

**COUNTY COLLEGE OF MORRIS**  
**BOARD OF TRUSTEES MINUTES**  
**REGULAR MEETING**  
*December 11, 2018*

**CALL TO ORDER**

Board of Trustees Chair Paul R. Licitra called the regular meeting of the Board of Trustees of the County College of Morris to order at 6:00 p.m., in the Board Room, Henderson Hall. Chair Licitra stated that in compliance with the Open Public Meetings Act of the State of New Jersey, adequate notice of this Regular Meeting of the Board of Trustees has been satisfied by the inclusion of the date, and time of this Regular Meeting in the annual notice of regular meetings of the Board. Such annual schedule and notice of regular meetings is posted on the bulletin board outside the President's Office, was mailed to the Daily Record and Star Ledger, and was filed with the Clerk of the County of Morris on November 20, 2018.

**ROLL CALL**

Trustees Advokat, Allen-McMillan, Hadzima, Milonas, Pepe, Raymond, Weisberg and Chair Licitra were in attendance. Trustees Dredden, Frost and Alumni Trustee Seligson were absent. President Iacono and Attorney Schneider were also in attendance.

**ADOPTION OF RESOLUTION TO DISCUSS MATTERS IN CLOSED SESSION**

RESOLVED, At the Regular Meeting of the Board of Trustees on December 11, 2018, that pursuant to Sections 7 and 8 of the Open Public Meetings Act, the following subjects be discussed in a session closed to the public at approximately 6:00 p.m., Henderson Hall, Room HH 103.

1. Compensation for Professional Services
2. New Employee Appointments
3. Revisions to Adjunct Faculty Appointments and Salaries, Fall 2018 Semester
4. NJ First Act Exemption List
5. Ratification of AAPF Contract
6. Legal Advice Concerning Construction Bids
7. Matters involving the attorney-client privilege.

It is anticipated that all of the above items will be disclosed to the public at the reconvened session of the Board at 6:30 p.m. with the exception of Items #6&7.

Upon the motion of Trustee Weisberg and the second of Trustee Pepe, Chair Licitra called for discussion by members of the Board. There being no discussion, Chair Licitra called for a voice vote of the Board. The voice vote of the Board indicated that all present were in favor. The meeting was closed to the public at 6:02 p.m. The public meeting reconvened at 6:46 p.m.

**PLEDGE OF ALLEGIANCE**

Chair Licitra invited everyone to rise and salute the flag. Everyone rose, saluted the flag and recited the Pledge of Allegiance. Following the flag salute the Board of Trustees and others present at the meeting observed a moment of silence.

**APPROVAL OF MINUTES**

Chair Licitra called for consideration of the minutes of the reorganizational and regular meeting of November 19, 2018, including the closed session. Upon the motion of Trustee Weisberg and the second of Trustee Advokat, Chair Licitra called for a voice vote of the Board. The voice vote of the Board indicated that all were in favor of the minutes as distributed.

**REPORT OF THE PRESIDENT**

Professor Kathleen McNeil was recognized as Advisor to *The Promethean* on the design excellence award received for the 2017-2018 edition by Graphic Design: USA. Professor McNeil reported that *The Promethean* has earned seven of the eight annual Graphic Design awards.

Katie Olsen, Executive Director of the Foundation, presented an update on the Foundation. The power point presentation is on file in the Office of the President.

President Iacono referred the Board to the written Report of the President that is on file in the Office of the President. In response to a question from Trustee Raymond, President Iacono stated that the data warehouse assists the college in making intentional, strategic decisions. In response to another question from Trustee Raymond, President Iacono reported that the college administration is researching alternate payment options for our students.

ADVANCED ENGINEERING AND MANUFACTURING (AEM) BUILDING UPDATE

Vice President VanDerhoof provided an update on the project and the scheduling of the groundbreaking ceremony.

REPORT OF THE TREASURER

Treasurer Advokat moved for the adoption of the following resolutions.

- A. RESOLVED, That in accordance with the County College Contracts Law, a purchase order be issued to the following vendor for a purchase following public advertising:

<u>Bid #</u>	<u>Description</u>	<u>Vendor</u>	<u>Amount</u>
B1819-35DDP	Complete Robotic Educational System for Engineering	Allegheny Educational Systems, Inc. Tarentum, PA	\$50,200.00

One (1) LR Mate 200iD/4S Robot with R-30iB Mate Controller and MH3 Fenceless Education Training Cart @ \$39,550.00; One (1) Instructor MH CERT Program/Software Package and Student MH Software Package (Single Instructor) @ no charge; One (1) Instructor Manual Bundle @ no charge; One (1) Project Based Learning – Battery Package with Basic iRVision 2D and Error Proofing @ \$4,100.00; One (1) Project Based Learning – Pill sorting Package with Basic iRVision 2D and Contrasting Colors @ \$4,500.00; One (1) Fenceless Multi-EOAT Adaptor Kit @ \$800.00; One (1) Fenceless Multi-EOAT Vacuum Kit @ \$1,250.00 for the Engineering Department.

