

Mayor Nolan offered the following Resolution and moved on its adoption:

**Borough of Highlands**

**County of Monmouth**

**R-12-44**

**Resolution Rescinding Resolution No. R-11-229 which awarded a contract to Mixalia Enterprises, LLC and awarding a contract L&L Paving, Inc., which was the low bidder on the reconstruction of Bay Avenue Road Improvement Project.**

Whereas, on or about November 30, 2011 the Borough accepted bids for the Bay Avenue Road Improvement Project (hereinafter referred to as the "Project"); and

Whereas, the bidders included, inter alia, Mixalia Enterprises ("Mixalia") and L&L Paving Inc. ("L&L"); and

Whereas, Mixalia's aggregate bid was \$400,000.00 and L&L's aggregate bid was \$387,842.40; and

Whereas, during the initial bid review, it appeared that Mixalia incorrectly tabulated its bid and its bid was actually \$360,000.00, making it the lowest responsible bidder; and

Whereas, based on being the apparent lowest responsible bidder, by Resolution No. R-11-229, the Borough awarded the contract for the Project to Mixalia; and

Whereas, upon further review of the bids, it was determined that there was no error in Mixalia's bid calculation and its bid was \$400,000.00; and

Whereas, based on the bids submitted and correctly tabulated, Mixalia was not the lowest responsible bidder and, in fact, L&L is the lowest responsible bidder; and

Whereas, the Mayor and Council find that it is in the best interest of the Borough and in accordance with the Local Public Contracts Law to rescind Resolution No. R-11-229 and award the contract for the Project to L&L for the amount of \$387,842.40.

Now, therefore, be it resolved by the Mayor and Council of the Borough of Highlands as follows:

1. The Borough rescinds Resolution No. R-11-229 and any contract between it and Mixalia in relation to the Project; and

2. The Borough finds that L&L is the lowest responsible bidder on the Project and awards the contract for the Bay Avenue Roadway Improvement to L&L for the amount of \$387,842.40; and

3. The Borough Clerk, Administrator and Engineer shall take all steps deemed appropriate and necessary to notify all necessary parties and effectuate the purpose of this resolution.

Seconded by Mr. Redmond and adopted on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Redmond, Mr. O'Neil, Mr. Francy, Ms. Kane, Mayor Nolan

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

**DATE:** February 15, 2012

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**Carolyn Cummins, Borough Clerk**

I hereby certify this to be a true copy of Resolution R-12-44 adopted by the Governing Body of the Borough of Highlands at a meeting held on February 15, 2012.

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Borough Clerk/Deputy Clerk