

VIA OVERNIGHT AND EMAIL**(abhzeendesign@gmail.com)**

August 2, 2019

Alpa Naik, President
Abhzeen Design, Inc.
2152 Whitesville Road
Toms River, NJ 08755

**RE: Edison Township Public Bid No. 17-54-01
Interior Floor Replacement and Installation of
Above Floor Kennel System
Edison Animal Shelter – 125 Municipal Blvd., Edison**

Dear Ms. Naik:

This office serves as general counsel to the Township of Edison (“Township”) in connection with the above matter. In that capacity, we write to request your immediate response, by no later than the close of business on Tuesday, August 6, 2019, to address the concerns set forth below which have developed with respect to the above mentioned Kennel System, which we are advised by the Township is beyond repair and needs immediate replacement.

The Edison Animal Shelter Kennel System, as installed by Abhzeen Design, Inc. (“ADI” or “Contractor”), is causing serious safety issues. Some months after completion of the work and final payment to the Contractor in the Spring of 2018, it was brought to the Township’s attention by the Animal Shelter that both the animals and employees, were getting hurt and cut from the kennels. In one case, a dog had been stuck between the bars in a door gate for hours overnight. Furthermore, edges of metal parts of the cages have sharp edges, and create a hazard. Floors in the large cages are buckling from the weight of the animals and the staff during cleaning, which cannot be countenanced. The surface of the floors in the large cages are slippery when wet, and are not pitched to drain to the rear of the cages, allowing fluids to puddle. Further, the latches are not secure enough, and cages should be lockable for security and safety of the staff. Fasteners for the latches are protruding in the cages.

These are some of the core issues and concerns with the Kennel System that ADI installed for the Edison Animal Shelter. Based on a review of the problems undertaken by the Edison Township Code Official, he opined that the large cages are not of a construction design to hold large animals securely, and without a lockable latch, they are not secure for the safety of the staff first, and the security of the animals second. Further, in his opinion, the large cages are not of sufficient quality for the use at the Shelter.

Under the bid specifications, the Contractor was required to warrant and guarantee to the Township that the work will be of good quality, free from faults or defects, and undertaken in accordance with the requirements of the Contract for this project. All materials and equipment were to be applied, installed, connected, erected and used in accordance with the instructions of the manufacturer, and in accordance with the Contract, to provide a “functioning canine housing unit”. As these problems demonstrate, the work clearly does not meet the requirements of the

Contract. As a result, the Contractor, as well as K9 Kennel Store, the manufacturer of the kennels (“K9”)¹, needs to address these problems immediately.

Immediate action is needed to ensure the safety of the animals and staff, since the kennels are not functioning as intended. The Township Code Official has determined that a “fix” of the problem is not cost effective, and that the kennels need to be replaced with kennels that are fit for the purposes intended. In consequence, the Township is requesting that your company, as the Contractor on the project, advise me immediately, by no later than the close of business on Tuesday, August 6, 2019, whether you intend to immediately replace the kennels and provide a schedule and plan with respect to such replacement. If we do not hear from you or you do not plan to replace the kennels, the Township will have no other choice but to move forward with such replacement and take all appropriate actions needed to be made whole.

We await your prompt reply. Thank you.

Very truly yours,

LESLIE G. LONDON

Leslie G. London

LGL/tjd

cc: Maureen Ruane, Township Administrator
Melissa Perilstein

¹ As we understand it, the kennels were prefabricated by K9, and then assembled on site by the Contractor. We further understand that there is a maintenance warranty from the Contractor to the Township for a two (2) year period ending on March 18, 2020.