



4400 New Jersey Avenue  
Wildwood, NJ 08260  
609-522-2444

*Lisa A. Brown,  
City Clerk*

*April 11, 2024*

**RE: NOTICE TO BIDDER – POSTPONEMENT OF RECEIPT OF BIDS  
Wildwood Back Bay Landfill Closure Project Phase I**

Please be advised the City of Wildwood (the “City”) is hereby postponing the receipt of bids pursuant to N.J.A.C. 5:34-9.3 for the Wildwood Back Bay Landfill Closure Project Phase I (the “Project”), as authorized by Resolution No. 172-3-24.

The original date for the submissions was April 17, 2024, but is being postponed to April 23, 2024 at 11:30am, a date within five days, excluding Saturdays, Sundays, and holidays, of the original date of the receipt of bids or proposals as required by N.J.A.C. 5:34-9.3. No bids will be opened until the new bid opening date set forth herein.

The City became aware of timing issues concerning the original bid opening date as it relates to the issuance of an addendum addressing responses to Bidder inquiries and postpones the bid opening date to ensure compliance with the Local Public Contracts Law.

All bidders who have either submitted bids, or received specifications or request for proposals, are hereby notified of the same by way of this notice, issued via electronic mail and posted publicly.

A copy of this notice shall be posted for public inspection at the City Clerk’s Office at 4400 New Jersey Avenue, Wildwood, NJ 08260 on or before April 11, 2024.

## FURTHER CLARIFICATION TO Q/A'S

- **Question 3. – “Also it shows that the Performance and Labor and Material Bond is required with submission. Is this correct, or is it mandatory for award?”**

### **Final Response:**

"When a surety company bond is required in the advertisement or specifications for a contract, every contracting unit **shall require from any bidder** submitting a bid in accordance with plans, specifications and advertisements, as provided for by law, **a certificate from a surety company stating that it will provide the contractor with a bond** in such sum as is required in the advertisement or in the specifications." N.J.S.A. 40A:11-22.

Accordingly, even though the Specifications have "Box C" checked, the certificate would suffice under the statute, with the bond itself to be issued simultaneously with the execution of the contract as provided for in the Specifications.

- **Subcontractor List Clarification**

40A:11-23.2(d) provides that, "When required by the bid plans and specifications, the following requirements shall be considered mandatory items to be submitted at the time specified by the contracting unit for the receipt of bids; the failure to submit a listing of subcontractors pursuant to section 16 of P.L. 1971, c. 198 (C 40A:11-16) shall be deemed a fatal defect that shall render the bid proposal unresponsive and that cannot be cured by the governing body.

N.J.S.A. 40A:11-16 outlines specifications for those branches of work referenced in 40A:11-23 when subcontractors must be named in a bid. Specifically: plumbing and gas fitting and all kindred work; Steam power plants, steam and hot water heating and ventilating and refrigeration apparatus and all kindred work; Electrical work, including any electrical power plants, tele-data, fire alarm, or security system; and Structural steel and ornamental iron work. The LCP doesn't involve the specific branches of work identified in N.J.S.A. 40A:11-16 that trigger the submission requirement, but Bidders are always encouraged to submit the most accurate and comprehensive bid packages.

**COMMENT PERIOD IS CLOSED**