

RESOLUTION

WHEREAS, the Municipality of Princeton (“Princeton”) owns the property located at 400 Witherspoon Street, Princeton, New Jersey 08540, on which the Princeton Municipal Building (“Municipal Building”) is currently located; and

WHEREAS, Princeton solicited bids for the lease of space on and adjacent to the Municipal Building for the installation, operation, and maintenance of telecommunications antennas and associated equipment; and

WHEREAS, on or about July 10, 2014, Princeton issued a Notice to Bidders and released the bid package for the lease of space on and adjacent to the Municipal Building for the installation, operation, and maintenance of telecommunications antennas and associated equipment; and

WHEREAS, the bid package set forth explicit terms and conditions for the submission of bids and, specifically, stated that the taking of any exceptions by a bidder to the Bid Specifications or the terms contained in the proposed Lease Agreement will cause the bid to be classified as “irregular” and may cause the bid to be rejected; and

WHEREAS, pursuant to the duly advertised Notice to Bidders, one bid was timely received by Princeton and opened on August 13, 2014, which is summarized as follows:

Bidder: New Cingular Wireless PCS, L.L.C. (AT&T)

Bid: \$30,000 for the initial year (\$2,500 per month); and

WHEREAS, it has been determined that the bid did not conform to the requirements of the bid package, and listed thirty-seven (37) exceptions to the General Specifications and the Lease Agreement; and

WHEREAS, it is therefore the recommendation of the Municipal Engineer and Municipal Attorney that the bid submitted be rejected as non-conforming to the material requirements set forth in the bid package; and

WHEREAS, Princeton had previously adopted Resolution No. 2013-R, which authorized leasing the space on and adjacent to the Municipal Building for the installation, operation, and maintenance of telecommunications antennas and associated equipment; and

WHEREAS, it remains in the public interest to prevent the loss of wireless voice and data services to users within Princeton, to prevent the creation of new coverage gaps in existing networks, and to preserve the ability of individuals within Princeton to reach emergency services and maintain wireless communication in times of need; and

WHEREAS, it therefore continues to remain in the best interests of both the public and the municipality to grant a non-exclusive lease for the space on and adjacent to the Municipal Building for the installation, operation, and maintenance of telecommunications antennas and associated equipment, and to that end to solicit new bids for such a lease;

NOW, THEREFORE, BE IT RESOLVED by the Princeton Council on this 25th day of August, 2014 as follows:

1. The bid submitted by New Cingular Wireless PCS, L.L.C., opened on August 13, 2014, is hereby rejected as non-conforming to the material requirements of the bid package.
2. Princeton, by and through its staff and professionals, is hereby authorized and directed to solicit new bids for the right to lease space on and adjacent to the Municipal Building, located at 400 Witherspoon Street, Princeton, New Jersey 08540, for the installation, operation, and maintenance of telecommunications antennas and associated equipment.

3. The proposed Municipal Building lease shall be subject to the following essential (but not exclusive) terms:
 - a. The lease shall permit the successful bidder to construct and install a wireless telecommunications antennas facility (“facility”) at the site.
 - b. The facility shall not adversely interfere with existing radio or telecommunications systems of the municipality, any municipal operations, or other occupants, tenants and licensees of the property.
 - c. The successful bidder shall be required, at its sole cost and expense, to obtain any and all required licenses, permits and approvals necessary to operate the facility, and shall comply with all applicable local, state and federal regulations.
 - d. As a facility authorized by the municipality, being installed on and at existing municipal structures, pursuant to strict requirements to be set forth in the bid package, and under a lease agreement being entered into by the municipality, formal site plan approval shall not be required.
 - e. All construction, engineering, site and development plans shall be subject to the review and approval of the Municipal Engineer and Planning Director.
 - f. The successful bidder shall be responsible for all costs associated with the construction, maintenance and operation of the facility, including the costs of all necessary utilities.
 - g. The length of each lease, including any and all option periods, shall not exceed 20 years.

- h. Upon expiration or termination of the lease, the carrier shall remove the entirety of the facility and restore the property to its original condition, reasonable wear and tear excepted.
- 4. The municipal staff and professionals are hereby authorized and directed to prepare all necessary bid documents and other materials consistent with the terms hereof and to bid the above-described leases as soon as practicable. The staff and professionals are expressly authorized to include any additional terms and conditions they deem necessary and appropriate and to undertake any and all further actions necessary to effectuate the terms and intent hereof.
- 5. The Mayor and Council hereby reserve the right to reject any and all bids submitted for each proposed lease in accordance with applicable law. The decision to award a lease to the highest responsible bidder, or to reject all bids, for each such lease, will be made no later than the second regularly scheduled meeting of the Mayor and Council following the date on which the bids are received. If no action is taken by the Mayor and Council, all bids shall be deemed to have been rejected.

[Remainder of Page Intentionally Left Blank]

Councilperson	Absent	Present	1 st	2 nd	Yea	Nay	Abstain	Disqualified
Ms. Butler								
Mrs. Crumiller								
Ms. Howard								
Mr. Liverman								
Mr. Miller								
Mr. Simon								
Mayor Lempert								

I, Linda S. McDermott, Clerk of the Municipality of Princeton, do hereby certify that the above is a true and complete copy of a resolution adopted by the Mayor and Council of said Municipality at a meeting held August 25, 2014.

IN WITNESS WHEREOF, I hereunto set my hand and affix the corporate seal of said Municipality, this _____ day of August, 2014.

Linda S. McDermott
Municipal Clerk