

**TOWNSHIP OF UPPER DEERFIELD**

**RESOLUTION 11 –139**

**RESOLUTION OPPOSING THE PASSAGE OF A-3285**

**WHEREAS**, A-3285 would require that certain public contract bid advertisements include certified cost estimates or estimate ranges of projected contract cost and it would amend the grounds for rejection of all bids; and

**WHEREAS**, advocates for A-3285 argue that the best interests of taxpayers are served by the provisions of A-3285, because it promotes, they claim, openness and broad dissemination of information; and

**WHEREAS**, we agree that taxpayers are best served by openness and board dissemination of information, however, A-3285, would, in fact, limit a competitive process that is the foundation of the Local Public Contracts Law and would not best serve the public interest; and

**WHEREAS**, A-3285 would require a municipality to include in the public advertisement its cost estimates or cost estimate ranges for construction projects in excess of \$500,000; and

**WHEREAS**, A-3285 also amends the provision to reject all bids; and

**WHEREAS**, one of the amendments would permit a municipality to reject all bids only if the lowest bid substantially exceeds the municipality's cost estimates or cost estimate ranges for the goods or services as published and attested; and

**WHEREAS**, as a result of this amendment, **all contracts, including goods and services**, over the contracting unit's bid threshold will now require the public advertisement for bids to include cost estimates or cost estimates ranges; and

**WHEREAS**, municipal engineers and other design professionals will typically prepare the projects cost estimates based on the current industry cost and bids received for similar projects in different municipalities; and

**WHEREAS**, these estimates tend to be in the middle of the current industry cost; and

**WHEREAS**, we are concerned that A-3285 will create the "floor" as opposed to a "ceiling" for bid pricing, removing the incentive for competitiveness and prohibit a municipality from receiving the best possible price for the project; and

**WHEREAS**, requiring the advertisement of the cost will lead to unfair pricing and increased cost for already strained taxpayers; and

**WHEREAS**, A-3285 also has the potential to expose municipalities to protracted disputes and litigation; and

**NOW, THEREFORE, BE IT RESOLVED**, by the governing body of the Township of Upper Deerfield strongly opposes the passage of A-3285 as it will delay construction projects, lead to increased costs, limit the rejection of bids and expose municipalities to protracted disputes and litigation; and

**BE IT FURTHER RESOLVED**, that copies of this Resolution be forwarded to New Jersey Governor Christopher Christie, to Senate President Stephen Sweeney, to Assembly Speaker Sheila Oliver, to our State Senator, to our two Representatives in the General Assembly, and to the New Jersey League of Municipalities.

Moved By: John O'Neill

Seconded By: Bruce Peterson

VOTING

James P. Crilley  
John L. Daddario  
John T. O'Neill, Sr.  
Bruce T. Peterson  
Scott Smith

<u>In Favor</u>	<u>Against</u>	<u>Abstain</u>	<u>Absent</u>
X			
X			
X			
X			
X			

CERTIFICATION

I hereby certify that the foregoing is a true copy of Resolution adopted by the Township Committee of the Township of Upper Deerfield, in the County of Cumberland, at a meeting thereof held June 2, 2011.

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Roy J. Spoltore, Township Clerk

## DISTRIBUTION LIST

1. The Hon. Chris Christie,  
Governor, State of New Jersey  
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3. The Hon. Sheila Oliver,  
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4. NJ League of Municipalities  
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5. Your State Legislators (State Senator and Assembly Representatives)