

**TOWNSHIP OF WARREN
RESOLUTION NO. 2023-225**

AUTHORIZING THE QPA TO UTILIZE THE SERVICES OF J&M LANDSCAPING

WHEREAS, an element of the Pavilion construction project includes landscaping, site work and brick installation; and

WHEREAS, Bismark Construction (“Bismark”) was awarded the contract for the new pavilion (the “Pavilion”), that includes the landscaping work by Resolution 2022-125 dated May 12, 2022;

WHEREAS, in July of 2023, an inspection of the landscaping work performed by Bismark’s subcontractor was found to be unacceptable and unsafe for use by the public or for proper maintenance by the Public Works Department as there were numerous soft spots and rocks that were not removed around the Pavilion site and other conditions which rendered the Pavilion site unsafe; and

WHEREAS, Bismark was advised that its landscape and brick paver work was unacceptable and notified that the Township would be seeking quotes from other contractors to properly perform the landscape and brick paver work (with adjustments to its overall contract to be forthcoming as detailed below); and

WHEREAS, Bismark and the Township of Warren then acquired 3 quotes for site work, paving and turf work for the Pavilion. The quotes acquired were as follows: A-Tech Landscape Design, South Plainfield, in the amount of \$60,748; Hewson Landscaping, Inc., Plainfield, in the amount of \$74,050; and J&M Landscaping and Construction Co., Inc., Warren, in the amount of \$42,000; and

WHEREAS, the Township Administrator is recommending that the Township engage the services of a new contractor in order to ensure that the Township, and not Bismark, is controlling the landscape and brick paver remediation work. This landscape and brick paver work will now be under the direct supervision of the Superintendent of Public Works; and

WHEREAS, the Township will seek and negotiate a credit from Bismark Construction in an amount to be determined to offset the cost of this unanticipated landscape and brick paver expenditure as the work was not performed in accordance with the Township’s requirements, and

WHEREAS, Warren Township, in order to effectuate the remediation of the defective landscape and brick paver work requires services of a contractor pursuant to the non-fair and open contract provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, The Township Administrator has determined that the value of the landscape remediation work will exceed the pay-to-play threshold of \$17,500 and, therefore, require action by the Township Committee; and

WHEREAS, the Township Administrator is recommending that J&M Landscaping be awarded a Purchase Order for the landscape remediation work and certain improvements to the brick paving around the Pavilion in an amount not to exceed \$42,000.00 since the J&M Landscaping quote is the lowest of the 3 quotes obtained; and

WHEREAS, J&M Landscaping must provide a completed Business Entity Disclosure Certification which certifies that J&M Landscaping has not made any reportable contributions to a political or candidate committee in Warren Township in the previous one year, and that J&M Landscaping, is prohibited from making any reportable contributions through the term of the contract.

WHEREAS, a certificate showing the availability of funds is hereby provided by the Chief Financial Officer, and is made a part hereof indicating that the maximum for the within expenditure is charged to account number x-04-55-904-6002 for \$42,000.00.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Warren in the County of Somerset, State of New Jersey, that the QPA is authorized to execute a Purchase Order to J&M Landscaping for landscaping remediation work and certain improvements to the brick pavers around the Pavilion; and

BE IT FURTHER RESOLVED, that the Administrator and Township Attorney are authorized to negotiate a credit with Bismark to offset the cost of the landscaping remediation work and certain improvements to the brick pavers around the Pavilion which was found unacceptable by the Construction Manager and Superintendent of Public Works.

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
DiNARDO						X
LAZO			X			
SORDILLO			X			
LONTAI		X	X			
CROSON	X		X			

I, Cathy Reese, Township Clerk of the Township of Warren, in the County of Somerset, New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted at a meeting of the Township Committee held on August 17, 2023.

Cathy Reese, RMC
Township Clerk