

## **NOTICE TO BIDDERS – AMENDED VERSION 3-3-25**

**PROJECT:** Lease of Space for Cellular Antenna System and Ground Space for the Ringwood 130' Communications Tower, located at 35 Cannici Drive, Ringwood, New Jersey for a period of 10 years.

**OWNER:** Borough of Ringwood (the "Borough") 60 Margaret King Avenue, Ringwood, NJ 07456

**Attention:** Municipal Clerk Nicole Langemayr, RMC

### **Notice of Bid Opening**

Sealed bids will be received by the Municipal Clerk until **at 10:30 AM on April 4, 2025**, at the Municipal Building, 60 Margaret King Avenue, Ringwood, NJ 07456 for the aforementioned PROJECT. At the foresaid time and place all bids will be publicly opened and read aloud. Bids shall be submitted in the form and manner as set forth in the Bid Specifications.

The Borough intends to award a non-exclusive lease or leases to one or more wireless or cellular communication companies for attachment of cellular equipment to the aforementioned tower and for placement of ground equipment adjacent to the tower.

### **Availability of Proposal Forms**

Proposal forms, instructions to bidders, and other bidding documents may be examined or obtained at Borough Hall during regular business hours (9 AM – 5 PM) or reviewed on the Borough's website at [www.ringwoodnj.net](http://www.ringwoodnj.net). If downloading specifications from the website, vendors should register with the Municipal Clerk. It is the bidder's responsibility to be aware of all addenda related to this procurement.

### **Bid Submission Requirements**

- One (1) original with original signatures in blue ink, marked "Original."
- Two (2) complete and exact copies of the original, marked "Copy."

The Borough reserves the right to reject any or all proposals in whole or in part or to award the contract to one or more bidders who, in the judgment of the Borough, provides the most advantageous bids. The Borough also reserves the right to waive informalities as permitted by law.

### **Scope of Work**

The Borough of Ringwood is seeking written proposals for the lease of up to four locations on its Tower. **The RAD centers of 120-130', 90'-100', and 80'-90' are currently occupied.**

Preference for those rad centers will be given to the entities that are currently at those heights. It is the Borough's goal to allow Bidders who currently have equipment on the tower to remain at their existing RAD center provided they submit a qualified bid. The Borough reserves the right

to award an existing RAD Center to the Bidder currently occupying it, even if another Bidder submits a higher bid.

-The RAD centers for 110'-120' and 100'-110' are available but the winning bidder would need to remove abandoned antennas and equipment at those rad centers as part of the award.

#### **Lease Terms:**

- **Initial lease term:** One (1) Five-Year Term
- **Extension Term:** One (1) Five-Year Term
- **Minimum annual rental payment:** Year 1 - \$48,000/year paid in advance annually, with an annual increase of **3% per year thereafter**
- **For Cellular Providers Currently with Equipment on the Tower:** The lease will be backdated to commence on April 1, 2024. Within ~~3045~~ days of signing the lease, rent from April 1, 2024, ~~to March 31, 2026 through the then present date~~ will be paid to the Borough.
- **For Cellular Providers Who Do Not Currently Have Equipment on the Tower.** The lease would commence no later than 6 months after the award after which a payment equal to the first year's rent would be made. Commencement shall be defined as the earlier of the date on which the provider starts construction or 6 months after the award date.
- If a bidder should fail to enter into a Lease substantially similar to the Sample Lease Agreement attached to these specifications, or perform under the parameters of this bid, then the Borough shall have the right to award to the next highest qualified bidder(s).

#### **Additional Requirements:**

- All installation and associated work must be completed by a Borough-approved firm.
- Work must adhere to industry best practices.
- Any changes to Borough property must be approved and completed at the lessee's expense.
- The Borough makes no representations regarding the status or condition of the facility or property. The Borough acquired the tower from a tower company but did not receive any of the standard documentation from the tower company that would normally be provided as part of a tower acquisition.
- Bidders may contact the Borough to arrange for inspection of the site and to satisfy themselves of its suitability for its proposed use. Successful bidder shall have the right to perform the following due diligence investigations to the extent required by the bidder:
  - Title Search.
  - Phase One and Phase Two Environmental Inspections, if required.
  - Soil Boring Tests.
  - Historic Screening as required by the National Environmental Protection Act Checklist.
  - Regulatory filing with the Federal Aviation Administration (FAA), if applicable.
  - Any and all required NJDEP permits, or other permits and approvals required by any governmental agency with jurisdiction.

