

RESOLUTION NO. 2022-266

**RESOLUTION OF THE TOWNSHIP OF LITTLE
EGG HARBOR, COUNTY OF OCEAN, STATE OF
NEW JERSEY, AWARDING A CONTRACT FOR
DEMOLITION OF STRUCTURE LOCATED AT 50
WEST RARITAN DRIVE (BLOCK 325.100, LOT 28)
TO WINZINGER, INC.**

WHEREAS, the Township of Little Egg Harbor duly advertised for the receipt of bids for Demolition of Structure Located at 50 West Raritan Drive (Block 325.100, Lot 28); and

WHEREAS, in response to the invitation to bidders, four (4) bids were received on October 26, 2022; and

WHEREAS, the bid has been reviewed by the Township Attorney, and it has been determined that Winzinger, Inc., submitted the lowest responsible bid in accordance with the bid specifications, said bid being \$27,300.00; and

WHEREAS, it is the desire of the governing body to award a contract for Demolition of Structure Located at 50 West Raritan Drive (Block 325.100, Lot 28) to Winzinger, Inc. in the amount of \$27,300.00.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Township of Little Egg Harbor, County of Ocean, State of New Jersey as follows:

1. That the governing body does hereby award a contract to Winzinger, Inc. for Demolition of Structure Located at 50 West Raritan Drive (Block 325.100, Lot 28) in the amount of \$27,300.00.

2. That the Mayor and the Township Clerk are hereby authorized to execute a contract with Winzinger, Inc. in accordance with the bid submitted by Winzinger, Inc. for the Demolition of Structure Located at 50 West Raritan Drive (Block 325.100, Lot 28).

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Rothstein, Mandell, Strohm,
Halm & Cipriani, P.A.
ATTORNEYS AT LAW

98 East Water Street
Toms River, NJ 08753

o: 732.363.0777
f: 732.905.6555


3. That a Certificate of Availability of Funds executed by the Chief Financial Officer is annexed hereto. The following are the line item appropriations or ordinances which constitute the availability of funds for this contract:

2-01-26-770-999

4. That a certified copy of this resolution, together with a copy of the contract between the parties, shall be forwarded to the Chief Financial Officer, Township Engineer, and Winzinger, Inc.

CERTIFICATION

I, **KELLY LETTERA, RMC**, Municipal Clerk of the Township of Little Egg Harbor do hereby certify that the foregoing resolution was duly adopted by the Township of Little Egg Harbor Township Committee at a meeting held on the **10th** day of **November, 2022**.



KELLY LETTERA, RMC
Township Clerk
Little Egg Harbor Township

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CERTIFICATE OF AVAILABILITY OF FUNDS

I, **RODNEY R. HAINES**, Chief Financial Officer for the Township of Little Egg Harbor, do hereby certify that adequate funds are available for a contract with Winzinger, Inc. for Demolition of Structure Located at 50 West Raritan Drive (Block 325.100, Lot 28) in the amount of \$27,300.00.

The funds which are available for this contract are found in the following line item appropriations or ordinances:

2-01-26-770 - 999



RODNEY R. HAINES, Chief Financial Officer
Township of Little Egg Harbor

MSA

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AGREEMENT

THIS AGREEMENT made this _____ day of _____, **2022**, by and between the **TOWNSHIP OF LITTLE EGG HARBOR**, a municipal corporation of the State of New Jersey, having its principal offices located at 665 Radio Road, Little Egg Harbor, New Jersey, 08087, hereinafter referred to as "Township," and **WINZINGER, INC.**, having its principal offices located at 1704 Marne Highway, Hainesport, New Jersey 08036, hereinafter referred to as "Contractor."

WHEREAS, it has been determined that Winzinger, Inc., submitted the most advantageous quote for the Demolition of Structure Located at 50 West Raritan Drive (Block 325.100, Lot 28), in the amount of \$27,300.00; and

WHEREAS, the governing body desires to award a contract to Winzinger, Inc., for the Demolition of Structure Located at 50 West Raritan Drive (Block 325.100, Lot 28), in the amount of \$27,300.00.

W I T N E S S E T H:

That and for and in consideration of the sum of **TWENTY SEVEN THOUSAND THREE HUNDRED AND 00/100 (\$27,300.00) DOLLARS**, Contractor agrees to provide construction services for the Demolition of Structure Located at 50 West Raritan Drive (Block 325.100, Lot 28) in accordance with the contract documents hereinafter set forth.

That for and in consideration of the amount payable under this agreement by the Township, the Contractor agrees, at its own proper cost and expense, and with due skill and diligence, that it will perform the construction services aforesaid in accordance with the contract documents and in compliance with this agreement.

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The Contractor agrees to receive as full compensation the amount stated herein, namely, \$27,300.00 for the construction services provided to the Township. The Contractor shall be responsible for all loss or damage arising out of providing the construction services aforesaid or from any action of the elements; or from any unforeseen obstruction or difficulties which may be encountered of every description connected with providing the construction services aforesaid until the same have been accepted by the Township.

To prevent all disputes and litigation, it is agreed by and between the parties to this agreement that the Township shall in all cases determine the services rendered and paid for under this agreement, and as to the interpretation of the plans and specifications.

The contract documents shall consist of the following:

1. Project Specifications;
2. Contractor's Proposal (as accepted);
3. Contract Agreement;
4. All Addenda.

The parties to this agreement agree to submit all contractual disputes to non-binding mediation as an alternate dispute resolution in accordance with the provisions of P.L. 1997, c. 371. In the event the dispute is not resolved by the non-binding mediation within sixty(60) days, or such time as the parties may agree, either party can seek judicial relief.

