

Borough of Spring Lake
County of Monmouth

**RESOLUTION – AWARD OF CONTRACT #01-2024
ROAD IMPROVEMENTS TO PITNEY AVENUE PHASE II**

WHEREAS, on November 29, 2023 bids were received for Road Improvements to Pitney Avenue Phase II, and

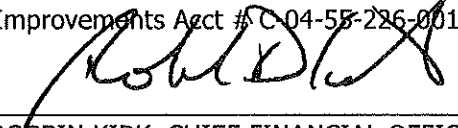
WHEREAS, ten (10) packages were picked up and nine (9) bids were received, and

WHEREAS, Fernandes Construction, Inc., Monroe, NJ submitted the lowest responsible bid for the Road Improvements to Pitney Avenue Phase II at a total bid of \$297,462.67 and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Spring Lake that Contract #01-2024 is hereby awarded to Fernandes Construction, Inc, Monroe, NJ for the Road Improvements to Pitney Avenue Phase II at a cost not to exceed \$297,462.67.

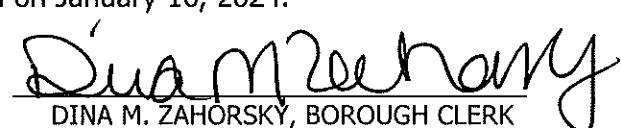
CERTIFICATION AS TO AVAILABILITY OF FUNDS

I, Robbin Kirk, Chief Financial Officer of the Borough of Spring Lake hereby certify that funds are available from the following accounts NJ DOT Grant G-02-41-701-334 with an available balance of \$274,290 and balance of \$23,172.67 to Reserve for 2024 Road Improvements Acct # C-04-55-226-001.


ROBBIN KIRK, CHIEF FINANCIAL OFFICER


JENNIFER NAUGHTON, MAYOR

I hereby certify that the above Resolution was duly adopted by the Mayor and Borough Council of the Borough of Spring Lake at a meeting held on January 16, 2024.


DINA M. ZAHORSKY, BOROUGH CLERK

	M O V E D	S E C O N D E D	A Y E S	N A Y S	A B S E N T	A B S T A I N
MR. ERBE			✓			
MR. HALE		✓	✓			
MR. JUDGE	✓		✓			
MISS MCDONOUGH			✓			
MR. SAGUI			✓			
MS. WHALLEY			✓			
MAYOR NAUGHTON			✓			

I hereby certify that the above Resolution was duly adopted by the Mayor & Borough Council of the Borough of Spring Lake at a meeting held on January 16, 2024.

Borough Clerk

LEON S. AVAKIAN, INC. *Consulting Engineers*

788 WAYSIDE ROAD • NEPTUNE, NEW JERSEY 07753

LEON S. AVAKIAN, P.E., P.L.S. (1953-2004)
PETER R. AVAKIAN, P.E., P.L.S., P.P.
MEHRYAR SHAFAI, P.E., P.P.
GREGORY S. BLASH, P.E., P.P., CPWM
LOUIS J. LOBOSCO, P.E., P.P.
GERALD J. FREDA, P.E., P.P.
JENNIFER C. BEAHM, P.P., AICP
CHRISTINE L. BELL, P.P., AICP
SAMUEL J. AVAKIAN, P.E., P.L.S., P.P.

December 1, 2023

Mr. W. Bryan Dempsey, Administrator
Borough of Spring Lake
423 Warren Avenue
Spring Lake, NJ 07762

**Re: Improvements to Pitney Avenue, Phase II
Bid Recommendation
Borough of Spring Lake, Monmouth County
Our File: SL-23-08**

Dear Mr. Dempsey:

Bids were received on November 29, 2023, for the above referenced project. Ten (10) contractors purchased bid documents and nine (9) contractors submitted complete bids. The base bid amount ranged from a low bid of \$223,137.17 to a high of \$278,705.40. The project also included two (2) alternates. The base bid and alternates amount ranged from a low bid of \$297,462.67 to a high of \$365,388.85. The apparent low bidder for both, the base bid, and alternates, is Fernandes Construction Inc. as seen on the attached bid tabulations.

The references for Fernandes Construction Inc. have been found to be satisfactory. We therefore recommend that the contract be awarded to Fernandes Construction for the base bid and alternates in the amount of \$297,462.67, subject to the favorable review of the bid bond by the Borough Attorney, and the availability of funding to complete the project.

Should you have any questions regarding this matter, please feel free to contact our office.

Sincerely,

LEON S. AVAKIAN, INC.