Trustee Pepe seconded the motion. Chair Licitra called for discussion by members of the Board. There being no questions or comments, Chair Licitra called for a roll call vote of the Board. The roll call vote of the Board indicated that all were in favor.

- B. WHEREAS, The County College of Morris pursuant to public advertisement for Scientific, Nursing and Respiratory Equipment received eight (8) bid proposals under Bid B1819-25DDP which was publicly opened on November 26, 2018; and

WHEREAS, a review of the Bid Proposal submitted by the following bidder did not provide a signed and notarized Statement of Ownership (Ownership Disclosure) as required in the bid specifications and therefore should be rejected as non-conforming: Pocket Nurse Enterprises, Inc. DBA Pocket Nurse; and

WHEREAS, a review of the Bid Proposal submitted by the following bidder did not provide a signed and notarized Statement of Ownership (Ownership Disclosure) as required in the bid specifications and therefore should be rejected as non-conforming: IngMar Medical, LLC; and

WHEREAS, a review of the Bid Proposal submitted by the following bidder did not provide a signed Disclosure of Investment Activities in Iran form as required in the bid specifications and therefore should be rejected as non-conforming: Fisher Scientific Co. LLC; and

WHEREAS, a review of the Bid Proposal submitted by the following bidder provided a conditional bid which is not acceptable in the bid specifications and therefore should be rejected as non-conforming: Thermo Electron North America LLC; and

WHEREAS, a review of the Bid Proposal submitted by the following bidder provided a conditional bid and could not provide warranty services which is not acceptable in the bid specifications and therefore should be rejected as non-conforming and non-responsive: McKesson Medical-Surgical Inc.; and

NOW, THEREFORE BE IT RESOLVED ON THIS 11<sup>TH</sup> DAY OF December, 2018 by the Board of Trustees of the County College of Morris the bid proposal from Pocket Nurse Enterprises, Inc. DBA Pocket Nurse; IngMar Medical, LLC, Fisher Scientific Co. LLC; Thermo Electron North America LLC; and McKesson Medical-Surgical Inc. be rejected; and

BE IT FURTHER RESOLVED, that upon the recommendation of the Purchasing Manager the contract be awarded to Simulab Corporation for One (1) Ultrasound Arterial Line Training Package @ \$4,957.00; Laerdal Medical Corporation for One (1) Male Multi-Venous IV Training Arm Kit, Tan @ \$715.00; One (1) SimMom Flat Abdominal Skin @ \$810.00; and John Simon Instrument Co., Inc. for Twelve (12) Leica DM 500 Binocular Microscopes @ \$1,150.00 each = \$13,800.00 for the School of Health Professions and Natural Sciences.

Trustee Allen-McMillan seconded the motion. Chair Licitra called for discussion by members of the Board. There being no questions or comments, Chair Licitra called for a roll call vote of the Board. The roll call vote of the Board indicated that all were in favor.

- C. WHEREAS, The County College of Morris pursuant to public advertisement for Audio Visual Equipment and Software received four (4) bid proposals under Bid B1819-42SKCP which was publicly opened on November 26, 2018; and

WHEREAS, a review of the Bid Proposal submitted by the following bidder did not provide a signed Disclosure of Investment Activities in Iran form as required in the bid specifications and therefore should be rejected as non-conforming and non-responsive: Sweetwater Sound Inc; and

NOW, THEREFORE BE IT RESOLVED ON THIS 11<sup>TH</sup> DAY OF December, 2018 by the Board of Trustees of the County College of Morris the bid proposal from Sweetwater Sound Inc. be rejected; and

