

BUENA PLUMBING, INC., :  
PETITIONER, :  
V. : COMMISSIONER OF EDUCATION  
BOARD OF EDUCATION OF THE CITY : DECISION  
OF SOMERS POINT, ATLANTIC COUNTY,  
AND ALLIANCE COMPANY, INC., :  
RESPONDENTS. :

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#### SYNOPSIS

Petitioner, unsuccessful bidder for gas burner conversion project at respondent Board's schools, contested the award of contract to respondent Alliance.

ALJ concluded that the bids submitted by both petitioner and respondent were defective and not in compliance with the statutory provisions found at *N.J.S.A. 18A:18A-18* and *N.J.S.A. 45:5A-9*. Thus, the ALJ concluded that the bid submitted by Alliance and accepted by the Board was null and void and must be rejected. ALJ ordered the Board to re-advertise its bid in order that the acceptable lowest and responsible bid be in strict compliance with all relevant statutory provisions.

Commissioner adopted the initial decision and ordered the Board to rebid for the work.

AUGUST 19, 1997

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The record of this matter and the initial decision of the Office of Administrative Law (OAL) have been reviewed. No exceptions were filed by the parties.

Upon a careful and independent review, the Commissioner concurs with the findings and conclusions of the Administrative Law Judge (ALJ) that the bids submitted by both petitioner and respondent Alliance are defective and not in compliance with the statutory provisions found at *N.J.S.A. 18A:18A:18* and *N.J.S.A 45:5A-9* for the reasons expressed therein. The Commissioner further concurs that, consequently, the bid submitted by Alliance must be rejected and that the Board must readvertise its bid for the gas burner conversion project in strict compliance with all relevant statutory provisions..

Accordingly, the Commissioner adopts the initial decision of the OAL for the reasons expressed therein, ordering the Board to rebid for the work contemplated in accordance with the ALJ's instructions.

IT IS SO ORDERED.

COMMISSIONER OF EDUCATION

AUGUST 19, 1997