

INSTRUCTIONS TO BIDDERS

1. THE BID

The Borough of Mountain Lakes (from time to time hereinafter referred to as the Borough) is soliciting bid proposals from vendors for:

A portion of that space ("the Tower Space") on the existing tower, hereinafter referred to as the "Tower", located at 400 Boulevard, Borough of Mountain Lakes, County of Morris, State of New Jersey, as shown on the Tax Map of the Borough of Mountain Lakes as Block 21 Lot 38, together with a parcel of land (the "Land Space") sufficient for the installation of an equipment building or cabinets; together with the non-exclusive right ("the Right of Way") for ingress and egress, seven (7) days a week, twenty-four (24) hours a day, on foot or motor vehicle, including trucks, and for the installation and maintenance of utility wires, poles, cables, conduits, and pipes over, under, or along a right-of-way extending from the nearest public right-of-way, Boulevard, to the Land Space; and together with any further rights of way (the "Further Rights of Way") over and through the Property between the Land Space and the Tower Space for the installation and maintenance of utility wires, poles, cables, conduits, and pipes. The Tower Space, Land Space, Right of Way and Further Rights of Way, if any, are substantially described in Exhibit "A", attached hereto and collectively referred to hereinafter as the "Premises". The communication tower on the premises was constructed by Omnipoint Communications, Inc. The Borough and Omnipoint Communications, Inc. are parties to a lease dated June 11, 2000 and that the Bidders rights and obligations are subject to the terms of said lease.

2. CHANGES TO THE BID SPECIFICATIONS

Notice of revisions or addend to advertisements or bid documents relating to bids will, no later than five days, Saturdays, Sundays and holidays excepted, prior to the date for acceptance of bids, be published in the legal newspaper of the Borough of Mountain Lakes.

3. BID OPENING

All bid proposals will be publicly opened and read by the Mountain Lakes Borough Manager at Mountain Lakes Borough Hall, Council Chambers, 400 Boulevard, Mountain Lakes, New Jersey, at 11:00 A.M. or as soon thereafter as the matter may be reached, no later than January 27, 2016. All bid proposals will be date and time stamped upon receipt. Bidder is solely responsible for the timely delivery of the bid proposal and no bids shall be considered which are presented after the public call for receiving bids. Any Bid Proposal received after the date and time specified will be returned, unopened, to the bidder.

4. SUBMISSION OF BIDS

- A. Sealed bids will be received by the designated representative at the time and place stated in the Notice to Bidders and at such time and place will be publically opened and read

aloud. No bid proposal will be accepted past the date and time specified by the Borough in the advertisement for bids.

- B. The bid proposal form shall be submitted (1) in a sealed envelope; (2) addressed to Richard J. Sheola, Borough Manager, Borough of Mountain Lakes, Mountain Lakes Borough Hall, 400 Boulevard, Mountain Lakes, New Jersey (3) bearing the name and address of the bidder written on the face of the envelope; and (4) clearly marked "**BID - THE LEASE OF TELECOMMUNICATIONS TOWER AND GROUND SPACE**".
- C. It is the bidder's responsibility to see that bids are presented to the Borough on the hour stated at the place designated. Bids may be hand delivered or mailed; however, the Borough disclaims any responsibility for bids forwarded by regular or overnight mail. Bids received after the designated time and date will be returned unopened.
- D. Sealed bids forwarded to the Borough before the time of the opening of the bids may be withdrawn upon written application of the bidder who shall be required to produce evidence showing that the individual is or represents the principal or principals involved in the bid. Once bids have been opened, they must remain firm for a period of sixty (60) calendar days.
- E. All prices and amounts must be written in ink or preferably typewritten. Bids containing any conditions, omissions, unexplained erasures or alterations, items not called for in the bid proposal form, attachment of additive information not required by the specifications, or irregularities of any kind may be rejected by the Borough. Any changes, white outs, strikeouts, etc. on the proposal page must be initialed in ink by the person responsible for signing the bid.
- F. Each bid proposal form must give the full business address of the bidder and be signed by an authorized representative. Bids by partnerships must be signed in the partnership name by one of the members of the partnership or by an authorized representative, followed by the signature and designation of the person signing. Bids by corporations must be signed in the legal name of the corporation, followed by the name of the State in which incorporated and must contain the signature and designation of the president, secretary or other person authorized to bind the corporation in the matter. When requested, satisfactory evidence of the authority of the officer signing shall be furnished.
- G. Each document in the bid proposal must be properly completed in accordance with New Jersey law. No bidder shall submit the requested information on any form other than those provided in these bid specifications.
- H. Any Bid Proposal that does not comply with the requirements of the bid specifications shall be rejected as non-responsive.