BE IT FURTHER RESOLVED, that upon the recommendation of the Purchasing Manager the contract be awarded to Adorama Inc, for five (5) Chroma-Q LED Lighting Systems @ \$3,300.00 each = \$16,500.00 and one (1) Apollo 8 Duo 18x24 Thunderbolt 2 Audio Interface @ \$1,517.95; B&H Photo-Video-ProAudio for twenty (20) Avid Sibelius Multi-User Site License Upgrades @ \$29.00 each = \$580.00 and three (3) EastWest Quantam Orchestra Gold Edition Software Licenses @ \$212.00 each = \$636.00; Varto Fine Arts Tech Inc. for one (1) Panamax Line Conditioner and Surge Protector @ \$119.95, one (1) Mantel Mount @ \$549.00, one (1) Insignia 25' 4K HDMI Cable @ \$94.95, one (1) NewTek TriCaster Bundle for Live and Post Production Video Editing @ \$18,995.00, eight (8) Oculus Rift Virtual Reality Headset Bundle @ \$399.00 each = \$3,192.00, three (3) Avid Pro Tools Ultimate Software Support Renewals @ \$399.00 each = \$1,197.00, nineteen (19) Avid Pro Tools Academic Software Support Renewals @ \$99.00 each = \$1,881.00 and one (1) Avid Pro Tools Software Support NEW @ \$299.00 for various divisions on campus.

Trustee Pepe seconded the motion. Chair Licitra called for discussion by members of the Board. There being no questions or comments, Chair Licitra called for a roll call vote of the Board. The roll call vote of the Board indicated that all were in favor. The Report of the Treasurer was concluded.

#### PERSONNEL MATTERS

Committee Chair Weisberg moved for the adoption of the following resolutions.

- A. RESOLVED, That the Board of Trustees approve compensation for those persons listed on Attachment #1 for professional services to the College for the purposes stated on Attachment #1.
- B. RESOLVED, That the new employee appointments listed on Attachment #2 be approved.

Trustee Hadzima seconded the motion. Chair Licitra called for discussion by members of the Board. There being no questions or comments, Chair Licitra called for a roll call vote of the Board. The roll call vote of the Board indicated that all were in favor.

- C. RESOLVED, That the revision to the adjunct faculty appointments and salaries for the 2018 Fall semester be approved as stated on Attachment #3.

Trustee Milonas seconded the motion. Chair Licitra called for discussion by members of the Board. There being no questions or comments, Chair Licitra called for a roll call vote of the Board. The roll call vote of the Board indicated that all were in favor.

- D. BE IT RESOLVED, That the Board of Trustees approve the filing of the report of positions to be exempt from the residency requirements under the New Jersey First Act as stated on Attachment #4.

Trustee Hadzima seconded the motion. Chair Licitra called for discussion by members of the Board. There being no questions or comments, Chair Licitra called for a roll call vote of the Board. The roll call vote of the Board indicated that all were in favor.

- E. RESOLVED, That effective January 1, 2019 the Management and Confidential Administrative Support Staff employee's paid holidays be the following:

- New Year's Day
- Martin Luther King Jr.'s Birthday
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Day following Thanksgiving Day
- Christmas Day
- All weekdays (defined as Monday, Tuesday, Wednesday, Thursday, and Friday) between Christmas Day and New Year's Day
- Three Floating Holidays

Trustee Hadzima seconded the motion. Chair Licitra called for discussion by members of the Board. There being no questions or comments, Chair Licitra called for a roll call vote of the Board. The roll call vote of the Board indicated that all were in favor.

- F. Having been notified that the Academic-Administrative Personnel Federation of County College of Morris (AAPF) has ratified the terms of a three-year contract, beginning on July 1, 2018, through June 30, 2021 as set forth in the Memorandum of Understanding dated November 1, 2018;

BE IT RESOLVED, That the Board of Trustees of the County College of Morris approve and ratify the contract as set forth in the Memorandum of Understanding dated December 11, 2018.

Trustee Milonas seconded the motion. Chair Licitra called for discussion by members of the Board. There being no questions or comments, Chair Licitra called for a roll call vote of the Board. The roll call vote of the Board indicated that all were in favor. The Report of the Committee on Personnel was concluded.

COMMITTEE ON LANDS AND BUILDINGS

On behalf of Committee Chair Frost, Chair Licitra moved for the adoption of the following resolutions.

- A. RESOLVED, That the bid of APS Contracting, Inc. for construction of the Advanced Engineering and Manufacturing Pre-Engineered Building, Bid1819-1JK, be rejected as non-responsive and non-conforming to the bid specifications as indicated on Attachment #5.

Trustee Weisberg seconded the motion. Chair Licitra called for discussion by members of the Board. There being no questions or comments, Chair Licitra called for a roll call vote of the Board. The roll call vote of the Board indicated that all were in favor.

