

BID SPECIFICATIONS

FOR

**LEASE OF TOWNSHIP OWNED REAL PROPERTY FOR
THE DEVELOPMENT OF A WIRELESS
COMMUNICATIONS FACILITY**

TOWNSHIP OF NORTH HANOVER

41 SCHOOLHOUSE ROAD

NORTH HANOVER, NEW JERSEY

BID DATE

**FRIDAY, AUGUST 19, 2011
11:00 AM**

PUBLIC NOTICE

By virtue of Resolution No. 2011-103A passed by the Township Committee of North Hanover Township Council on July 21, 2011, North Hanover Township shall offer to the highest bidder by submission of sealed proposals the following property for lease for development and placement of a wireless communications facility: Part of property known as Block 902, Lot 3, located on at 49 Meany Road, North Hanover Township, New Jersey.

Bids may be submitted only on the forms provided and in accordance with the terms and conditions set forth in the OFFICIAL BID PACKAGE. The OFFICIAL BID PACKAGE may be obtained at the offices of the Municipal Clerk of the Township of North Hanover, 41 Schoolhouse Road, North Hanover Township, New Jersey.

This OFFICIAL BID PACKAGE sets forth all information, terms, and conditions, and the forms necessary for completion of the BID RESPONSE. Bids must be enclosed in sealed envelopes bearing the name and address of the bidder on the outside and also bearing on the outside reference to the particular work bid upon. Said bids shall be addressed to: Amy Antonides, RMC/CMC/CMR, Municipal Clerk

Bids are being solicited pursuant to the local public contracting provisions of New Jersey's Local Lands and Buildings Law as set forth in *N.J.S.A. 40A:12-14*.

The bids shall be received, opened and read aloud in public at 11 a.m. on Friday, August 19, 2011, at the Municipal Building of the Township of North Hanover, 41 Schoolhouse Road, North Hanover Township, New Jersey 08562.

After receipt of proposals, the Township Committee of North Hanover shall consider the proposals and may elect upon consideration to accept the highest proposal or to reject all proposals. Such acceptance or rejection shall be made by the Township Committee not later than 60 days following the deadline for submission of sealed proposals.

Bidders must comply with the requirements of New Jersey P.L. 1975, c. 127, and P.L. 2004, c. 57; N.J.S.A. 10:5-31 et seq., N.J.A.C. 17:27 (Affirmative Action) and American's With Disabilities Act of 1990 (42 USC 12101 et seq.).

THE TOWNSHIP OF NORTH HANOVER
Amy Antonides, RMC/CMC/CMR, Municipal Clerk

REQUEST FOR BIDS - SPECIFICATIONS

1. Sealed bids will be received by North Hanover Township for the lease of a portion of real property owned by the Township of North Hanover for a wireless communications tower, of stealth flagpole design, with a height not to exceed 175' above ground level, equipment building(s), and appurtenance on a portion of property owned by North Hanover Township. The property is located at 49 Meany Road and more commonly referred to as Block 902, Lot 3 on the tax map of the Township.

The intent of this proposal is to ascertain the highest bid for lease of space on the above-referenced property for placement of a wireless communications facility installation for up to twenty years based upon an initial maximum base rent with annual percentage increases on the base rent and a percentage for each additional antenna that located on the tower.

2. Prospective Bidders shall review these bid specifications before submitting a proposal, in order that no misunderstanding will exist in regard to the nature and character of the contract.
3. North Hanover Township reserves the right to reject all proposals, to waive any formality on proposals received, and to omit any item or items, deemed advisable for the best interests of North Hanover Township, or to withhold final award of the contract.
4. If bidder is a corporation, this proposal must be signed by its president, chief executive officer, or other authorized official.

If bidder is a partnership, then this proposal must be signed by an authorized representative of the partnership.

