

**BOROUGH OF RED BANK
COUNTY OF MONMOUTH
RESOLUTION NO. 20-202**

**RESOLUTION AWARDING AN EMERGENCY MONTH-TO-MONTH CONTRACT WITH
DELISA DEMOLITION, INC. FOR SOLID WASTE AND RECYCLING COLLECTION
BEGINNING SEPTEMBER 1, 2020**

WHEREAS, the Borough of Red Bank (the "Borough") and Delisa Demolition, Inc. ("Delisa") entered into a Contract for a term of three (3) years, commencing on September 1, 2015 and continuing until August 31, 2018, for solid waste and recycling collection services; and

WHEREAS, said Contract was extended by the Borough via Resolution 18-188 until August 31, 2020; and

WHEREAS, prior to the expiration of the Contract, the Borough advertised specifications and solicited bids for a successor contract for solid waste and recycling collection services, to which solicitation, no bids were received; and

WHEREAS, the Borough DPU Director has advised that, given the expiring Contract with Delisa, failing to immediately arrange for solid waste and recycling collection services for September 1, 2020 and beyond would create an emergency affecting the public health, safety and welfare of the Borough's residents; and

WHEREAS, pursuant to N.J.S.A. 40A:11-6, the Borough is authorized to award contracts for goods and services without public advertising for bids and bidding therefor, regardless of whether or not the contract price will exceed the bid threshold, when an emergency affecting the public health, safety or welfare requires the immediate delivery of goods or the performance of services; and

WHEREAS, in accordance with N.J.S.A. 40A:11-6, the Borough DPU Director advised the Borough's Purchasing Agent in writing of the nature and necessity of an emergency contract to immediately arrange for solid waste and recycling collection services for September 1, 2020 and beyond, which written notification is attached hereto as Exhibit A; and

WHEREAS, N.J.S.A. 40A: 11-16.5 states that "[a]ny person entering into a contract with a contracting unit pursuant to the provisions of N.J.S.A.40A:11-1, et seq. which contract requires the Contractor to provide for the disposal of solid waste, shall have the right to renegotiate the contract to reflect any increase in solid waste disposal costs; and

WHEREAS, Delisa has provided the Borough with a Proposal for an emergency contract upon the same terms as the existing Contract with the Borough on a month-to-month basis until at least January 31, 2021, provided that the Borough (1) reimburse Delisa for 100% of the single stream recycling tipping fees; and (2) increase the monthly service payment by \$10,000.00, which Proposal is attached hereto as Exhibit B; and

WHEREAS, pursuant to N.J.S.A. 40A:11-6.1, the Borough is authorized to award an emergency contract for solid waste and recycling collection services to Delisa insofar as it was impracticable to obtain any other competitive quotations for said service following the failed bid solicitation;

NOW THEREFORE, BE IT RESOLVED, that the Mayor & Council of the Borough of Red Bank hereby authorize the Borough Administrator to enter into a month-to-month emergency contract with Delisa Demolition, Inc., beginning September 1, 2020 according to the terms of the Proposal attached hereto as Exhibit B; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to the Borough Administrator, Borough DPU Director, Borough CFO, Borough Attorney, and Delisa Demolition, Inc.

	Motion	Yes	No	Abstain	Absent
Councilman Yassin	Motion	X			
Councilwoman Triggiano	Second	X			
Councilman Ballard		X			
Councilman Yngstrom		X			
Councilman Zipprich		X			
Councilwoman Horgan		X			

Dated: August 19, 2020

I hereby certify the above to be a true copy of a resolution adopted by the Council of the Borough of Red Bank, in the County of Monmouth, at a meeting held on August 19, 2020.

Pamela Borghi

Pamela Borghi, Municipal Clerk