- B. WHEREAS, the County College of Morris publicly advertised for bids for the contract to construct the Advanced Engineering and Manufacturing Pre-Engineered Building, Bid No. B1819-1JK; and

WHEREAS, bids were received and opened on November 13, 2018 from eleven (11) contractors; and

WHEREAS, by separate Resolution this Board of Trustees rejected the lowest base bid as non-responsive and non-conforming, and the Board accepted the recommendation of the Project Architect that the bid proposal of the next lowest, responsive bidder be accepted;

NOW THEREFORE IT IS RESOLVED on this 11<sup>th</sup> day of December, 2018 that The Bennett Company, Inc. of Passaic, New Jersey be awarded the general construction contract for the Advanced Engineering and Manufacturing Pre-Engineered Building Bid No. B1819-1JK in the base bid amount of \$11,130,000 (inclusive of a \$325,000 Contingency Allowance plus a \$85,000 Signage Allowance).

Trustee Pepe seconded the motion. Chair Licitra called for discussion by members of the Board. There being no questions or comments, Chair Licitra called for a roll call vote of the Board. The roll call vote of the Board indicated that all were in favor. The Report of the Committee on Lands and Buildings was concluded.

COMMITTEE ON FINANCE AND BUDGET

Committee Chair Pepe moved for the adoption of the following resolutions.

- A. RESOLVED, that the following contract not solicited by public advertisement, be awarded based upon preclusion from consideration for the contract award of any contractor who is ineligible under N.J.S.A. 19:44A-20.4 by reason of a reportable political contribution.

<b>Contractor</b>	<b>Nature of Contract</b>	<b>Term of Contract</b>	<b>Estimated Contract Value</b>
Alliance Promotional Products	Promotional Items	07/01/18-06/30/19	Will Exceed \$17,500.00
Clarus Corporation	Media Campaigns	07/01/18-06/30/19	Will Exceed \$17,500.00
People Admin	Software Upgrade	12/31/18-12/30/20	\$34,972.00

The form of resolution hereby adopted awarding the contract is set forth in Attachment #6.

Trustee Raymond seconded the motion. Chair Licitra called for discussion by members of the Board. There being no questions or comments, Chair Licitra called for a roll call vote of the Board. The roll call vote of the Board indicated that all were in favor. In response to a question from Trustee Raymond, Vice President and CIO Rob Stirton stated that the college is reviewing cloud computing.

- B. WHEREAS, The Board of Trustees awarded a contract, not solicited by public advertisement, to ASR Analytics for Professional Services for Student Success Analytics in the amount of \$98,640.00 plus estimated reimbursement expenses of \$6,720.00;

WHEREAS, This contract was awarded based upon preclusion from consideration for the contract award of any contractor who is ineligible under N.J.S.A. 19:44A-20.4 by reason of a reportable political contribution; and

WHEREAS, The Contractor required 38.5 additional hours at \$180.00 per hour due unforeseen circumstances and the expansion of the scope of work to include additional capacities of the data warehouse to retrieve and report additional financial aid data;

NOW, THEREFORE, BE IT RESOLVED, That the Board of Trustees increase the contract amount to \$105,570.00 plus actual reimbursable of \$3,390.00 for a period to end on 12/31/18.

Trustee Allen-McMillan seconded the motion. Chair Licitra called for discussion by members of the Board. There being no questions or comments, Chair Licitra called for a roll call vote of the Board. The roll call vote of the Board indicated that all were in favor. The Report of the Committee on Finance and Budget was concluded.

#### NEW BUSINESS - NOTICE OF RESCHEDULED MEETING

Chair Licitra provided the motion for adoption of the following resolution.

RESOLVED, That in accordance with the Open Public Meetings Act of the State of New Jersey, P.L. 1975, Chapter 231, notice is hereby given that the regular meeting of the Board of Trustees scheduled and advertised for January 15, 2019 is rescheduled to Tuesday, January 29, 2019 at 6:00 p.m., Board Room, Henderson Hall. It is anticipated that formal action will be taken by the trustees at this meeting.

Trustee Pepe seconded the motion. Chair Licitra called for discussion by members of the Board. There being no questions or comments, Chair Licitra called for a voice vote of the Board. The voice vote of the Board indicated that all present were in favor.

#### MATTERS TO BE BROUGHT TO THE ATTENTION OF THE BOARD BY OFFICERS OF THE BOARD

Trustee Hadzima thanked the college for the gift of the poinsettia plant; and remarked on the production of "It's a Wonderful Life."

Trustee Weisberg commented on the college Annual Report and *The Promethean*.

President Iacono referred the Board to the display of NASA commemorative patches and flags given to the college by retiring Congressman Rodney Frelinghuysen.

Vice Chair Pepe reminded the Board that the FY2020 Budget will be presented to the Board at the January meeting for their consideration.

#### QUESTIONS AND COMMENTS FROM THE PUBLIC

Chair Licitra called for questions or comments from the public at 7:47 p.m. Eric Pedersen, president of the AAPF bargaining unit, thanked the Board for ratifying the contract, and thanked Vice President Tom Burk for negotiating the contract. There were no further questions or comments from the public.