5. The bidder's response must be returned to North Hanover Township with no alterations. Alterations to the bidder's proposal may be grounds for rejection.
6. Any questions regarding the proposal or the terms and conditions of the proposal must be submitted in writing to:

Amy Antinodes, Township Clerk
North Hanover Township
41 Schoolhouse Lane
Jacobstown, New Jersey 08562
Phone: 609-758-2522 ext. 241/Fax: 609-758-3016

7. Proposals will be received by mail, commercial carrier, or hand delivery on the proposal forms provided in the manner designated herein.
8. Each bidder must submit six copies of their proposal and it shall be enclosed in a sealed envelope, addressed to "Township Clerk, North Hanover Township, New Jersey", and plainly marked on the outside "Proposal for Wireless Communications Facility – Block

9. The term of the proposed lease shall not exceed 20 years, which shall include an initial term of five (5) years and three (3) option(s) to extend the lease in increments of five (5) years each, which may be exercised by the township. Each bidder must provide the maximum amount of its initial base rent on a per month basis (“Base Rent”) for the initial five year term and the maximum annual increase during the term of the lease (“Annual Percentage Increase”). Additionally, each bidder shall provide the percentage increase that the Township will receive for each antenna that is added to the cell tower during the lease term (“Additional Rent”).
10. The Bidder shall use the property solely for the placement of antenna facilities for the transmission and reception of radio communications signals and for the construction, installation, operation, maintenance, repair, removal, or replacement of related facilities, including, without limitation, tower and base, antennas, microwave dishes, equipment shelters and/or cabinets and related activities. Antenna Facilities shall include radio and transmitting antennas, microwave dishes, equipment shelters, and/or equipment cabinets and related cables, utility lines, and a location based system as such location based system can be required by any county, state, or federal agency/department including, without limitation, additional antennas coaxial cable, base units, and other associated equipment.
11. Each bidder shall include with their proposal the amount of area required to be leased in order for the bidder to complete the project.
12. The successful bidder will be responsible for the construction of the tower and site improvements in accordance with the Description of Work required.
13. The successful bidder will be responsible to apply for and obtain final site plan approval and if necessary use variance approval from the Joint Land Use Board of North Hanover Township and that may be required by the North Hanover Township Land Development Code prior to construction of the cell tower and related improvements, together with all necessary construction permits, and any other permits or licenses required from any local, state or federal governmental agencies.
14. The proposal must be returned in its entirety in order to be considered for an award.
15. Each proposal must be accompanied by the items requested below. Failure to provide these items and the entire proposal package may be cause for rejecting this proposal.
 - a. Proposal Sheet
 - b. Non-Collusion Affidavit
 - c. List of names and addresses of all stockholders in the corporation or partnership who own ten percent (10%) or more of its stock – “Ownership Disclosure.”
 - d. Acknowledgment of Receipt of Addenda

e. Business Registration Certificate

16. The Township of North Hanover reserves the right:

- To select and enter into a lease agreement with a proposer whose proposal best satisfies the interests of the Township and not necessarily on the basis of price or any other single factor.
- To reject any and/or all proposals.
- To issue additional subsequent solicitations for proposals and/or amendments to the bid request.
- To conduct investigations with respect to the qualifications of each bidder.
- To negotiate with bidders for amendments or other modifications to their proposals.
- To modify dates.
- All proposals prepared in response to this bid request are at the sole expense of the bidder, and with the express understanding that there will be no claim whatsoever, for reimbursement from the Township for the expense of preparation.

17. The Open Public Records Act mandates public access to government records. However, proposals submitted in response to this bid request may contain technical, financial, or other data whose public disclosure could cause substantial injury to a bidder's competitive position, or constitute a trade secret. To protect these data from disclosure under the Open Public Records Act, the Bidder should specifically identify the pages of the proposal that contain such information by properly marking the applicable pages and inserting the "**Notice**" on the following page to that end in the front of its proposal.

18. The North Hanover Township Committee shall make its final selection of the successful bidder by formal resolution and the successful bidder will be required to execute a formal lease agreement with the Township, the terms and conditions of which will be negotiated with the Township Solicitor.

