

BOROUGH OF AVALON
CAPE MAY COUNTY, NEW JERSEY
2024 BEACH RENOURISHMENT PROJECT
CONTRACT NO. M-137

NOTICE TO BIDDERS

NOTICE is hereby given that sealed bids will be received by the Borough of Avalon (hereinafter called the "Owner") for:

2024 BEACH RENOURISHMENT PROJECT
CONTRACT NO. M-137

Sealed bids for the above named Contract, involving beach renourishment of the public beaches within the Borough of Avalon, Cape May County, New Jersey ("Owner"), will be received by the Borough Treasurer, Borough Hall, 3100 Dune Drive, Avalon, New Jersey 08202 on **Thursday, March 28, 2024 at 2:00 p.m.** prevailing time, at which time they will be publicly unsealed and the contents publicly announced.

The work includes: scraping of approximately 55,000 cubic yards of sand from the beachfront borrow area located between 32nd Street and 40th Street; hauling the sand along the beach to the proposed fill area between 9th Street and 16th Street; and spreading and grading the sand within the fill area to the grades and elevations described in the contract drawings. Beach renourishment operations shall be conducted in accordance with State and Federal permits and as described in the contract specifications or as shown on the contract drawings. The work shall be completed within **60 calendar days** of the Contractor's receipt of written Notice to Proceed.

No bid will be received unless in writing on the forms furnished, and unless accompanied by bid security in the form of a bid bond, cashier's check, or a certified check made payable to the Borough of Avalon in an amount equal to 10% of the amount of the total bid, but not exceeding \$20,000.

The bid shall be accompanied by a Certificate of Surety on the form included in the Contract Documents, from a surety company licensed to do business in the State of New Jersey, which shall represent that the surety company will provide the Contractor with the required bonds in the sums required in the Contract Documents and in a form satisfactory to the Owner's Attorney and in compliance with the requirements of law.

Bidders must use the prepared bid form which is contained in the Contract Documents. All Bid Proposals shall be either mailed or dropped off in person at the Borough Hall, 3100 Dune Drive, Avalon, NJ 08202 in a sealed envelope with the bidder's name and address and clearly marked on the outside of envelope with the contract name, number and the name and address of the bidder that is submitting the proposal.

No bids will be received after the time and date specified, and no bids will be received by mail. Bids shall be received by courier service (date and time recorded) or shall be hand delivered. The Owner shall award the Contract or reject all bids within 60 days of bid opening, except that the bids of any bidders who consent thereto may, at the request of the Owner, be held for consideration for such longer period as may be agreed.

The Owner will tabulate the bids and any award will be made to the lowest responsible bidder in accordance with N.J.S.A. 40A:11-4. The Owner reserves the right to reject all bids pursuant to N.J.S.A. 40A:11-13.2.

All bid security except the security of the three apparent lowest responsible bidders shall be returned, unless otherwise requested by the bidder, within ten (10) days after the opening of the bids, Sundays and holidays excepted, and the bids of the bidders whose bid security is returned shall be considered withdrawn.

Each bidder must submit with his bid a signed certificate stating that he owns, leases or controls all the necessary equipment required to accomplish the work shown and described in the Contract Documents. Should the bidder not be the actual owner or lessee of such equipment, his certificate shall state the source from which the equipment will be obtained and, in addition, shall be accompanied by a signed certificate from the owner or person in control of the equipment definitely granting to the bidder the control of the equipment required during such time as may be necessary for the completion of that portion of the Contract for which it is necessary. The bidder shall comply with the documentation requirements set forth in the Article of the Information for Bidders, entitled, "Bidder Submissions".

The successful bidder will be required to submit bonds and proof of insurance on or before execution of their respective Contracts as explained in the Contract Documents.

Bidders are required to comply with all relevant Federal and State Statutes, Rules and Regulations including but not limited to the applicable provisions of Title VI of the Civil Rights Act of 1964, as amended (42 USC 2000d-2000D-4A), the discrimination and affirmative action provisions of N.J.S.A. 10:2-1 through 10:2-4, the New Jersey Law against Discrimination, N.J.S.A. 10:5-1, et seq., the rules and regulations promulgated pursuant thereto, the State requirement for bidders to supply statements of ownership (N.J.S.A. 52:25-24.2) and the State requirement for submission of the names and addresses of certain subcontractors (N.J.S.A. 40A:11-16).

The Contract Documents may be reviewed online at no cost at www.bidset.com/mott.

The Contract Documents may be obtained by any prospective bidder upon payment of a fee of forty-five dollars (\$45.00) for each set of full-sized drawings with specifications by calling 1-877-424-3738 or by online request at www.bidset.com/mott. Shipping charges are additional and variable depending upon the pick-up or delivery option selected by the purchaser. Bid documents cannot be obtained at the Borough's Office or at the Engineer's office. The printing cost is not refundable.

Pursuant to N.J.S.A. 10:5-31 et seq., bidders are required to comply with the requirements of N.J.A.C. 17:27.

Each Bidder must submit with his bid an "Ownership Disclosure Statement" and is requested to submit with his bid the "Non-Collusion Affidavit" on the forms included in the Contract Documents.

Bidders and their subcontractors of any tier must comply with all applicable provisions of the Public Works Contractor Registration Act (N.J.S.A. 34:11-56.48) and the New Jersey Prevailing Wage Act (N.J.S.A. 34:11-56.25). P.L. 2021, c. 301 requires that if a Contract is subject to the Prevailing Wage Act and the contractor submitting the lowest bid for a Contract is 10 percent (or more) lower than the next lowest bid, the bidder must certify to the public body that the prevailing wage rates required by the Act shall be paid. If the Bidder does not provide the certification prior to the award of the contract, the public body will award the Contract to the next lowest responsible and responsive Bidder. Further, P.L. 2021, c. 301 also amended N.J.S.A. 34:11-56.27 to require that any Contract for public work expressly stipulate that workers performing work under the contract shall not be paid less than the required prevailing wage rate. Contractors and their sureties shall be liable to the public body, any lessee to whom the public body is leasing a property or premises or to any lessor from whom the public body is leasing or will be leasing a property or premises, for any excess costs occasioned by the termination of their right to proceed with the work, or such part of the work as to which there has been a failure to pay required wages.

Pursuant to N.J.S.A. 52:32-44, all business organizations that conduct business with a New Jersey government agency are required to be registered with the State of New Jersey. Bidders and their subcontractors must submit proof that they are registered with the New Jersey Department of Treasury, Division of Revenue by submitting a copy of their Business Registration Certificate prior to Contract award.

It is the purpose of this Notice to Bidders to summarize some of the more important provisions of the Contract Documents. Prospective bidders are cautioned not to rely solely on this summary, but to read the Contract Documents in their entirety.

By Order of the Borough of Avalon
John McCorristin, Mayor

Publication Date: March 13, 2024