



RESOLUTION 22-129

Resolution of the Mayor and Council of Princeton Authorizing (1) the Withdrawal of Bid Submitted by Sal Electric Co., Inc. and (2) Award of Electrical Contract to Magic Touch Construction Co., Inc. for Electrical Repairs, Maintenance, and Miscellaneous Services at Various Locations within the Municipality of Princeton in an Amount Not to Exceed \$105,048.00

WHEREAS, in response to a duly advertised Notice to Bidders under the New Jersey Local Public Contracts Law, *N.J.S.A. 40A:11-1 et seq.*, on February 23, 2022, Princeton received the following three (3) bids for the Electrical Repairs, Maintenance, and Miscellaneous Services at Various Locations within the Municipality of Princeton:

1. \$78,784.00 by Sal Electric Co., Inc., Jersey City, New Jersey
2. \$105,048.00 by Magic Touch Construction Co., Inc., Keyport, New Jersey
3. \$125,680.00 by Multi Temp Mechanical, Inc., Westville, New Jersey

WHEREAS, by letter dated March 16, 2022, apparent low bidder Sal Electric Co., Inc. requested permission to withdraw its February 23, 2022 bid due to an unintentional error in computing the crew rates; and

WHEREAS, as explained in Sal Electric Co., Inc.'s written request, it states that it made a serious mathematical error when inserting the bid prices on the bid proposal form for the two-person crew rates, an error which the Engineering Department acknowledges was fairly obvious and amounts to a \$43,024.00 difference in price; and

WHEREAS, in accordance with *N.J.S.A. 40A:11-23.3*, the Municipal Attorney's Office, in consultation with the Engineer, has reviewed Sal Electric Co., Inc.'s withdrawal request and recommends that Council approve same based on the following:

1. Sal Electric Co., Inc.'s mistake relates to a material feature of the bid, which

accounts for significant error in pricing and overall cost; and

2. If Sal Electric Co., Inc. was required to move forward despite its mistake, it would be unreasonable; and

3. Sal Electric Co., Inc.'s mistake was made despite its reasonable care in preparing its bid; and

4. Sal Electric Co., Inc. is able to get relief by way of withdrawing the bid without serious prejudice to Princeton, except for the loss of the bargain to Princeton; and

5. Although Sal Electric Co., Inc.'s request was filed beyond the permitted period (5 business days) during which it had to request the withdrawal, under the circumstances it is reasonable for Princeton to nonetheless allow the withdrawal; and

WHEREAS, the Council has reviewed the Municipal Attorney's Office recommendation and finds that there are grounds to accept Sal Electric Co. Inc.'s withdrawal request based on the foregoing reasons; and

WHEREAS, the Engineer has reviewed Magic Touch Construction Co., Inc.'s bid and recommends that the contract be awarded to Magic Touch Construction Co., Inc. as the lowest responsible bidder; and

WHEREAS, the Municipal Attorney's Office has reviewed the bid submitted by Magic Touch Construction Co., and finds that its submission is in compliance with the bidding requirements for same; and

WHEREAS, Princeton has appropriated sufficient funds for these services in the operational budget account 01-201-26-310-266; and

WHEREAS, Princeton wishes to award a contract to undertake and complete said work

to the aforementioned lowest responsible bidder.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Municipality of Princeton, County of Mercer, State of New Jersey, as follows:

1. Based on the reasons set forth in the foregoing “Whereas” clauses, Princeton hereby grants Sal Electric Co., Inc.’s request to withdraw its bid for work comprising the Electrical Repairs, Maintenance, and Miscellaneous Services at Various Locations within the Municipality of Princeton.

2. The Mayor and Council are hereby authorized and directed to enter into an agreement with Magic Touch Construction Co., Inc. for a sum not to exceed \$105,048.00 in accordance with the terms and conditions with the Bid Documents which are on file in the Office of the Clerk.

Councilperson	Absent	Present	1 st	2 nd	Yea	Nay	Abstain	Disqualified
Ms. Pirone Lambros		X		X	X			
Ms. Niedergang		X			X			
Mr. Cohen		X	X		X			
Ms. Fraga		X			X			
Ms. Sacks		X			X			
Mr. Newlin		X			X			
Mayor Freda		X						

I, Delores A. Williams, Municipal Clerk of Princeton, do hereby certify that the above is a true copy of a resolution adopted by the Mayor and Council of Princeton at a meeting held March 28, 2022.

Delores A. Williams, Municipal Clerk

ATTACHMENTS:

- MC Memo Electrical Services mgp 3 23 22 (DOCX)
- Agreement Electrical Magic Touch (DOCX)