5. DEFINITIONS

“Bid proposal” means all documents, proposal forms, affidavits, certificates, statements required to be submitted by the bidder at the time of the bid opening.

“Bid specifications” means all documents requesting bid proposals for this project.

“Contract” means the written agreement executed by and between the successful bidder and the governing body shall include the bid proposal, and the bid specifications and the lease.

“Contracting unit” means a municipality or any board, commission, committee, authority or agency, and which has administrative jurisdiction over any district other than a school district, project or facility, included or operating in whole or in part, within the territorial boundaries of any county of municipality which exercise functions where are appropriate for the exercise by one or more units of local government, and which has statutory power to make purchases and enter into contracts or agreements for the performance of any work of the furnishing or hiring of any materials or supplies usually required, the costs or contract price of which is to be paid with or out of public funds.

“Ground Space” means approximately 240 square feet of property within a 405 square foot compound expansion located under and around the existing cellular tower at Mountain Lakes Borough Hall. More details regarding the location of the ground space can be found in “Exhibit B”, Form Lease section.

“Lessee” or “Successful Bidder” means the individual or entity to whom award of the contract shall be made.

“Governing body” means the governing body of the municipality, when the contract or agreement is to be entered into by, or on behalf of a, municipality as further defined at N.J.S.A. 40A:11-2. Specifically herein, the governing body is the Mayor and Council of the Borough of Mountain Lakes.

“Proposal forms” mean those forms that must be used by all bidders to set forth the prices for services to be provided under the contract.

“Telecommunications Tower” means the cellular communication tower currently located on Mountain Lakes Borough Hall property.

6. BID DOCUMENTS AND SUBMISSIONS

Each bid shall be made on the prescribed official bid forms and must be accompanied by the items specified in the Bid Checklist. Failure to provide these items will be a cause for rejecting a bid.

7. EXCEPTIONS TO THE BID SPECIFICATIONS

Any conditions, limitations, provisos, amendments, or other changes attached or added by the bidder to any of the provisions of these Bid Specifications or any changes made by the bidder on the Proposal forms shall result in the rejection of the Bid Proposal by the governing body of Mountain Lakes.

8. COMPLIANCE

The bidder shall be familiar with and comply with all applicable local, state and federal laws and regulations in the submission of the Bid Proposal and, if the bidder is awarded the contract, in the performance of the contract.

9. CONFLICT OF INTEREST AND NON-COLLUSION

Each bidder must execute and submit as part of the Bid Proposal a "Non-Collusion Affidavit" which at a minimum shall attest that:

A. The bidder has not entered into any agreement or participated in any collusion with any other person, corporate entity or government entity, or competitive bidding either alone or with any other person, corporate entity or government entity, or competitive bidding either alone or with any other person, corporate entity or government entity in connection with the above named project.

B. All statements made in the bid proposal are true and correct and made with the full knowledge that the contracting unit relies upon the truth of those statements in awarding the contract.

10. NO ASSIGNMENTS OF BID

The bidder may not assign, sell, transfer or otherwise dispose of the Bid or any portion thereof or any right or interest therein. This section is not intended to limit the ability of the successful bidder to assign or otherwise dispose of its duties and obligations under the contract provided that the Borough of Mountain Lakes agrees to the assignment or other disposition.

11. AWARD OF CONTRACT

A. The governing body of Mountain Lakes shall award the contract or reject all bids within the time specified in the invitation to bid, but in no case more than 60 days, except that the bids of any bidders who consent thereto may, at the request of the contracting unit, be held for consideration for such longer period as may be agreed. All bidders will be notified of the governing body's decision, in writing, by certified mail.

B. The contract will be awarded to the bidder who, in this case of the lease of a portion of public land, the aggregate bid price is the highest responsible bid.