DISCLAIMER

The contents and information provided in this Proposal is meant to provide general information to interested parties, and in no way reflects the adherence of the Township of North Hanover to any public bidding requirements. The successful bidder shall be required to execute lease agreement with the TOWNSHIP OF NORTH HANOVER that will govern the rights, duties, and obligations between the TOWNSHIP and the successful BIDDER. ACCORDINGLY, THE TERMS SET FORTH WITHIN THESE BID SPECIFICATIONS SHALL NOT CONSTITUTE ANY CONTRACT BETWEEN THE TOWNSHIP AND THE SUCCESSFUL BIDDER. MOREOVER, THE TOWNSHIP ACCEPTS NO RESPONSIBILITY FOR ANY OMISSIONS OR DELETIONS RELATING TO THIS REQUEST FOR BIDS. However, these bid specifications and the successful proposal will become part of the Lease Agreement.

NOTICE

The data on pages of this proposal identified by an asterisk (*) contain technical or financial information, which are trade secrets, or information for which disclosure would result in substantial injury to the Bidder's competitive position.

The Bidder requests that such data be used only for the evaluation of the proposal, but understands that the disclosure will be limited to the extent the Township of North Hanover considers proper under the law. If an agreement is entered into with the Bidder, the Township shall have the right to use or disclose the data as provided in the agreement, unless otherwise obligated by law.

The Township does not assume any responsibility for disclosure or use of marked data for any purpose. In the event that properly marked data is requested, pursuant to the Open Public Records Act, the Bidder will be advised of the request, and may expeditiously submit to the Township a detailed statement indicating the reasons it has for believing that the information is exempt from disclosure under the law. This statement will be used by the Township in making its determination as to whether disclosure is proper under the law.

The TOWNSHIP OF NORTH has diligently prepared these bid specifications and has presented all known, pertinent data as accurately and as completely as possible. This data is provided for general information purposes only. The TOWNSHIP OF NORTH HANOVER does not guarantee or warrant the correctness of this information; moreover, the TOWNSHIP OF HANOVER accepts no responsibility for any omissions or deletions of information relating to these bid specifications.

##

END OF NOTICE

DESCRIPTION OF WORK

Prospective bidders are hereby informed that the Township of North Hanover will only consider the installation of a “Stealth” monopole style cell/communication tower for the site.

It is recommended that prospective bidders provide a narrative/technical approach in their bid/response which thoroughly describes your understanding of the intent of the project, as well as anticipated work approach for the projects completion.

Any specific exclusion with regard to the project, or any anticipated or required services/work items expected of the Municipality should also be detailed and included.

Prospective bidders are hereby informed of the following:

- The proposed area for the proposed monopole style communication tower and its associated appurtenance(s) shall be constructed/installed on an area of land that will not be subdivided from its original lot.
- The proposed communication tower shall be 175 ft or less in height.

OVERVIEW OF MAJOR WORK TASKS / REQUIREMENTS

Tasks/work items associated with this project includes, but is not necessarily limited to the following major work items.

1. The successful bidder will be responsible for the procurement and payment of all professional, technical, and construction services needed for the planning, engineering, design, all associated approval(s), and construction for a complete and functioning tower installation.
2. The successful bidder will be responsible for obtaining all; Federal, State, County, Municipal, and local board and agency approvals that may be required for the construction of the facility, as well as payment of any associated fee's and / or escrows associated with obtaining all required approvals.
3. It is expected that the successful bidder will: survey, engineer, design, and construct the facility in accordance with the most current design standards and/or guidelines associated with this type of facility. Including but not limited to Federal, State, County, Municipal, and/or local requirements.

The above description of work outlines the general items, and shall not be construed as being all-inclusive.

END DESCRIPTION OF WORK

CHECK LIST

THE FOLLOWING ITEMS, AS CHECKED BELOW, MUST BE SUBMITTED WITH YOUR
BID PACKAGE

**LEASE OF REAL PROPERTY
BLOCK 414, LOT 35.02 LOCATED ON WINDOVER LANE**

- | | |
|--|-------|
| 1. Proposal (including Bidder's Affidavit) | [X] |
| 2. Non-Collusion Affidavit | [X] |
| 3. Corporate Disclosure Statement | [X] |
| 4. Check List | [X] |
| 5. Business Registration Certificate | [X] |
| 6. Hold Harmless Agreement | [X] |
| 7. Acknowledgment of Addenda | [X] |
| 8. | |
| 9. | |
| 10. | |
| 11. | |
| 12. | |

WARNING: If the items checked above are not included in your bid package, it may cause your bid to be automatically rejected.