- If installing new equipment or proposing any construction, bidder shall file for approval and permits commensurate with the permitted use designation. The Borough will, as a condition of the lease, require an informal review and approval for any new equipment and antenna installation design by the Borough's communications consultant and the Borough. Borough shall have input and the right of final approval of all design aspects of tower attachments, structures and equipment within the tower compound facility.
- A **structural analysis** by a licensed New Jersey engineer is required to confirm the tower can support the existing or proposed installation or the existing equipment. Bidders with equipment on the tower may submit the last structural analysis which was completed provided the equipment loading is current. This analysis is not required as part of the submittal of the bid.
- The Borough will not cover any costs for analysis, design, modification, or installation.
- The successful bidder agrees to indemnify and hold the Borough harmless from any liability to subcontractors/suppliers for payment for work performed or goods supplied arising out of the lawful termination of the contract by the Borough or the successful bidder under this provision.

### **Lease Execution.**

The successful bidder must execute the lease and submit insurance certificates within **45-60 days** of notification.

- Failure to execute the lease may result in forfeiture of the award.

### **Insurance Requirements**

The lessee must maintain insurance for the duration of the lease, including:

1. **General Liability Insurance** (\$3,000,000 per occurrence, \$6,000,000 aggregate, including Borough and contractors' protective liability coverage).
2. **Automobile Liability Insurance** (\$1,000,000 combined single limit per accident).

Certificates of insurance must be submitted annually. The Borough must be named as an additional insured. The insurance language within the attached lease agreement will be negotiated separately with each awarded bidder but will include the minimal insurance requirements above.

### **Submission of Bids**

Sealed bids must be received at Borough Hall by the due date and time specified. Bids should be addressed to **Nicole Langenmayr, Municipal Clerk, Borough of Ringwood, 60 Margaret King Avenue, Ringwood, New Jersey 07456** and marked "**Bid for Leasing of Space for Installation of Cellular Antenna Array.**"

### **Key Requirements:**

- ~~Prior to execution of the lease, Bidders must comply with all applicable New Jersey statutes demonstrate compliance with the following, including:~~
  - **Affirmative Action Certification (N.J.S.A. 10:5-31 et seq.)**
  - **Stockholder Disclosure (N.J.S.A. 52:25-24.2)**
  - **Business Registration Certificate (N.J.S.A. 52:32-44)**
  - **Prevailing Wage Act (N.J.S.A. 34:11-56.25 et seq.)**
  - **Public Works Contractor Registration Act (N.J.S.A. 34:11-56.48 et seq.)**
  - **Non-Collusion Affidavit**
  - **Disclosure of Investment Activities in Iran (Public Law 2012, c. 25)**

## Evaluation and Award of Bids

- The Borough will award contracts to the highest responsible bidders which meet the minimum requirements above based on **Initial Monthly Rent for the first year.**
- Preference will be given ~~for those cellular providers who~~ for those cellular providers who already have equipment on the tower ~~who submit qualified bids even if such bids are lower.-~~
- In the case there are more than 4 qualified bids, and two or more bids are the same, the contract will be awarded based on **bid submission timestamp.**
- Lease payments are due **annually in advance**, with the first payment due within ~~45~~ 90 days of the award notification.

## Termination and Compliance

- The Borough reserves the right to terminate the lease for non-compliance.
- The lessee must maintain security measures and ensure no interference with Borough operations.
- Any unauthorized modifications may be corrected at the lessee's expense.
- Subletting is prohibited without prior Borough approval.

For further details, refer to the full bid specifications available at Borough Hall or on the Borough's website.

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### Issued by:

Borough of Ringwood  
 60 Margaret King Avenue  
 Ringwood, NJ 07456

**Bid Proposal Form**

Lease of Space for Cellular Antenna System and Ground Space for the Ringwood 130' Communications Tower, located at 35 Cannici Drive, Ringwood, New Jersey for a period of 10 years. Bid for the right to lease ground space for the installation of communications equipment at 280 Pleasant Valley Way, West Orange, New Jersey, also known as Block 152.07, Lot 1, with simultaneous leasing of additional carriers at the site.

The firm of \_\_\_\_\_ submits a binding bid proposal for the above-referenced bid for an annual rent during initial term for each year at

\$ \_\_\_\_\_/yr.

*(Minimum bid shall be not less than forty-eight thousand and 00/100 dollars (\$48,000.00) per year. Rent to increase 3% annually.)*

\_\_\_\_\_  
(Proposed Annual Rent Amount Written in Words)

Name of Company \_\_\_\_\_

Signature \_\_\_\_\_

Printed Name \_\_\_\_\_

Date \_\_\_\_\_

Position \_\_\_\_\_

Address of Company \_\_\_\_\_  
\_\_\_\_\_

Witnessed By: \_\_\_\_\_  
\_\_\_\_\_ (Name)

\_\_\_\_\_ (Position or Notary)

## **SAMPLE LEASE**