C. The Governing Body of Mountain Lakes reserves the right to reject any bid not prepared and submitted in accordance with the provisions thereof, and to reject any or all bids. In the event that the governing body rejects all bids, the Borough shall publish a notice of rebid no later than ten days, Saturdays, Sundays and holidays excepted, prior to the date for acceptance of bids.

12. NOTICE OF AWARD AND EXECUTION OF CONTRACT

No later than fourteen calendar days of the award of the contract, the Borough shall notify the successful bidder in writing, at the address set forth in the Bid Proposal, and such notice shall specify the place and time for delivery of the executed contract. Failure to deliver the aforementioned document as specified in the notice of award shall be cause for the Borough to declare the vendor non-responsive and to award the contract to the next highest bidder.

13. RESPONSIBLE BIDDER

The Borough shall determine whether a bidder is "responsible" in accordance with N.J.S.A. 40A:11-6.1. The Bid Proposal of any bidder that is deemed not to be "responsible" shall be rejected.

14. ERRORS IN PRICE CALCULATION

Any discrepancy between a numerical price and a price written in words shall be resolved in favor of the price as written in words. Any discrepancy between the unit price multiplied by the quantity and a corresponding total price figure set forth in the Proposal Form(s) shall be resolved in favor of a total price reached by multiplying the unit price by the quantity. The corrected total shall be used to determine the award of the contract. After all Bid Proposals have been read, the bids will be tabulated and adjusted, if necessary, in accordance with this paragraph. If any mathematical corrections must be made on any bid proposal, then the governing body of Mountain Lakes may not award a contract until all tabulations are complete.

15. BID SECURITY

Accompanying each bid shall be cash, certified check, cashier's check or Bid Bond in an amount equal to the 10% of the total rent for the entire (12 months) first year, or \$20,000, whichever is less.

When submitting a Bid Bond, it shall contain Power of Attorney for the full amount on the Bid Bond from a surety company authorized to do business in the State of New Jersey and acceptable to the Borough. The cash, certified check, cashier's check or Bid Bond of the unsuccessful bidder(s) shall be returned as prescribed by law. The cash, certified check, cashier's check or Bid Bond of the bidder to whom the bid is awarded shall be retained unless a

lease is fully executed. The cash, certified check, cashier's check or Bid Bond of the successful bidder shall be forfeited if the bidder fails to enter into a lease pursuant to N.J.S.A. 40A:11-2(t).

16. FAILURE TO ENTER INTO LEASE

Should the successful bidder fail to execute and deliver the Contract and/or Lease as required herein within 45 days (subject to reasonable extensions of time with the consent of the Borough) after the award of the bid, the Borough may declare the bid guarantee deposited with the bid to be forfeited.

17. RIGHT TO REJECT BIDS

The Borough reserves the right to reject any and all bids or parts thereof and to waive any informality, if deemed to be in the best interest of the Borough.

18. FORM OF LEASE

The Borough and the highest successful bidder shall enter into a lease agreement, substantially in the form attached hereto as "Exhibit B"

19. TERM OF LEASE

Initial term of lease is for five years with four additional five year automatic renewal terms and five additional one year additional extension periods. The total term of the lease is up to 30 years.

20. MINIMUM BID AMOUNT

No minimum bid is provided, however, the Borough reserves the right to reject all bids in the event the low bid is deemed insufficient.

21. PAYMENT PROCEDURE

Payment of annual rent amounts shall be made in monthly installments via automatic check.

SPECIFICATIONS

These specifications, Notice to Bidders, noncollusion affidavit, disclosure statement, affirmative action statement, and form of proposal shall be all included in and be part of any contract entered into between the Mountain Lakes Borough Council and the successful bidder.

The Borough is soliciting bids for the lease of a Cellular Tower currently located on Borough Property. (See Exhibit B, form lease, for more details).

Insurance Requirements

The Lessee, its assigns or designees, shall obtain, pay all premiums for and maintain during the life of the lease, insurance policies of the type and with the minimum limits indicated in the Lease to be entered into by the successful bidder. The Lessee shall provide a certified copy of the policies and or certificates of insurance to the Borough's Risk Manager upon request.

