

FLEMINGTON-RARITAN REGIONAL BOARD OF EDUCATION

September 2, 2014

EXECUTIVE SESSION – 6:00 P.M. – J.P. CASE ROOM D-111

SPECIAL MEETING - 7:00 P.M. – J.P. CASE AUDITORIUM

I. Call to Order by the Board President

II. Sunshine Law – Be advised that this meeting is being held in accordance with the Open Public Meetings Act, Chapter 231 P.L. 1975 (Sunshine Law) and that adequate notice of the date, time and agenda has been sent to the Hunterdon County Democrat and The Courier-News, and has been posted and filed with the Flemington Borough Clerk and the Raritan Township Clerk.

III. Roll Call

IV. Sunshine Resolution

Be It Resolved, by the Flemington-Raritan Regional Board of Education that it does hereby determine that it is necessary to meet in executive session to discuss the matters stipulated, in conformance with the Open Public Meetings Act, Chapter 231 P.L. 1975.

Possible Litigation – Custodial Service

The matters discussed will be made public when confidentiality is no longer required and formal action pursuant to said discussion shall take place only at a meeting to which the public has been invited.

V. Pledge of Allegiance

VI. District Mission Statement

The Flemington-Raritan Regional Schools provides our students with an exceptional education, empowering them to become problem solvers, collaborators and critical thinkers. The district creates a culture in which students act responsibly and communicate effectively in preparing to become productive citizens in a changing, global society. It is the expectation of the Flemington-Raritan Regional School District that all pupils achieve the New Jersey Core Curriculum Content Standards at all grade levels.

VII. Citizens Address the Board

This is the portion of our meeting reserved for public comment pursuant to N.J.S.A. 10:4-12(a), the Open Public Meetings Act. Members of the public are invited to address the Board according to the Board's policy and bylaws. Please be aware that this portion is your opportunity to comment, and is not a forum for the Board to respond to your comments. However, the Board will certainly give all comments appropriate consideration.

VIII. FACILITIES/OPERATIONS - Robin Behn, Chairperson, Next Meeting – TBD

Approval of the attached Resolution regarding Custodial Services at the Flemington-Raritan School District.

IX. Adjourn

Upcoming Board Meetings

September 15

September 29

October 13

October 27

November 10

November 24

December 15

December 22

**RESOLUTION OF THE FLEMINGTON-RARITAN REGIONAL SCHOOL DISTRICT
BOARD OF EDUCATION NO. 2014 - _____**

WHEREAS, the Flemington-Raritan Regional School District Board of Education (“the Board”) advertised for bids for Custodial Services for Barley Sheaf Elementary School, Copper Hill Elementary School, Francis A. Desmares School, Robert Hunter Elementary School, Reading-Fleming Intermediate School and J.P. Case Middle School (“Custodial Services”); and

WHEREAS, the Public School Contracts Law, N.J.S.A. 18A:18A-1 *et seq.* (the “Contracts Law”), provides that the Board must award bids to the lowest responsive and responsible bidder for a project, as is defined in the Contracts Law; and

WHEREAS, the Board received and publically opened five (5) bids on August 19, 2014, in connection with the Custodial Services; and

WHEREAS, each of the bids were reviewed by the School Business Administrator and appropriate staff and professionals to determine whether each bid was both responsive and responsible; and

WHEREAS, after such review, the bid of the following bidder was determined to be the lowest responsive and responsible bid:

<u>Successful Bidder</u>	<u>Services to be Provided</u>	<u>Bid Amount</u>
Temco Building Maintenance, Inc.	Custodial Services Year 1- 10/1/14-6/30/15	Year 1: \$939,717.00
(Alternate 2 Schedule)	Year 2-7/1/15-6/30/16	<u>Year 2: \$ 1,327,560.00</u>
		Total: \$2,267,277.00

WHEREAS, of the other four bidders that submitted bids for the Custodial Services, the bid of ABM Janitorial Services Inc. (“ABM”), was the second lowest bidder, and the only other bid submitted that did not substantially exceed the Board’s projected budget; and

WHEREAS, the Board could not award a contract to ABM because ABM’s Stockholder Disclosure Form was missing the second page and failed to disclose all non-corporate stockholders holding 10% or greater interest, which is a material and non-waiveable defect under N.J.S.A. 52:24-24.2, rendering ABM’s bid non-responsive; and

WHEREAS, on August 26, 2014 at a Special Meeting, the Board approved Resolution No. _____, awarding the Custodial Services Contract (“the Contract”) to Temco Building Maintenance, Inc. (“Temco”) under the Alternate 2 schedule provided by the bid specifications, which calls for the use of part-time night staff; and

WHEREAS, despite what is clearly stated in the bidding documents and specifications for the Custodial Services (the “Specifications”) and Temco’s bid submission, on August 27, 2014, a representative from Temco contacted the School Business Administrator and claimed that Temco mistakenly priced its bid for the Alternate 2 schedule based upon both day and night staff working part-time schedules, instead of only night staff working a part-time schedule as per the

Specifications and requested Temco's bid be disqualified; and

WHEREAS, on August 28, 2014, the School Business Administrator contacted the Temco representative for clarification and, after several discussions, the Temco representative verbally represented that Temco would honor its bid as awarded by the Board; and

WHEREAS, later on August 28, 2014, an attorney on behalf of Temco submitted a letter to the School Business Administrator recanting the previous verbal representation and again indicated that Temco was unable to perform the Contract as awarded, and requested that Temco be "disqualified from further consideration" for the Custodial Services.

NOW THEREFORE, BE IT RESOLVED by the Board as follows:

Section 1. Temco is hereby declared to be in breach of its obligations under the Contract, which it was duly awarded on August 26, 2014 for the Custodial Services.

Section 2. The Board authorizes the School Business Administrator and the Board's professionals to take any and all appropriate action against Temco as a result of its breach and failure and/or refusal to perform the Contract.

Section 3. The Board hereby authorizes the School Business Administrator to immediately re-advertise for bids for the Custodial Services Contract.

This resolution will take effect immediately on this September 2, 2014.

Motion by: Seconded by:	Ayes: No: Abstentions:
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This Resolution was adopted by the Flemington-Raritan Regional School District Board of Education at an emergency meeting on September 2, 2014.

Stephanie Voorhees, School Business Administrator/Board Secretary
Dated: September 2, 2014

