

**MANASQUAN BOARD OF EDUCATION**

**RESOLUTION**

**AWARD OF CONTRACT TO SLS CONSTRUCTION, LLC FOR  
WORK ASSOCIATED WITH THE MANASQUAN ELEMENTARY SCHOOL  
2017 PARTIAL EXTERIOR WINDOW REPLACEMENT and MANASQUAN  
HIGH SCHOOL 2017 STAIR TOWER INTERIOR  
DOOR REPLACEMENT (GA#17-23)**

WHEREAS, in accordance with a published bid solicitation for work associated with the Manasquan Elementary School for partial exterior window replacement and the Manasquan High School for stair tower interior door replacement (GA#17-23) (hereinafter the Work), the Manasquan Board of Education received bids in the normal course; and

WHEREAS, in response to its bid solicitation for the Work, the Board of Education received bids and, of those bids received, the two (2) lowest purported bidders were A Plus Glass and Metal, LLC and SLS Construction, LLC; and

WHEREAS, the Manasquan Board of Education structured the bids to provide for a base bid, together with an add alternate #1, to provide dual glazing and internal blinds at all window types; and

WHEREAS, A Plus Glass and Metal, LLC submitted a base bid in the amount of \$349,900, together with a value for the alternate in the amount of \$8,000; when the values are added together, they result in a total value of \$357,900, which exceeds A Plus Glass and Metal, LLC's pre-qualification value by \$7,900, and accordingly, A Plus Glass may not be deemed a responsive and responsible bidder to the extent that their classification for work awarded may not exceed \$350,000; and

WHEREAS, the next purported low bidder, SLS Construction, LLC, has submitted a base bid in the amount of \$381,800, with a value for the alternate in the amount of \$21,278, for a total award of base and alternate of \$403,078; which when added to the uncompleted contracts does not exceed SLS Construction, LLC's \$2 million DPMC trade classification; and

WHEREAS, despite the fact that SLS Construction, LLC's electrical subcontractor did not submit within its materials the "No Material Change of Circumstances Affidavit", the Board finds that on the basis of Board Counsel's recommendation such omission in this instance is a waivable immaterial defect in accordance with Tech Electric, Inc. v. Franklin Lakes Board of Education, 248 N.J. Super 480 (1995), specifically, in light of the fact that the subcontractor submitted a current School Development Authorities Classification dated June 9, 2016, as well as the DPMC qualification which was effective May 16, 2016; and

WHEREAS, the Board finds that in light of the above-referenced facts and circumstances, the failure to submit the No Material Change of Circumstances Affidavit was an immaterial, waivable and/or curable condition; and

WHEREAS, the Board finds that the lowest responsive and responsible bidder to the bid solicitation for the work identified, together with the alternate, is SLS Construction, LLC; and

WHEREAS, the Board finds that there are adequate funds to enter into contract for the Work, together with Alternate #1

NOW, THEREFORE, BE IT RESOLVED that the contract for the above-described work be awarded to SLS Construction, LLC, upon recommendation of the District Architect in a base bid amount of \$381,800, together with an alternate bid in the amount of \$21,278,

for a total award for the base and alternate of \$403,078, and that such contract be awarded subject to final contract review by the Board of Education's attorney;

BE IT FURTHER RESOLVED that the District's professional staff take any and all action necessary to effectuate the purpose of the Board's Resolution in this matter.