BID PROPOSAL FORM

PROPOSAL OF:

DATE:

The undersigned hereby declares that he/she/they/it has carefully read and examined the specifications and the forms for: **THE LEASE OF TELECOMMUNICATIONS TOWER AND GROUND SPACE** for which bids were advertised to be received by the Mayor and Council.

Pursuant to and in compliance with your Advertisement for Bids, Information for Bidders and Specifications relating hereto, the undersigned hereby offers to lease said property under the terms and conditions herein at a lease price as follows.

For tower and ground space

Minimum Monthly Rental Price:	Tower co-location	\$
	Ground Space	\$

Minimum Monthly Rental Price: (WORDS)	Tower Co-Location –
	Ground Space -

Any Additional Terms (please print and attach additional pages if needed):

The undersigned, if other than an individual, is a partnership or corporation organized and existing under the laws of the State of New Jersey having its principal office at the place designated beneath the signature of its duly authorized officers or representative, and is authorized to do business in the State of New Jersey.

The undersigned further agrees that this proposal shall remain irrevocable for a period of sixty (60) days from date of bid opening set forth in the Advertisement for Bids.

IN WITNESS WHEREOF, the undersigned has caused this Proposal to be executed as of the day

This portion completed if the bidder is an Individual:

(Signature and Title of Authorized
Representative of Bidder)

Notary

This portion completed if the bidder is a Partnership or Limited Liability Company:

(Name of Partnership or Limited
Liability Company)

BY: _____ (Seal)
(Partner or Member)

BY: _____ (Seal)
(Partner or Member)

Business address: _____

This portion completed if the bidder is a Corporation:

Name of Corporation:

ATTEST:

BY:

BY: _____

AFFIX CORPORATE SEAL

If the bidder is a corporation, the Secretary of said corporation must also complete the following portion:

I hereby certify that I am the Secretary of the above corporation and that the foregoing proposal was authorized by the Board of Directors and the person who signed the said proposal and the questionnaire was duly authorized and empowered to do so by the Board of Directors.

Secretary

NONCOLLUSION AFFIDAVIT
STATE OF NEW JERSEY
COUNTY OF _____ :

Project - THE LEASE OF TELECOMMUNICATIONS TOWER AND GROUND SPACE

I, _____, of the (City, Town, Borough)
of _____, in the County of _____ and the
State of _____, of full age, being duly sworn according to law on my oath,
depose and say that:

I am _____ of the Firm/Organization of
_____, the bidder making the proposal for the above named project, and that
I executed the said proposal with full authority so to do; that said bidder has not, directly or
indirectly, entered into any agreement, participated in any collusion, or otherwise taken any
action in restraint of free, competitive bidding in connection with the above named project; and
that all statements contained in said proposal and in this affidavit are true and correct, and made
with full knowledge that the Borough relies upon the truth of the statements contained in said
proposal and in the statements contained in this affidavit in awarding the contract for the said
project.

I further warrant that no person or agent has been employed or retained to solicit or secure
such contract upon an agreement or understanding for a commission percentage, brokerage, or
contingent fee, except bona fide established commercial or selling agencies maintained by

Signed: _____

Title: _____

Address:

Subscribed and sworn to before me this day of _____

Notary Public of _____

My Commission expires _____

(also type or print name of
affiliate under signature)

STOCKHOLDERS OR PARTNERSHIP DISCLOSURE STATEMENT

Pursuant to P.L. 1977, Chapter 33, every corporation, Limited Liability Company ("LLC") and/or partnership submitting a bid, shall prior to the receipt of the bid by the Borough, or accompanying said bid, submit a statement setting forth the names and addresses of all stockholders in the corporation, members of the LLC, or partners in the partnership, who own 10% or more of its stock, or any class, or of all individual partners in the partnership or members of the LLC who own a 10% or greater interest therein, as the case may be.

If one or more of such stockholders, or partners, is itself a corporation, or partnership, the stockholders holding 10% or more of that corporations stock, or the individual partners owing 10% or greater interest in that partnership, as the case may be, shall also be listed.

This disclosure shall be continued until the names and addresses of every noncorporate stockholder and individual partner, exceeding the 10% ownership criteria established by this notice, shall have been listed. (Attach additional sheets if necessary.)