The being no further business to conduct, the public meeting was adjourned at 7:48 p.m.

Respectfully submitted,  
Denise M. Bell  
Recording Secretary

**REMUNERATION FOR PROFESSIONAL SERVICES  
FOR THE MONTH OF DECEMBER 2018**

<b>NAME</b>	<b>DATES OF SERVICE</b>	<b>PAYMENT</b>	<b>REASON</b>
Ballone, Carrie	11/1,2/18	\$800.00	Taught Improve Your Comm. & Leading Others Thru Change/CBT
Bilotti, Joseph	11/04/2018	\$250.00	Site Manager for MEA Piano Competition
Cantelmo, Concetta	10/25/18,11/1/18	\$120.00	Testing Center Admin & Proctoring
Cantelmo, Concetta	11/10/2018	\$45.00	Testing Center Admin & Proctoring
Faines, Ronald	10/20/18-11/3/18	\$1,224.00	Taught C204 Individual Addict Counsel for CPP
Favia, Dale	10/9-30/18	\$350.00	Neighbors Helping Neighbors facilitation for CBT
Fitzpatrick, Kelly	11/02/2018	\$400.00	Taught Visual Basic for Excel for CBT
Gaffney, Anthony	9/15/18-11/3/18	\$1,128.00	Taught AutoCAD Level 1 for CPP
Garbarino, Claude	9/6/18-12/21/18	\$510.00	Program development - Medical Billing & Coding for CPP
Garbarino, Claude	10/13-27/18	\$765.00	Taught CPT & HCPCS Coding for CPP
Garver, Alyce	10/23/2018	\$400.00	Taught Google Docs for CBT
Grant, Rosemary	10/29/18,11/5/18	\$112.50	Testing Center Admin & Proctoring
Grant, Rosemary	11/19/2018	\$45.00	Testing Center Admin & Proctoring
Kafel, Brian	11/15/2018	\$240.00	Site Manager for New Pathways
Maione, RoseAnn	10/25,29/18	\$135.00	Testing Center Admin & Proctoring
Maione, RoseAnn	11/8,12/18	\$127.50	Testing Center Admin & Proctoring
Mammon, Marelaine	9/4/18-11/10/18	\$2,000.00	Director of Fall Musical
Martinez, Christina	11/01/2018	\$520.00	Taught Conscious Communication & Comm. w/ Clarity for CBT
Martinez, Christina	10/26/2018	\$400.00	Taught Critical Thinking Skills for CBT
McArdle, Colleen	9/4/18-11/10/18	\$850.00	Choreographer for Fall Musical
Occhipinti, Georgann	10/26/2018	\$400.00	Taught Critical Thinking Skills for CBT
Petti, Ciro	10/2,25/18	\$800.00	Taught Agile Project Management & Planning Projects for CBT
Rivera, Oliver	11/4-10/18	\$625.00	Saxophone for Fall Musical
Smith, Keith	AY 2018-19	\$600.00	New Faculty Workshops
Smith, Keith	AY 2018-19	\$600.00	New Faculty Workshops
Swern, Lauren	10/11/18-11/1/18	\$546.00	Taught Grant Research/Proposal Write for CPP
Swern, Lauren	10/16-23/18	\$252.00	Taught Face to Face Communications for CPP
Swiss, Matthew	9/4/18-11/10/18	\$2,000.00	Musical Director for Fall Musical
Vill'Neuve, Denise	7/1/18-12/31/18	\$500.00	Taught MRI Clinical for CPP
Weiss, Joan	10/27/18,11/1/18	\$112.50	Testing Center Admin & Proctoring
Weiss, Joan	11/10/2018	\$52.50	Testing Center Admin & Proctoring
Zejnnullahi, Rreze	9/12/18-10/17/18	\$900.00	Taught Excel Essentials for CBT
Zejnnullahi, Rreze	10/9-23/18	\$400.00	Taught Intro to QuickBooks for CBT

The following actions commence as of the date indicated and end on June 30, 2019.

