



J. P. Mascaro & Sons

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PRESS RELEASE

TO: ALL NEWS MEDIA

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SUBJECT: **BUCKS COUNTY JUDGE RULES THAT BRISTOL BOROUGH COUNCIL ACTED PROPERLY IN AWARDING ITS TRASH CONTRACT TO J. P. MASCARO & SONS**

In a December 27, 2016 Order, Bucks County Court of Common Pleas Judge Robert J. Mellon ruled that the Bristol Borough Council acted properly in rejecting the noncompliant bids of Advanced Disposal and Waste Management of Pennsylvania, Inc., and in awarding the Borough's five-year Trash Contract to J. P. Mascaro & Sons as the lowest responsible bidder in compliance with the Borough's Bid Specifications.

Judge Mellon's Order stated:

“Upon evidence submitted at the hearing on December 20, 2016, this Court has determined that the bid submitted by J. P. Mascaro & Sons was the only bid submitted that complied with the bid specifications required by the Bristol Borough.”

Speaking to the Bucks County Court Order, Mascaro General Counsel, William F. Fox, Jr., Esquire, said, “In this case, two disappointed bidders, Advanced Disposal and Waste

Management of Pennsylvania, Inc., through taxpayer suits, sought a preliminary injunction against Bristol Borough, claiming that it had improperly awarded the Trash Contract to J. P. Mascaro & Sons. The Borough and Mascaro countered that the lower Advanced and Waste Management bids were disqualified from being accepted because they did not provide the bid bond financial guarantee mandated by the Borough's Bid Specifications. Bucks County Judge Robert J. Mellon agreed with the Borough and Mascaro and denied the requested preliminary injunction, holding that both Advanced and Waste Management failed to comply with Bid Specification requirements and that "J. P. Mascaro & Sons was the only bid submitted that complied with the bid specifications required by Bristol Borough."

Mr. Fox added, "Bristol Borough officials have been unfairly criticized for the contract it awarded to Mascaro, when, in fact, the Borough could not have lawfully awarded the contract to either of the two other disappointed bidders because the Borough's Bid Specifications specifically stated that 'any bid received without the required Bid Security shall be rejected.'"

Fox continued, "These two disappointed bidders unnecessarily cost the Borough and its taxpayers many thousands of dollars in litigating the contract award when, as Judge Mellon concluded, a contract could not have been lawfully awarded to either of the disappointed bidders because they failed to comply with the Borough's Bid Specifications, which are the rules and regulations that all bidders must comply with for their bids to be considered for award."

"Both of the disappointed bidders knew the rules of municipal bidding and should have spent more time putting their bids together properly, instead of questioning the Borough's correct decision," Fox added.

Speaking to the Court decision, Mascaro company President, Pat Mascaro, said, "Our company currently serves the Borough, and we look forward to serving the Borough and its residents for the next five years with no price increase from what households are currently paying and with more comprehensive services. I am disappointed that dedicated members of

Borough Council were criticized by some for the decision they made, but as it turns out, Judge Mellon concluded that they made the proper and lawful decision, and it is the two disappointed bidders who should be criticized for bringing unfounded litigation that cost Bristol Borough taxpayers a lot of money.”

J. P. Mascaro & Sons’ new five-year Contract with the Borough commences on January 1, 2017.