Address:

Address:

Address:

ATTACH ADDITIONAL SHEETS IF NECESSARY

Firm Name:

Federal ID number of firm:

I hereby certify that the information given above is true and correct as of _____

Name and Title
(Partner or corporate officer to sign)

EXHIBIT A: Description of area to be leased.
EXHIBIT B: Form of Lease

SCHEDULE OF REVISIONS	
NO.	DESCRIPTION
1	REVISED PER CLIENT COMMENTS
2	REVISED PER CLIENT COMMENTS
3	REVISED PER CLIENT COMMENTS
4	REVISED PER CLIENT COMMENTS
5	REVISED PER CLIENT COMMENTS
6	REVISED PER CLIENT COMMENTS
7	REVISED PER CLIENT COMMENTS
8	REVISED PER CLIENT COMMENTS
9	REVISED PER CLIENT COMMENTS
10	REVISED PER CLIENT COMMENTS

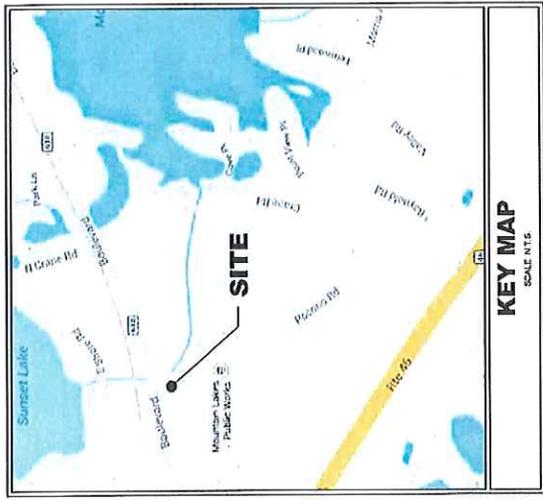
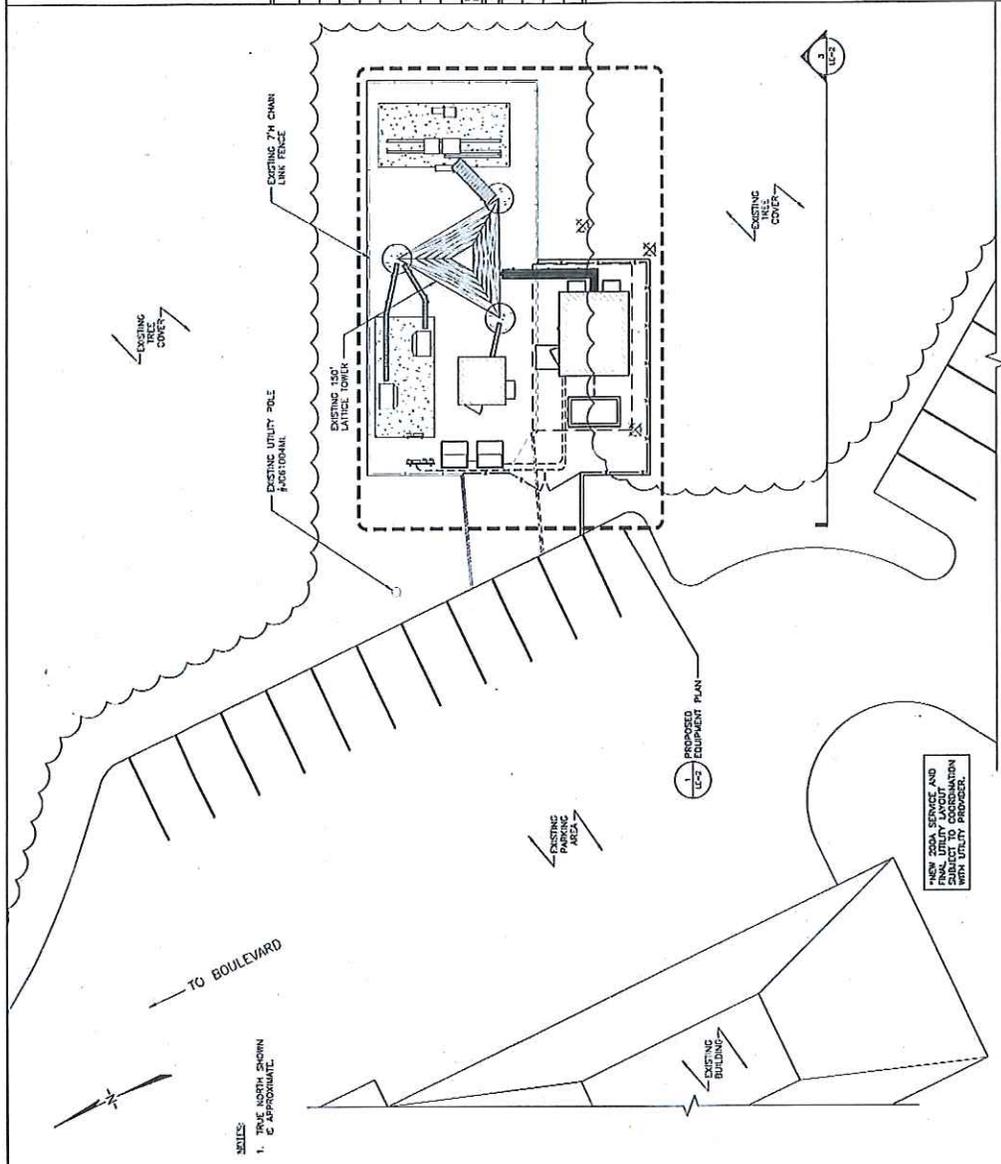
Documents prepared by COM-EX Consultants are to be used only for the specific project and site conditions for which they were prepared. They are not to be used for any other project, by whom or by any other person, without the written consent of COM-EX CONSULTANTS, LLC. It shall be the responsibility of the user to verify the accuracy and completeness of the information used in the preparation of these documents. COM-EX CONSULTANTS, LLC. is not responsible for any errors or omissions in these documents, nor for any consequences arising therefrom.

