

**Borough of Highlands**  
**R-15-115**  
**Resolution No. 2015-**

**AUTHORIZING THE BOROUGH OF HIGHLANDS TO ENTER INTO A  
MEMORANDUM OF AGREEMENT WITH BAY HEAD INVESTMENTS, INC. AS A  
RESULT OF BAY HEAD'S FAILURE TO PROVIDE THE BOROUGH WITH A FORD  
F-450 4-WHEEL DRIVE 4X4, HORTON 623, TYPE 1 AMBULANCE**

**WHEREAS**, pursuant to N.J.S.A. 40A:11-1 et. seq. the Borough of Highlands advertised and solicited bids for two (2) Ambulances; and

**WHEREAS**, pursuant to the Instructions to Bidders, prospective bidders were to bid on providing the Borough with two (2) ambulances in accordance with the following specifications: One (1) must be a new, Type 1 4-wheel drive Ambulance with chassis equivalent to a Ford F-450 or F-350 series, custom built to the provided F-series bid specifications. The other Ambulance may be an identical new Type 1 4-wheel drive (4x4) Ambulance with chassis equivalent to a Ford F-450 or F-350 series, custom built to the provided F-series bid specifications; a new, Type III Ambulance with chassis equivalent to a Ford E-350 series, custom built to the provided E-series bid specifications; or a functionally equivalent Stock, Demo, or Refurbished unit that meets the provided E-series bid specifications; and

**WHEREAS**, the Borough of Highlands received bids from Bay Head Investments, Inc. d/b/a VCI Emergency Vehicle Specialists and Campbell Supply Co. LLC/Wheeled Coach Industries; and

**WHEREAS**, Bay Head, in its bid proposal, proposed to provide the Borough with a 2014 Ford F-450 4-wheel drive 4x4, Horton 623, Type 1 Ambulance valued at \$199,837.00 and a 2006 Ford E-450 Diesel, Type III, Refurbished Horton 553A Ambulance valued at \$40,000.00 for the total amount of \$239,837.00; and

**WHEREAS**, pursuant to Resolution No. 14-91, the Borough awarded a contract for two (2) ambulances to Bay Head in the amount of \$239,837.00; and

**WHEREAS**, Bay Head failed to provide the Borough with a 2014 Ford F-450 4-wheel drive 4x4, Horton 623, Type 1 Ambulance in accordance with its Bid Proposal, the Contract, and the Bid Specifications and instead sought to provide the Borough with a 2015 F-450 2-wheel drive 4x2, Horton 623, Type 1 Ambulance; and

**WHEREAS**, the Bid Specifications entitle the Borough to monetary and/or other damages from the bidder as a result of the bidder's failure to fulfill in a timely and proper manner, the obligations contained in the contract and bid specifications; and

**WHEREAS**, in lieu of seeking monetary damages from Bay Head as a result of Bay Head's failure to provide a 2014 Ford F-450 4-wheel drive 4x4, Horton 623, Type 1 Ambulance

in accordance with its Bid Proposal, the Contract and the Bid Specifications, the Borough and Bay Head desire to enter into a Memorandum of Agreement in the form attached hereto. The services and equipment to be provided by Bay Head as defined in the Memorandum of Agreement attached hereto shall constitute a fair measure of the Borough's damages as a result of Bay Head's aforementioned failure to provide a 2014 Ford F-450 4-wheel drive 4x4, Horton 623, Type 1 Ambulance in accordance with its Bid Proposal, the Contract and the Bid Specifications.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Highlands, County of Monmouth, New Jersey that Bay Head has failed to comply with its Bid Proposal, the Bid Specifications and its Contract as a result of its failure to provide a 2014 Ford F-450 4-wheel drive 4x4, Horton 623, Type 1 Ambulance in accordance with those documents.

**BE IT FURTHER RESOLVED** that the Borough is hereby authorized to enter into a Memorandum of Agreement with Bay Head in the form attached hereto, which shall constitute the agreement by and between Bay Head and the Borough concerning damages sustained by the Borough as a result of Bay Head's failure to provide a 2014 Ford F-450 4-wheel drive 4x4, Horton 623, Type 1 Ambulance in accordance with its Bid Proposal, the Contract and the Bid Specifications.

**BE IT FURTHER RESOLVED** that the Mayor, or his designee, is hereby authorized and directed to sign such agreements and take any such ministerial actions as are necessary to effectuate the provisions of this resolution.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
CARD			x			
KANE			x			
REDMOND			x			
RYAN	x	x	x			
NOLAN						x
ON CONSENT AGENDA		x	YES	NO		

DATE: May 20, 2015

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Carolyn Cummins, Borough Clerk

I hereby certify this to be a true copy of Resolution R-15-115 adopted by the Governing Body of the Borough of Highlands on May 20, 2015.

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