(COMPANY)

(NAME – PLEASE PRINT OR TYPE)

(SIGNATURE)

(DATE)

PROPOSAL

LEASE OF REAL PROPERTY

BLOCK 414, LOT 35.02 LOCATED ON WINDOVER LANE

The undersigned bidder(s) declares that he/she has read the Notice to Bidders, Instructions to Bidders, Affidavits and Specifications attached, that he/she has determined the conditions affecting the bid and agrees, if this proposal is accepted, to furnish and deliver the following:

Lease amount for first year: \$ _____
Lease amount for second year: \$ _____
Lease amount for third year: \$ _____
Lease amount for fourth year: \$ _____
Lease amount for fifth year: \$ _____

Proposed Annual % increase in Base Rent during lease term during initial five year term and subsequent five year extensions: _____ percent

Proposed % increase in lease amount for each additional antenna located on the tower during lease term: _____ percent.

Amount of area be to required to be leased: _____

The Lease is for a term an initial term of five (5) years and will commence on the date as set forth by the Township in a lease agreement to be executed by the parties.

Corporate/Trade Name _____
Signature _____
Owner/Partner/Officer Title _____
Street Address _____
City, State, Zip Code _____
Telephone/Fax _____
E-Mail Address _____
Date _____

BIDDER'S AFFIDAVIT

(This Affidavit is a part of the Proposal)

STATE OF)
) SS:
COUNTY OF)

Being duly sworn, deposes and says that he/she resides at:

That he/she is the

_____ of _____
(give title and company)

who signed the above proposal, that he/she was duly authorized to sign and the proposal is a true offer of the Company, that the seal attached is the seal of the Company, and that all the declarations and statements contained in the proposal are true to the best of his knowledge and belief.

SIGNATURE: _____

NAME: _____

COMPANY NAME: _____

ADDRESS: _____

TELEPHONE NO. _____

FAX NO. _____

Sworn and subscribed to me

this _____ day of _____, 2010.

Notary Public

NORTH HANOVER TOWNSHIP
41 Schoolhouse Road - Jacobstown, NJ 08562

HOLD HARMLESS AGREEMENT

16 DATE: _____

NAME: _____ **PHONE:** _____

ADDRESS: _____

HOLD HARMLESS INDEMNIFICATION: In consideration of submitting its bid to the Township of North Hanover for **LAND LEASE OF MUNICIPALLY OWNED PROPERTY FOR INSTALLATION OF WIRELESS COMMUNICATION FACILITIES**, the Bidder does hereby covenant and agree to save, defend and hold harmless the Township of North Hanover, its agents, servants and employees from any and all liabilities or costs arising out of the applicants participation in this event.

Bidder shall indemnify and hold harmless the Township of North Hanover from all claims, suits or actions, and damages or costs of every name and description to which the owner may be subjected or put by reason of injury to the person or property of another, or the property of the owner, resulting from negligent acts or omissions on the part of the contractor, the contractor's agents, servants or subcontractors in the delivery of goods and services, or in the performance of the work under the contract.

The Bidder agrees to indemnify the Township from any legal costs, which might arise from such liability. And in the event the applicant's insurance carrier should fail to pay for such a defense, then the Bidder shall reimburse the Township for any costs incurred by it for any person or organization acting on its behalf.

The undersigned is authorized to execute this Hold Harmless and Indemnification Agreement as the binding act of the Bidder.

Printed Name

Signature

Date: _____

North Hanover Township, Burlington County

ACKNOWLEDGMENT OF RECEIPT OF ADDENDA

The undersigned Bidder hereby acknowledges receipt of the following Addenda:

<u>Addendum Number</u>	<u>Dated</u>	<u>Acknowledge Receipt</u> (initial)
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

No addenda were received:

Acknowledged for: _____
(Name of Bidder)

By: _____
(Signature of Authorized Representative)

Name: _____
(Print or Type)

Title: _____

Date: _____