RATIONALE:	NAME:	EFFECTIVE DATE:	ACTION/ POSITION:	SALARY/ WAGE:
<b>FAC:</b>				
NEW	Restaino, Dena	18-Jan-19	<b><u>Appointed to:</u></b> Assistant Professor Biology	\$28,356
REPLACEMENT	Alikhani, Maryam	18-Jan-19	<b><u>Appointed to:</u></b> Assistant Professor English & Philosophy	\$32,502
NEW	Ford, Melissa	18-Jan-19	<b><u>Appointed to:</u></b> Assistant Professor Business	\$34,142
REPLACEMENT	Duffin, Robert	18-Jan-19	<b><u>Appointed to:</u></b> Assistant Professor Engineering Technologies/Engineering Science	\$31,476
<b>PART-TIME:</b>				
REPLACEMENT	Madonna, Lorianne	3-Dec-18	<b><u>Appointed to:</u></b> PT Support Services Assistant Business Services	\$15.90ph



**ADJUNCT FACULTY APPOINTMENT AND SALARY REVISION  
Fall 2018**

<u>Name</u>	<u>Dept.</u>	<u>Salary</u>		<u>Code</u>
		<u>From</u>	<u>To</u>	
Kahn, Bruce	01670	\$3,713.00	\$4,538.00	C

<p><b><u>Codes:</u></b> C = COURSE/CREDIT HOURS ADDED OR DELETED</p>
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**COUNTY COLLEGE OF MORRIS EXEMPTION REPORT  
UNDER NEW JERSEY FIRST ACT  
Submitted on December 12, 2018**

<u>Exempt Positions</u>	<u>Rationale</u>
1.     a.     Full Time Professors b.     Part Time (Adjunct) Professors c.     Instructors, Corporate & Community Programs	These teaching positions require special expertise and specific academic, scientific, and professional qualifications.
2.     a.     Vice President, Academic Affairs b.     Vice President, Business & Finance c.     Vice President, Student Development & Enrollment Mgt. d.     Executive Director, Foundation e.     Vice President, Institutional Effectiveness & CIO f.     Vice President, Human Resources & Labor Relations g.     Dean of School of Health Professions & Natural Sciences h.     Dean of School of Liberal Arts i.     Dean of Virtual Campus j.     Associate Vice President, Workforce Development & Dean of School of Professional Studies & Applied Sciences k.     Dean, Learning Support & Opportunity Services l.     Dean, Learning Resource Center	These administrative and management positions require special expertise and extraordinary academic and higher education administrative qualifications.
3.     a.     Director, Institutional Grants b.     Director, Academic Operations c.     Director of Accessibility Services d.     Director of Operations-Professional Development Programs e.     Coordinator, Academic Advisement f.     Director, Admissions g.     Director, Athletics h.     Director, Campus Life i.     Director, Career Services & Cooperative Education j.     Director, Counseling & Student Success k.     Counselor, Counseling & Student Success l.     Director, Financial Aid m.     Director, Marketing & Public Relations n.     Director, College Events & Foundation Programs o.     Director, Alumni Affairs p.     Coordinator of Health Services q.     Registrar r.     Coordinator of Business Services/Government Records Custodian s.     Coordinator of Transfer Services t.     Associate Director, Workforce Development u.     College Architect v.     Associate Director, Career Services w.     Associate Director, Admissions x.     Associate Director, Applications y.     Associate Director, LRC	These administrative and management positions require special expertise and extraordinary academic and higher education administrative qualifications.

- z. Associate Director, Plant & Maintenance
- aa. Associate Director, Media Center
- bb. Director, Workforce Development & Community Partnerships
- cc. Bursar
- dd. Director of Accounting
- ee. Manager, Payroll & Special Projects
- ff. Director, Budget & Compliance
- gg. Director, Auxiliary Services
- hh. Director, Public Safety
- ii. Director, Plant and Maintenance
- jj. Manager, Purchasing
- kk. Planetarium Astronomer
- ll. Director of Network and User Services
- mm. Associate Director, Human Resources
- nn. Compliance Officer
- oo. Manager, Benefits
- pp. Theater Technician

Failure to grant exemption of the above positions from the New Jersey First Act would seriously impede the ability of the college to compete successfully with similar educational institutions in other states, because:

1. County College of Morris recruiting draws upon a competitive marketplace that is beyond the state of New Jersey.
2. County College of Morris uses publications and websites that reach candidates beyond New Jersey.
3. County College of Morris's recruiting experience confirms the receipt of applications from out-of-state applicants for these types of positions.
4. County College of Morris competes with out-of-state employers for persons with similar skill sets.

## RESOLUTION REJECTING BID

WHEREAS, the County College of Morris pursuant to public advertisement, received and opened bids on November 13, 2018 for construction of the Advanced Engineering and Manufacturing Pre-Engineered Building, Bid No. B1819-1JK; and

WHEREAS, eleven (11) contractors submitted bids with the lowest base bid submitted by APS Contracting, Inc. of Paterson, New Jersey, in the amount of \$10,810,000;

NOW THEREFORE IT IS RESOLVED on this 11<sup>th</sup> day of December, 2018 by the Board of Trustees of the County College of Morris, that the bid of APS Contracting, Inc. be rejected as non-responsive and non-conforming to the bid specifications for the reasons set forth below.

