

**RESOLUTION 2023-063**

**RESOLUTION AUTHORIZING THE SOLICITATION OF PROPOSALS AND PROCUREMENT OF A CONCESSION STAND OPERATOR FOR THE COLONY POOL CONCESSION STAND IN ACCORDANCE WITH THE LOCAL PUBLIC CONTRACTS LAW THROUGH THE USE OF COMPETITIVE CONTRACTING PURSUANT TO N.J.S.A. 40A:11-4.1(j)**

**WHEREAS**, the Mayor and Township Committee of the Township of Chatham have determined that its residents and visitors would benefit from the professional operation and management of the concession stand located in the Colony Pool property owned by the Township of Chatham as part of its recreation facilities; and

**WHEREAS**, the Township of Chatham has a need to acquire an outside contractor to operate a food concession at the Colony Pool during the 2023 and 2024 pool season utilizing the competitive contracting process pursuant to the provisions of *N.J.S.A. 40A:11-4.1, et seq.*; and

**WHEREAS**, the Township has determined to procure the services of a concession after considering the benefits and risks to include having a qualified food vendor who has experience and knowledge in the food industry, food safety handling, availability to food products and goods, and trained employees, compared to hiring seasonal employees who could have no experience, not be dependable, and lack the proper health and safety training that a qualified food vendor has; and

**WHEREAS**, due to a lack of historical data and cost of inflation as it relates to food products, the total annual value of the contract for the services is unknown, making a determination by the Chief Financial Officer to certify in writing the value of the contract impossible at this time; and

**WHEREAS**, the Township intends to prepare and issue a Request for Proposal and utilize competitive contracting proposals and potentially award a concession contract to a vendor who can successfully provide the operation and management services of the Colony Pool concession stand for the Township of Chatham based upon the most advantageous price and other factors, or the lowest responsible bidder; and

**WHEREAS**, the total amount of any revenue or services to be received by the Township is unknown; and

**WHEREAS**, it is estimated that any costs to be incurred by the Township as part of the concession will be nominal; and

**WHEREAS**, the Township will allow the successful vendor to utilize a snack bar building with professional food equipment including ice cream freezer, four upright freezers, a refrigerator, ice making machine, grill, deep fryer, ventilation hood, three side by side sinks, pretzel machine, hot dog star grill, dual heat lamp, dual oven for pizza, cash register, a 6-head soda dispenser, and fire suppression system; and

**WHEREAS**, the anticipated term of this contract is two (2) years; and

**WHEREAS**, in accordance with *N.J.S.A. 40A:11-4.1, et seq.*, the Township is permitted to use the competitive contracting process in developing a Request for Proposal ("RFP") for the services containing the elements required by *N.J.A.C. 5:34-4.2*, and advertising the RFP for a minimum of twenty (20) days; and

**WHEREAS**, pursuant to *N.J.S.A. 40A:11-1, et seq.*, the contract shall be awarded based upon a determination of the most advantageous price and other factors to be set forth in the RFP and the Chief Financial Officer has determined that funds will be available for this purpose; and

**WHEREAS**, the Local Public Contracts Law (*N.J.S.A. 40A:11-1, et seq.*) requires that the resolution authorizing the award of a contract and the contract itself must be available for public inspection.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Township Committee of the Township of Chatham, County of Morris, State of New Jersey, as follows:

1. The Township Committee hereby authorizes the procurement of the operation and management of the Colony Pool Concession Stand Services Contract as a concession pursuant to *N.J.S.A. 40A:11-1, et. seq.* and *N.J.A.C. 5:34-9.4*.
2. The Township Committee hereby authorizes the use of competitive contracting pursuant to *N.J.S.A. 40A:11-4.1(j)* to solicit proposals for the provision of operation and management of the Colony Pool Concession Stand.
3. The Township Committee hereby authorizes and directs the Township Administrator to prepare all documents and take all action pursuant to law necessary to engage in the competitive contacting process, including, but not limited to, the issuance of a Request for Proposal to identify and recommend an award of contact for the provisions of operation and management of the Colony Pool Concession Stand Services.
4. The Township Committee hereby authorizes that a copy of the Resolution shall be filed with the Clerk of the Township of Chatham.
5. This Resolution shall take effect immediately after final passage and publication in the manner provided by law.

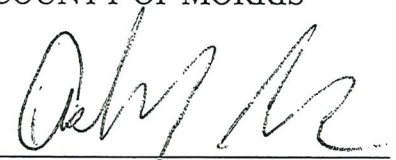
Adopted: February 21, 2023

TOWNSHIP OF CHATHAM IN  
THE COUNTY OF MORRIS

Attest:

  
Gregory J. LaConte, Clerk

By

  
Ashley Felice, Mayor