 2014
8. Recommended Vendor: Turf Construction Co., Inc.
9. Is Recommended Vendor the Apparent Lowest Bidder? Yes No
10. Comments/Special Instructions:
11. Evaluation Performed by: Robert Aussenberg, Director, L&I
12. Approved By: 
13. Attached: (Check-Off List)
 Tabulation of Bids
 Justification for Vendor Recommendation (if applicable)
 Evaluation Data (if applicable)

Send copies to:
Purchasing Division
Business Administration

TABULATION OF BIDS
GRASS CUTTING/DEBRIS REMOVAL
FOR BLIGHT ELIMINATION
JULY 8, 2014

	Vineland Landscaping, LLC P.O. Box 2171 Vineland, NJ 08362	Turf Construction Co., Inc. 3192 N. West Blvd. Vineland, NJ 08360
BB, CAC, CEC	CAC \$2,000.00	BB 10%
Stockholder Disclosure Cert.	YES	YES
Affirmative Action Regulations	YES	YES
Disclosure of Investment Activities in Iran	YES	YES
Check List	YES	YES
Proposal	YES	YES
Grass Cutting/Debris Removal	\$26.25	\$100.00
(Per Hour/Per Person - Including Equip.)		
	*	

*** Requesting Legal Opinion**

This company is owned by city employee, Michael D'Orazio

Specifications also sent to the following:

- D & R Landscaping
- Nu-Rain Irrigation
- Leider Landscaping

Reid Wanda

From: Tonetta Richard
Sent: Tuesday, July 15, 2014 9:41 AM
To: Reid Wanda
Cc: Lewis Yvonne; Monaco Denise
Subject: RE: Tabulation of Bids - Grass Cutting/Debris Removal for Blight Elimination

Dear Wanda,

I have reviewed the request for legal opinion regarding the award of a contract to a City Employee for grass cutting. While it would seem that an award based upon a bid is a fair and open process, the Local Government Ethics Law specifically states "No local government officer or employee or member of his immediate family shall have an interest in a business organization or engage in any business, transaction, or professional activity which is in substantial conflict with the proper discharge of his duties in the public interest." As I understand the issue, this individual employee of the City works with a department that enforces the Municipal Code. As such the public perception could reasonably be that his side work would be tied to inspections done through code enforcement. As such I would indicate that an award of a contract such as this which the public could view as being suspect would be in violation of the Local Government Ethics Laws and therefore impermissible.

Richard P. Tonetta, Esq.
Solicitor, City of Vineland
640 E. Wood Street
P.O. Box 1508
Vineland, NJ 08362-1508
(856) 794-4000 Ext. 4600
Fax: (856) 405-4632
Email: rtonetta@vinelandcity.org

From: Reid Wanda
Sent: Monday, July 14, 2014 10:21 AM
To: Tonetta Richard
Subject: FW: Tabulation of Bids - Grass Cutting/Debris Removal for Blight Elimination

Rick,

Don't forget, I need your legal opinion.

thanks

Wanda Reid
Secretarial Assistant
City of Vineland Business Administration
856-794-4000, ext. 4140

From: Lewis Yvonne
Sent: Tuesday, July 08, 2014 11:41 AM
To: Adams Robert; Aussenberg Robert

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Cc: Reid Wanda; Monaco Denise; Tonetta Richard; Capo Michele

Subject: Tabulation of Bids - Grass Cutting/Debris Removal for Blight Elimination

Attached is the tabulation of the bids received this morning for Grass Cutting/Debris Removal for Blight Elimination along with copies of the two (2) proposals received.

I have requested a legal opinion due to the fact the Vineland Landscaping is owned by city employee, Michael D'Orazio.

Any questions, please contact me.

Yvonne Lewis, RPPO
Purchasing Agent
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Vineland, NJ 08360
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