1. ADDENDUM NUMBER ONE dated 09.26.2018 which APS acknowledged receiving, sets forth on page 2 **CHANGES TO PROCUREMENT AND CONTRACTING REQUIREMENTS (DIVISION 00)**. Item 02 of that section directs that in Division 00 the bidder is to DELETE Section 00 BP 00 Bid Proposal in its entirety and **REPLACE** with the attached Section 00 BP 00 Bid Proposal. Further, Item 31 on page 7 of the Addendum advises that **The Bid Proposal (Form No. 1) has been modified to clarify the difference between the structural steel subcontractor and the PEMB manufacturer**. The attached revised Bid Proposal Form on page 00 BP 00 3 of 4 states at the top of the page **DO NOT LEAVE ANY BLANK SPACES**. The revised Bid Proposal Form page 3 states **Please provide PEMB Manufacturer (DPMC CLASSIFICATION NOT REQUIRED)**. This is followed by blank spaces for the disclosure of the NAME and ADDRESS of the PEMB Manufacturer. APS did not submit the revised Bid Proposal Form as instructed in the Addendum and thereby failed to provide or disclose the PEMB Manufacturer it intended to subcontract for construction and delivery of the prefabricated building.
2. With the exception of the APS bid, all of the remaining ten (10) bidders submitted the correct Revised Bid Proposal Form and disclosed the name and address of the PEMB Manufacturer that would perform the prefabricated building work.
3. The failure of APS to submit the revised Bid Proposal Form and disclose the PEMB Manufacturer is a material condition of the bid, and waiver of that mandatory condition would be contrary to the maintenance of the bidding on equal footing, to the competitive disadvantage of the remaining bidders. APS alone would have the advantage of negotiating the prefabrication subcontract after the bids of its competitors had been exposed.
4. The building prefabrication work is a critical and substantial element of the project work as detailed in Section 13 34 19 of the project technical specifications. This Section includes extensive Accreditation Criteria and Qualification and Manufacturing standards required of the PEMB Manufacturer. The failure of APS to disclose the PEMB Manufacturer in its Bid Proposal denies the College and the Project Architect the ability to confirm that the PEMB Manufacturer proposed by the bidder meets the foregoing Accreditation Criteria and Qualifications and Manufacturing standards.

BE IT FURTHER RESOLVED that for the reasons set forth below, by separate resolution, the College accepts the recommendation of the Project Architect that the bid proposal of the next lowest, responsive bidder be accepted and that the project not be rebid.

1. The exercise of the discretion of a public body to reject all bids and rebid is generally limited to circumstances where the conforming low bid exceeds the funds allocated for the project, or where there are material ambiguities in the bid specifications. Neither circumstance is presented here. The second lowest base bid received is within the funds the College has allocated for this project. The Addendum language directing bidders to submit the revised form of Bid Proposal which required

disclosure of the PEMB Manufacturer was unambiguous and understood and followed by the remaining ten bidders.

2. The Bid Tabulation sheet indicates that the bids ranged from a low of \$10,810,000 to a high of \$13,935,000, with a mean bid of \$12,089,091. The second lowest bid of \$11,130,000 is \$959,091 below the mean bid. Given the range of bids received and the fact that each bidder's competitive position has been exposed, the Board of Trustees cannot conclude that a rebid would likely result in a lower price than the second lowest bid received. The Board concludes that rebidding is fraught with the risk that a rebid may result in a higher contract price as a result of the insight gained through the disclosure of the bid competition.
3. Rejection of all bids based solely upon disqualification of a low bid would undermine competitive bidding.
4. The Project Architect has confirmed that the bid of the second lowest bidder is complete and responsive, and that the second lowest bidder and its disclosed PEMB Manufacturer have the requisite credentials and qualifications to perform the project work.
5. Rebidding will cause a significant delay in the completion of this critically needed facility and may jeopardize available funding commitments.

