



RESOLUTION NO. 2020-201

**City of Asbury Park
County of Monmouth
State of New Jersey**

**AUTHORIZING THE AWARD OF A CONTRACT REGARDING THE OPERATION
OF A SEASONAL CONCESSION INVOLVING THE RENTAL OF STAND-UP
PADDLE BOARDS, KAYAKS, AND/OR OTHER RECREATIONAL DEVICES TO THE
PUBLIC IN A DESIGNATED AREA OF THE DEAL LAKE.**

WHEREAS, on February 12, 2020, the Mayor and Council of the City of Asbury Park (the “City”) adopted Resolution No. 2020-99, which authorized the City to implement the “competitive contracting” process under the New Jersey Local Public Contracts Law (N.J.S.A. 40A:11-4.1, et seq.) (the “Act”), in order to seek proposals from interested vendors to operate a concession involving the rental of stand-up paddle boards, kayaks, and/or other recreational devices to the public in a designated area of the Deal Lake during the summer seasons of 2020, 2021 and 2022; and

WHEREAS, in accordance with the requirements of the Act, a public advertisement appeared in an official newspaper of the City (Asbury Park Press) on February 19, 2020, which advertised that the City was seeking proposals from vendors who were interested in operating said concession during the time periods specified above, pursuant to the terms and conditions set forth in a formal Request for Proposals (the “RFP”), which was available from the City Clerk’s office; and

WHEREAS, in response to said advertisement, the City received one (1) proposal which was timely submitted on or prior to the advertised due date (March 12, 2020); and

WHEREAS, the proposal received was from Flooded, LLC, a/k/a Deal Lake Dock Company (also referenced as the “Contractor”) and included the following proposed annual fees:

- 2020 Summer Season: \$5,001.00;
- 2021 Summer Season: \$5,002.00;
- 2022 Summer Season: \$5,050.00; and

WHEREAS, the payments proposed by the Contractor meet or exceed the minimum annual fees required in the City’s RFP; and

WHEREAS, the City’s Purchasing Agent has confirmed that the proposal complies in all other respects with the requirements set forth in the RFP; and

WHEREAS, in a memorandum dated June 17, 2020, the City’s Purchasing Agent

provided a report (per N.J.S.A. 40A:11-1, et seq.), in which she recommended that the contract for this concession be awarded to the Contractor; and

WHEREAS, the report was posted on the City's website in accordance with the requirements of N.J.S.A. 40A:11-1, et seq., at least 48 hours prior to the possible awarding of a contract; and

WHEREAS, a copy of the report is attached hereto and made a part hereof; and

WHEREAS, in accordance with the City's Purchasing Agent's recommendation, the Mayor and Council now wish to authorize the award of a contract to Flooded, LLC, a/k/a Deal Lake Dock Company, for the within concession for the summer seasons of 2020, 2021 and 2022, in accordance with its proposal and the requirements set forth in the RFP; and

WHEREAS, due to the unforeseen circumstances associated with the pandemic, which prevented the Contractor from commencing operations until the current time (despite the anticipated start date of the second weekend in May, as stated in the RFP) and which was through no fault of the Contractor, the fee for 2020 has been prorated to \$_____.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Asbury Park, as follows:

1. That the contract for the above-referenced concession for the summer seasons of 2020, 2021 and 2022 is hereby awarded to Flooded, LLC, a/k/a Deal Lake Dock Company, in accordance with its proposal and the requirements set forth in the RFP.
2. That the City is hereby authorized to enter into an Agreement with Flooded, LLC, a/k/a Deal Lake Dock Company regarding said concession, which Agreement shall incorporate all of the requirements set forth in the RFP and shall be in a form satisfactory to the City Attorney and City Manager.
3. That the 2020 fee shall be prorated to \$_____ due to the unforeseen circumstances involving the pandemic, as referenced above.
4. That the Mayor is hereby authorized to execute, and the City Clerk to attest, the above-referenced Agreement.
5. That all other City officials and/or employees are hereby authorized to perform such actions as are necessary in order to further the intentions of the within Resolution.
6. That a certified copy of this Resolution shall be provided to each of the following:
 - (a) Flooded, LLC, a/k/a Deal Lake Dock Company;
 - (b) Donna Vieiro, City Manager;
 - (c) Tracy Lizardi, Purchasing Agent;
 - (d) JoAnn Boos, CFO;
 - (e) William McClave, Superintendent of Public Works;

- (f) Michele Alonso, Director of Planning and Redevelopment; and
- (g) Frederick C. Raffetto, Esq., Municipal Attorney.

I, MELODY HARTSGROVE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of RESOLUTION NO. 2020-201 which was finally adopted by the City Council at a meeting held on the 24th day of June, 2020

CERTIFIED BY ME THIS 25th DAY OF June, 2020.

MELODY HARTSGROVE
CITY CLERK