Samuel Avakian, P.E., P.L.S., P.P.
Project Manager

SJA: sj
Enclosure
SL-23-10 BidRec

TABULATION OF BIDS- IMPROVEMENTS TO PITNEY AVENUE, PHASE II, MONMOUTH COUNTY, NJ

REQUIRED BID DOCUMENTS TO BE SUBMITTED		Forman Construction, Inc. 25 Sampson Dr Monroeville, NJ 08051		Tone Paving Company 4 Five Corp Cranford, NJ 07017		MECO, Inc. P.O. Box 576 Clarkburg, NJ 08414		Larry Apaldi Company P.O. Box 576 Farmingdale, NJ 07724		JACO Construction P.O. Box 515 South River, NJ 08052		Story Top Construction 25 Yahnke Road Fishkill, NY 12525		S. Bertolis Inc. P.O. Box 117 South River, NJ 08052		Black Rock Enterprises, Inc. 115A Leighton Road Old Bridge, NJ 08857		Z Brothers Concrete 314 James Mill Road Succasunna, NJ 08052		Amer Construction, LLC 31 Park Ave. South River, NJ 08052		
BID DOCUMENT CHECKED		X		X		X		X		X		X		X		X		X		X		
BID SECURITY		X		X		X		X		X		X		X		X		X		X		
PERCENT OF BIDS		X		X		X		X		X		X		X		X		X		X		
PROJECT REFERENCE		X		X		X		X		X		X		X		X		X		X		
STATEMENT OF WORK		X		X		X		X		X		X		X		X		X		X		
CERTIFICATE OF LIABILITY INSURANCE		X		X		X		X		X		X		X		X		X		X		
STATE/LOCAL AFFILIATE		X		X		X		X		X		X		X		X		X		X		
ADDITIONAL REQUIREMENTS		X		X		X		X		X		X		X		X		X		X		
NOT FINANCIAL RESPONSIBILITY CERTIFICATION		X		X		X		X		X		X		X		X		X		X		
LIST OF SUBMITTALS		X		X		X		X		X		X		X		X		X		X		
PUBLIC WORKS CERTIFICATION REPORT AND CERTIFICATION		X		X		X		X		X		X		X		X		X		X		
DEPARTMENT OF TRANSPORTATION CERTIFICATION		X		X		X		X		X		X		X		X		X		X		
ITEM NO.	DESCRIPTION	QUANTITY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	Subgrade, Type 1	55	SY	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
2	Subgrade, Type 2	16	LN	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
3	Drain	12	LN	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
4	Traffic Curb	50	LN	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
5	Construction Materials, Type 1	100	LN	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
6	Unimproved Traffic Driveway	100	LF	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
7	Unimproved Traffic Driveway	1	LN	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
8	Final Drive Adaptation	1	LN	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
9	Unimproved Traffic Driveway	5	SY	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
10	Unimproved Traffic Driveway	7100	SY	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
11	Hot Mix Asphalt, 4" 5500 Surface Course	9201	T	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
12	Hot Mix Asphalt, 4" 5500 Surface Course	710	GAJ	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
13	Hot Mix Asphalt, 4" 5500 Surface Course	8	LN	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
14	Hot Mix Asphalt, 4" 5500 Surface Course	5	LN	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
15	Hot Mix Asphalt, 4" 5500 Surface Course	5	LN	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
16	Hot Mix Asphalt, 4" 5500 Surface Course	5	LN	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
17	Hot Mix Asphalt, 4" 5500 Surface Course	100	SY	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
18	Hot Mix Asphalt, 4" 5500 Surface Course	8	SY	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
19	Hot Mix Asphalt, 4" 5500 Surface Course	80	SY	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
20	Hot Mix Asphalt, 4" 5500 Surface Course	10	SY	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
21	Hot Mix Asphalt, 4" 5500 Surface Course	845	LF	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
22	Hot Mix Asphalt, 4" 5500 Surface Course	120	LF	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
23	Traffic Striping, Thermoplastic, 4" 5500 Surface Course	860	LF	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00			

AGREEMENT

THIS AGREEMENT dated this 6th day of March 2024, between the BOROUGH OF SPRING LAKE, with offices located at 423 Warren Avenue, Spring Lake, Monmouth County, New Jersey, hereafter referred to as "Owner", and FERNANDES CONSTRUCTION INC., a New Jersey Corporation, with offices located at 25 Stonegate Drive, Monroe, New Jersey, hereafter referred to as "Contractor".