LEASE EXHIBIT "A"

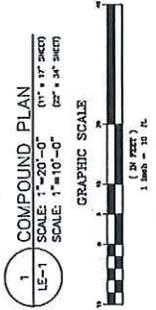
"MOUNTAIN LAKES FD
- NEW BUILD"
400 BOULEVARD
MOUNTAIN LAKES, NJ 07046
MORRIS COUNTY

**KEY MAP,
COMPOUND PLAN,
&
NOTES**

LE-1



KEY MAP
SCALE: N.T.S.



- NOTES:**
- LEASE EXHIBIT AS SUBMITTED IS A CONCEPTUAL REPRESENTATION OF THE LEASE AGREEMENT ONLY. FINAL CONSTRUCTION DRAWINGS MAY VARY TO COMPLY WITH APPLICABLE BUILDING CODES AND ZONING ORDINANCES AND WILL SUPERSEDE THESE DRAWINGS.
 - THE DETERMINATION, LOCATION AND DEPTH OF UTILITIES ARE SUBJECT TO THE REVIEW AND APPROVAL OF THE UTILITY COMPANIES AND MAY NEED TO BE RELOCATED.
 - DO NOT SCALE THESE DRAWINGS, UNLESS OTHERWISE NOTED.
- SEE INFORMATION:**
- PROPERTY OWNER: BOROUGH OF MOUNTAIN LAKES, 400 BOULEVARD, MOUNTAIN LAKES, NJ 07046
 - CONTACT: ROBERT TOYO, 375-334-3101
 - TOWER OWNER: NEW YORK SPCA, 60 NEW CASTLE DE, NEW CASTLE, DE 382-413-1888
 - CONTACT: TERRITORY MANAGER, NEW YORK SPCA LIMITED PARTNERSHIP 476/A VERIZON WIRELESS
 - LESSOR: NEW YORK SPCA LIMITED PARTNERSHIP 476/A VERIZON WIRELESS
 - SITE ADDRESS: 400 BOULEVARD, MOUNTAIN LAKES, NJ 07046
 - BLDG./LOT: 21 / 38
 - ZONING: R-4
 - INFORMATION SHOWN ON THESE DRAWINGS IS BASED UPON A SITE VISIT BY A COM-EX CONSULTANT REPRESENTATIVE ON 11/27/14.
 - PROPOSED LEASE AREA HAS NO ASSOCIATED FLOOD MAP.