**RESOLUTION AUTHORIZING CONTRACT OVER \$17,500  
WITHOUT PUBLICLY ADVERTISED SOLICITATION  
CONTRACT FOR PROMOTIONAL PRODUCTS**

WHEREAS, the County College of Morris (“College”) has a need for promotional products; and

WHEREAS, the purchasing agent has determined and certified in writing that the aggregate value of prior and future purchase orders for the above goods or services will exceed \$17,500.00; and

WHEREAS, the anticipated term of this contract is July 01, 2018 to June 30, 2019; and

WHEREAS, in lieu of a publicly advertised solicitation of proposals, the College has precluded from consideration for the contract award, any contractor who is ineligible under N.J.S.A. 19:44A-20.4 by reason of a reportable political contribution; and

WHEREAS, Alliance Promotional Products (“Contractor”) has provided promotional products and will continue to provide promotional products on an as needed basis not to exceed \$35,300.00; and

WHEREAS, Contractor has completed and submitted a Business Entity Disclosure Certification which certifies that Contractor has not made any reportable contributions to a political or candidate committee representing an elected official of the County of Morris in the previous one year, and Contractor has agreed to contract language prohibiting Contractor from making such reportable contributions during the term of the contract; and

WHEREAS, Contractor has completed and submitted ten days in advance of adoption of this resolution, a Chapter 271 Political Contribution Disclosure form which will be placed on file with this resolution.

WHEREAS, sufficient funds are available to pay for the aforesaid services or goods;

NOW THEREFORE, BE IT RESOLVED that the Board of Trustees of the County College of Morris authorizes the College to enter into a contract with the above identified Contractor as stated; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Estimated Value be placed on file with this resolution.

**RESOLUTION AUTHORIZING CONTRACT OVER \$17,500  
WITHOUT PUBLICLY ADVERTISED SOLICITATION  
CONTRACT FOR MEDIA CAMPAIGNS**

WHEREAS, the County College of Morris (“College”) has a need for media campaigns; and

WHEREAS, the purchasing agent has determined and certified in writing that the aggregate value of prior and future purchase orders for the above goods or services will exceed \$17,500.00; and

WHEREAS, the anticipated term of this contract is July 01, 2018 to June 30, 2019; and

WHEREAS, in lieu of a publicly advertised solicitation of proposals, the College has precluded from consideration for the contract award, any contractor who is ineligible under N.J.S.A. 19:44A-20.4 by reason of a reportable political contribution; and

WHEREAS, Clarus Corporation (“Contractor”) has provided media campaigns and will continue to provide media campaigns as per their proposal dated 11/27/18 on an as needed basis; and

WHEREAS, Contractor has completed and submitted a Business Entity Disclosure Certification which certifies that Contractor has not made any reportable contributions to a political or candidate committee representing an elected official of the County of Morris in the previous one year, and Contractor has agreed to contract language prohibiting Contractor from making such reportable contributions during the term of the contract; and

WHEREAS, Contractor has completed and submitted ten days in advance of adoption of this resolution, a Chapter 271 Political Contribution Disclosure form which will be placed on file with this resolution; and

WHEREAS, sufficient funds are available to pay for the aforesaid services or goods;

NOW THEREFORE, BE IT RESOLVED that the Board of Trustees of the County College of Morris authorizes the College to enter into a contract with the above identified Contractor as stated; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Estimated Value be placed on file with this resolution.

**RESOLUTION AUTHORIZING CONTRACT OVER \$17,500  
WITHOUT PUBLICLY ADVERTISED SOLICITATION  
CONTRACT FOR PEOPLEADMIN APPLICANT TRACKING SOFTWARE UPGRADE**

WHEREAS, the County College of Morris (“College”) has a need to acquire a software upgrade from Applicant Tracking 5 to Applicant Tracking 7; and

WHEREAS, the purchasing agent has determined and certified in writing that the estimated value of the full term of the contract for the above goods or services is estimated at \$34,972.00; and

WHEREAS, the anticipated term of this agreement is December 31, 2018 through December 30, 2020; and

WHEREAS, in lieu of a publicly advertised solicitation of proposals, the College has precluded from consideration for the agreement award, any contractor who is ineligible under N.J.S.A. 19:44A-20.4 by reason of a reportable political contribution; and

WHEREAS, PeopleAdmin (“Contractor”) has submitted a proposal dated November 20, 2018 indicating the contractor will provide software, data migration and training services; and

WHEREAS, Contractor has completed and submitted a Business Entity Disclosure Certification which certifies that Contractor has not made any reportable contributions to a political or candidate committee representing an elected official of the County of Morris in the previous one year, and Contractor has agreed to contract language prohibiting Contractor from making such reportable contributions during the term of the contract; and

WHEREAS, Contractor has completed and submitted ten days in advance of adoption of this resolution, a Chapter 271 Political Contribution Disclosure form which will be placed on file with this resolution; and

WHEREAS, sufficient funds are available to pay for the aforesaid services or goods;

NOW THEREFORE, BE IT RESOLVED that the Board of Trustees of the County College of Morris authorizes the College to enter into a contract with the above identified Contractor as stated; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Estimated Value be placed on file with this resolution.