WITNESSETH:

1. It is agreed by and between the parties that the documents entitled "Specifications for the "Improvements to Pitney Avenue – Phase II in the Borough of Spring Lake, Monmouth County, New Jersey", dated August 15, 2023, last revised September 20, 2023, prepared by Samuel J. Avakian, P.E., License No. 42589, hereafter referred to as "Specifications" including the Information For Bidders; the Technical Specifications; the Plan Set (7 sheets) prepared by Samuel J. Avakian, P.E., dated August 15, 2023, last revised October 18, 2023, hereinafter referred to as "Drawings"; together with the terms and conditions set forth in the bid package and all representations made by Contractor in its bid proposal are also specifically incorporated herein by reference; and are made a part hereof as if set forth at length herein and the terms and conditions there in form a material part of this contract together with all statements and information made by Contractor in its bid.

2. Contractor, for and in consideration of the payments hereinafter specifies, hereby covenants and agrees to furnish and deliver all the materials and to do and perform all the work and labor required to complete the quantity of work items specified in the proposal form of aforementioned Specifications and as shown on the aforementioned Drawings. The Contractor

agrees to perform all of such work in strict and entire conformity with the conditions and specifications and will complete the work by and within the time set forth in such attachments.

3. Contract Times. Substantial completion of all work shall be on or before May 17, 2024.

4. Owner shall pay Contractor for the performance of the work as bid, in the sum of the corrected bid amount of \$297,462.67, which payment is to be made as provided in the Specifications.

5. No assignment by a party hereto of any rights under or interest in the Contract Documents included in the Specifications, will be binding on another party hereto without the written consent of the party sought to be bound; and specifically but without limitation, moneys that may become due and moneys that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under this Contract.

6. OWNER and CONTRACTOR each binds itself, its partners, successors, assigns and legal representatives to the other party hereto, its partners, successors, assigns and legal representatives in respect of all covenants, agreements and obligations contained in the Contract Documents.

7. Addresses for giving Notices:

BOROUGH OF SPRING LAKE
423 Warren Avenue
P.O. Box 638
Spring Lake, NJ 07762

FERNANDES CONSTRUCTION INC.
25 Stonegate Drive
Monroe, New Jersey, 08831

8. Additional Terms as follows:

- a. BENEFIT. This Agreement shall be binding upon and inure to the benefit of the legal representatives, successors and assigns of the parties hereto.
- b. CONSTRUCTION. This Agreement is being delivered and is intended to be performed in the State of New Jersey and shall be construed and enforced in accordance with the laws thereof.
- c. NOTICES. All notices, requests, demands and other communications hereunder shall be written, and shall be deemed to have been duly given if delivered or mailed, by certified mail, return receipt requested, to the parties hereto at the address stated on the first page of this contract.
- d. COUNTERPARTS. This agreement may be executed simultaneously in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.
- e. DEFENSE & INDEMNIFICATION Contractor shall defend, indemnify and hold the Borough harmless from and against any claims against the Borough for damages to person or property, including attorneys' fees, arising from the acts/omissions of the Contractor, its agents, officers, employees and subcontractors in furtherance of performance under this Contract.

IN WITNESS WHEREOF, THE OWNER AND CONTRACTOR have signed this
AGREEMENT.

OWNER:
BOROUGH OF SPRING LAKE

CONTRACTOR:
FERNANDES CONSTRUCTION INC.

By: 
JENNIFER NAUGHTON, MAYOR

By: 
JOAQUIM FERNANDES, PRESIDENT

Attest:


W. BRYAN DEMPSEY, ADMINISTRATOR

Attest:


_____, SECRETARY

(Affix Corporate Seal)

STATE OF NEW JERSEY)

ss.:

COUNTY OF MONMOUTH)

I CERTIFY THAT ON THIS 6 DAY OF MARCH, 2024,
JOAQUIM FERNANDES personally came before me and this person acknowledged under oath, to my
satisfaction, that:

- (a) This person is the President of FERNANDES CONSTRUCTION INC., the corporation
named in this document;
- (b) This person is the attesting witness to the signing of this document by JOAQUIM
FERNANDES, the proper corporate officer, who is the President of this corporation;

- (c) This document was signed and delivered by the corporation as its voluntary act duly authorized by a resolution of its Board of Directors;
- (d) This person knows the proper seal of the corporation which was affixed to this document;
and
- (e) This person signed this proof to attest to the truth of these facts.

Signed and sworn to before me on 6 March, 2024

Claudia Fernandes
Signature

Name Claudia Fernandes
Notary Public of New Jersey
My Commission Expires 10/7/2026

