

BOROUGH OF FANWOOD

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that sealed bids will be received by the Borough Purchasing Agent for the Borough of Fanwood, County of Union, State of New Jersey on April 25, 2017, at 10:30 A.M., prevailing time in the Borough of Fanwood, New Jersey, at which time and place bids will be opened and read in public for:

Lease for the placement of antennas, cables and accessories on a self-supporting wireless telecommunications tower, and ancillary wireless telephone support equipment and structures.

All bids must be enclosed in a sealed opaque envelope bearing the name and address of the bidder and clearly marked "Telecommunications Lease."

Bidders are asked to bid for the right to place antennas, cables and accessories on a one hundred twenty (120') foot tall, self-supported tower, erected next to the Borough Hall at 75 North Martine Avenue, Fanwood, New Jersey 07023 (the "Tower"). One (1) antenna position is available, for up to twelve (12) antennas, at a height above grade of approximately one hundred ten feet (110'). The tenant under the lease shall be responsible for all costs associated with installing its equipment and antennas, as more fully set forth in the form of the lease, which document shall provide the controlling provisions for this project. A prior structural analysis of the Tower will be included in the bid documents for bidders' information. The lease also shall include the right to install ancillary wireless telephone support equipment within a ground space lease area of approximately one hundred twenty (120) square feet, to be constructed by the bidder. The general location of the ground space to be allocated for equipment shall be identified as part of the bid package. Before construction may commence, the successful bidder shall submit professionally-prepared studies, plans and specifications to the Borough Engineer, the Borough Construction Official and its telecommunication consultant for review and approval, and issuance by the Construction Official of a building permit.

There are existing tenants already located on the Tower. The new Tenant shall agree to be bound by the terms of the co-location agreement that has been executed by the Borough and the existing tenants, including, without limitation, responsibility for its allocation of accrued costs for development of those existing improvements that the new Tenant will share. Note that as regards accrued costs as of the lease commencement date, Tenant's cost allocation shall not include a share of costs of facilities it does not actually share (such as the equipment shelter), nor shall it include a share of the cost of the tower itself.

A pre-bid meeting for interested bidders will be held on March 29, 2017, at 9:30 A.M. at Fanwood Borough Hall if requested by one or more bidders. Such request must be submitted in writing to the Borough Clerk by March 22, 2017, or no pre-bid meeting will be conducted. Interested bidders will have the opportunity to inspect the property at that time.

Bid information may be obtained at the offices of the Borough Purchasing Agent, on or after March 15, 2017, for no cost and may be obtained by prospective bidders between the hours of 9:00 A.M. and 3:30 P.M., Monday through Friday, holidays excluded. Other bid information may also be obtained at the offices of the Borough Purchasing Agent, Borough of Fanwood, 75 North Martine Avenue, Fanwood, NJ 07023, during regular business hours.

All bids must be accompanied by cash, certified check or bid bond in the amount of ten (10%) percent of the bid (i.e., the first year's annual base rent), but not in excess of \$20,000.00. If a successful bidder does not execute the lease with the Borough within sixty (60) days following the award, then that bidder's bid deposit shall be forfeited.

All bids shall be referred to the Borough Attorney for review and final approval. The Borough will make its decision known by resolution no later than sixty (60) days after the bids are received. The Borough reserves the right to reject any and all bids in accordance with New Jersey law.

The Tenant shall have the right, without prohibition, to assign its lease or sublease the demised premises to any corporation affiliated with the Tenant, namely: (1) a parent corporation of the Tenant; (2) a wholly owned subsidiary or affiliate corporation of the Tenant or the Tenant's parent corporation; (3) any corporation succeeding to substantially all of the assets of the Tenant as a result of a consolidation or merger; or (4) any entity acquiring fifty-one percent (51%) or more of the assets and/or stock of the Tenant.

The initial lease term shall be five (5) years, with four (4) five (5) year renewal options. The Borough will not accept bids of less than Thirty-Five Thousand Dollars (\$35,000.00) per year as the annual base rent for the first (1st) year, with annual increases in rent at the rate of four percent (4%) per year for each year in which the exercises its right to renew the lease.

The successful bidder shall be required to comply with the requirements of P.L. 1975, c. 127 (N.J.A.C. 17:27 et seq.), pertaining to affirmative action in relation to discrimination in connection with certain public contracts.

Any prospective bidder who wishes to challenge the bid specifications or any aspect of the bidding process itself shall file such challenges in writing with the Borough Purchasing Agent no less than three (3) days prior to the date specified in this notice for the opening of the bids. Challenges filed after that time shall be considered void and have no impact on the Borough or the award of the lease. **If a bidder submits a bid, any exceptions taken to such bid shall be deemed null and void and of no effect.**

Pat Hoynes
Purchasing Agent
Borough of Fanwood