

**TOWNSHIP OF HOPEWELL
MERCER COUNTY, NEW JERSEY**

R E S O L U T I O N #25-370

**RESOLUTION ACCEPTING REQUEST FOR
WITHDRAWAL OF BID # 24-08 CAPELA CONSTRUCTION**

WHEREAS, the Township duly advertised and received responses for bid request for the project known as Bid # 24-08 Distillery Trail Bid. on September 10, 2025; and

WHEREAS, Capela Construction submitted a bid in the base bid amount of \$496,970.00, indicating an unconscionable mistake in calculation; and

WHEREAS, in accord with N.J.S.A.40A:11-23.3, Capela Construction has provided to the Township of Hopewell a certified letter within five (5) business days requesting relief due to "Mistake in Public Works Bids"; and

WHEREAS, Capela Construction has provided evidence demonstrating a mistake was made; and

WHEREAS, in accord with criteria as set forth in N.J.S.A. 40A:11-23.3 and Local Finance Notice 2011-12, the enforcement of the contract, if actually made, would be unconscionable; and

WHEREAS, in accord with criteria as set forth in N.J.S.A. 40A:11-23.3 and Local Finance Notice 2011-12, the mistake relates to a material feature of the bid; and

WHEREAS, in accord with criteria as set forth in N.J.S.A. 40A:11-23.3 and Local Finance Notice 2011-12, the mistake occurred notwithstanding the fact that the bidder exercised reasonable care in preparation of the bid; and

WHEREAS, in accord with criteria as set forth in N.J.S.A. 40A:11-23.3 and Local Finance Notice 2011-12, the bidder making the mistake is able to get relief by way of withdrawing the bid without serious prejudice to the contracting unit, except for the loss of the bargain to the contracting unit; and

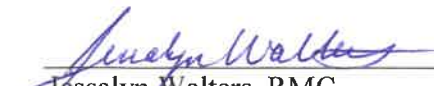
WHEREAS, in accord with N.J.S.A. 40A:11-23.3(c), the QPA appointed as per N.J.S.A.40A:11-9, has reviewed request for withdrawal and concurs that the criteria demanded by statute have been met and recommends granting of request to withdraw of public works bid due to mistake by Capela Construction.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hopewell, that the request for withdraw of bid by Capela Construction in the amount of \$496,970.00 for bid request for the project known as Bid # 24-08 Distillery Trail Bid under the authority of N.J.S.A.40A:11-23.3, is hereby granted.

Date Adopted: October 6, 2025

CERTIFICATION

I, Jessalyn Walters, Deputy Municipal Clerk, of the Township of Hopewell, County of Mercer, State of New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Township Committee at the regular meeting held on the 6th day of October 2025, in the Municipal Building Auditorium, Hopewell Township, New Jersey and via Zoom Video Communications.



Jessalyn Walters, RMC
Deputy Municipal Clerk