The parties to this agreement agree to incorporate into this agreement the mandatory language of subsection 3.5(a) of the Regulations promulgated by the Treasurer pursuant to P.L. 1975, c. 127, as amended and supplemented from time to time, and the contractor or subcontractor agrees to comply fully with the terms, provisions and obligations of said

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subsection 3.4(a), provided that said subsection shall be applied subject to the terms of subsection 3.5(c) of said Regulations.

The parties to this agreement further agree to incorporate into this agreement the mandatory language of subsection 3.7(a) of the Regulations promulgated by the Treasurer pursuant to P.L. 1975, c. 127, as amended and supplemented from time to time, and the contractor or subcontractor agrees to comply fully with the terms, provisions and obligations of said subsection 3.7.

The Contractor shall execute the Affirmative Action Agreement, Exhibit B attached hereto, which shall be incorporated herein by reference.

The Contractor shall submit a properly completed Affirmative Action Form AA-201 (Initial Project Workforce Report – Construction) prior to execution of this agreement. The Contractor agrees thereafter to submit once a month, prior to the receipt of any monthly payment, Affirmative Action Form AA-202 (Monthly Project Workforce Report).

The Contractor shall provide written notice to its subcontractors of the responsibility to submit proof of business registration to the Contractor. The requirement of proof of business registration extends down through all levels (tiers) of the project.

Before final payment on the contract is made by the Township, the Contractor shall submit an accurate list and the proof of business registration of each subcontractor or supplier used in the fulfillment of the contract, or shall attest that no subcontractors were used.

For the term of the contract, the Contractor and each of its affiliates, and a subcontractor and each of its affiliates, [N.J.S.A. 52:32-44(g)(3)] shall collect and remit to the Director, New Jersey Division of Taxation, the use tax due pursuant to the Sales and Use Tax

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Act on all sales of tangible personal property delivered into this State, regardless of whether the tangible personal property is intended for a contract with a contracting agency.

A business organization that fails to provide a copy of a business registration as required pursuant to Section 1 of P.L. 2001, c. 134 (C.52:32-44 *et al.*) or subsection e. or f. of Section 92 P.L. 1977, c.110 (C.5:12-92), or that provides false business registration information under the requirements of either of those sections, shall be liable for a penalty of \$25 for each day of violation, not to exceed \$50,000 for each business registration copy not properly provided under a contract with a contracting agency.

This agreement, together with the contract documents, form the contract and they are as fully a part of this agreement as if hereto attached or herein repeated.

The Township and the Contractor for themselves, their heirs, executors, administrators, successors or assigns, hereby agree to the full performance of the covenants herein contained.

IN WITNESS WHEREOF, the parties hereto have executed this agreement.

WITNESS AND ATTEST:

TOWNSHIP OF LITTLE EGG HARBOR

KELLY LETTERA, RMC
Township Clerk
(Seal)

By _____
JOHN KEHM, Mayor

WINZINGER, INC.

Secretary
(Seal)

By _____
President

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AFFIRMATIVE ACTION COMPLIANCE NOTICE
N.J.S.A. 10:5-31 and N.J.A.C. 17:27

GOODS AND SERVICES CONTRACTS
(INCLUDING PROFESSIONAL SERVICES)

This form is a summary of the successful bidder's requirement to comply with the requirements of N.J.S.A. 10:5-31 and N.J.A.C. 17:27-1 et seq.

The successful bidder shall submit to the public agency, after notification of award but prior to execution of this contract, one of the following three documents as forms of evidence:

(a) A photocopy of a valid letter that the contractor is operating under an existing Federally approved or sanctioned affirmative action program (good for one year from the date of the letter);

OR

(b) A photocopy of a Certificate of Employee Information Report approval, issued in accordance with N.J.A.C. 17:27-4;

OR

(c) A photocopy of an Employee Information Report (Form AA302) provided by the Division and distributed to the public agency to be completed by the contractor in accordance with N.J.A.C. 17:27-4.

The successful vendor may obtain the Affirmative Action Employee Information Report (AA302) from the contracting unit during normal business hours.

The successful vendor(s) must submit the copies of the AA302 Report to the Division of Contract Compliance and Equal Employment Opportunity in Public Contracts (Division). The Public Agency copy is submitted to the public agency, and the vendor copy is retained by the vendor.

The undersigned vendor certifies that he/she is aware of the commitment to comply with the requirements of N.J.S.A. 10:5-31 and N.J.A.C. 17:27.1 et seq, and agrees to furnish the required forms of evidence.

The undersigned vendor further understands that his/her bid shall be rejected as non-responsive if said contractor fails to comply with the requirements of N.J.S.A. 10:5-31 and N.J.A.C. 17:27-1 et seq.

COMPANY: Winzinger, Inc. SIGNATURE: Audrey Winzinger

PRINT NAME: Audrey Winzinger TITLE: Vice President

DATE: 10/26/2022

**CERTIFICATE OF EMPLOYEE INFORMATION REPORT
RENEWAL**

This is to certify that the contractor listed below has submitted an Employee Information Report pursuant to N.J.A.C. 17:27-1.1 et. seq. and the State Treasurer has approved said report. This approval will remain in effect for the period of **15-APR-2020** to **15-APR-2027**

WINZINGER INC.
1704 MARNE HIGHWAY
HAINESPORT NJ 08036



A handwritten signature in cursive script, appearing to read "Elizabeth Maher Muoio".

ELIZABETH MAHER MUOIO
State Treasurer