

Mayor Nolan offered the following Resolution and moved on its adoption:

R-13-205

**RESOLUTION ACCEPTING AND AWARDING CONTRACT TO ARCADIS US, INC.
AS AN “EXTRAORDINARY UNSPECIFIABLE SERVICE” PURSUANT TO N.J.S.A.
40A:11-5 TO MANAGE THE DISASTER RECOVERY OPERATIONS FOR PRIVATE
PROPERTY DEBRIS REMOVAL/DEMOLITION IN THE BOROUGH OF
HIGHLANDS**

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-5, permits a municipality to award a contract for “Extraordinary Unspecifiable Services” without public advertising for bids; and

WHEREAS, Department of Community Affairs regulations, N.J.A.C. 5:34-2.2 provide that municipalities may award a contract without public bidding when the “expertise, extensive training and proven reputation in the field of endeavor” is “critical and essential to the project;” and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-12 permits a municipality “to purchase any goods or services under any contract or contracts for such goods or services entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury”; and

WHEREAS, the Borough has a need for a Private Property Debris Removal/Demolition Consultant as a result of damage caused by Superstorm Sandy; and

WHEREAS, the Borough requires expert assistance in drafting scope of work for debris removal, which will adhere to FEMA regulations and further expert assistance to review submitted proposals for the work identified in the scope of work in order to assure compliance with the scope of work and FEMA regulations; and

WHEREAS, the Borough requires consultants with the knowledge and expertise to draft letters to the Federal Coordination Officer and to obtain Rights-of-Entry and Hold Harmless Agreements from property owners to seek approval for Private Property Debris Removal/Demolition activities; and

WHEREAS, the Borough requires consultation and management to oversee and monitor Private Property Debris Removal/Demolition activities performed by a contractor to assure compliance and adequate job performance as well as a consultant to provide the Borough with the documentation necessary to ensure maximum reimbursement for all eligible work; and

WHEREAS, Arcadis US, Inc. (“Arcadis”) is a 115-year-old environmental engineering and consulting firm which provides Private Property Debris Removal/Demolition Consultation Services to municipalities; and

WHEREAS, Arcadis has been awarded a contract for Private Property Debris Removal/Demolition Consultation Services by the Division of Purchase and Property Contract Waiver AG065; and

WHEREAS, Arcadis has extensive knowledge of FEMA, United States Army Corp of Engineers, United States Environmental Protection Agency, United States Department of Transportation and state disaster management programs; as such Arcadis has successfully managed operations and completed documentation required by governmental agencies for reimbursement of pre- and post-disaster cleanup, which has amounted to their clients receiving over \$1 billion in reimbursement funding; and

WHEREAS, Arcadis has provided services to monitor debris removal, seek reimbursement from governmental agencies for pre- and post-disaster cleanup and other services for Hurricanes Frances, Jeanne, Wilma, Katrina, Rita, Ike, and Irene as well as providing similar services during the aftermaths of tornados and winter storms; and

WHEREAS, the services contemplated by this contract include drafting scope of work for debris removal, consistent with FEMA and which the Borough may use to incorporate into proposals submitted to debris removal contractors for consideration and pricing; communicating with FEMA for reimbursement of Private Property Debris Removal/Demolition expenditures and obtaining agreements and Rights-of-Entry and Hold Harmless Agreements from property owners; and

WHEREAS, Arcadis will monitor the debris removal contractor to ensure that work is performed properly and so that reimbursement of work is maximized consistent with FEMA regulations; work performed by Arcadis may include the drafting of project worksheets that identify site-specific scopes of work and cost estimates for each property eligible for Private Property Debris Removal and Demolition activities; and

WHEREAS, the Borough has not previously publicly bid Private Property Debris Removal/Demolition Services or similar services; and

WHEREAS, Arcadis has not previously supplied Private Property Debris Removal/Demolition Services to the Borough; and

WHEREAS, the Borough has determined Private Property Debris Removal/Demolition Services are "Extraordinary Unspecifiable Services" because they require services which are specialized and qualitative in nature and require expertise, extensive training and proven reputation in the field of Private Property Debris Removal/Demolition Services following a natural disaster; and

WHEREAS, Arcadis has expertise, extensive training and a proven reputation in managing disaster recovery operations and assembling documentation and records as required by governmental agencies for reimbursement associated with private property debris removal and the demolition of private structures; and

WHEREAS, the Borough acknowledges that Arcadis has been awarded a contract for Private Property Debris Removal/Demolition Consultation Services by the Division of Purchase and Property Contract Waiver AG065; and

WHEREAS, the Chief Financial Officer certified funds in the amount of \$560,000.00 are available from Bond Ordinance 13-23, as follows:

I hereby certify funds are available from: Bond Ordinance 13-23 contingent upon expiration of the 20-day estoppel period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced:

Stephen Pfeffer, Chief Financial Officer

Date

and

WHEREAS, Arcadis will perform all necessary services described herein in order to provide Private Property Debris Removal/Demolition Services to the Borough as a result of damage caused by Superstorm Sandy; and

WHEREAS, Arcadis shall provide the Borough with political contribution disclosure forms, including, but not limited to those required by c. 271.

NOW, THEREFORE, IT IS RESOLVED by the governing body of the Borough of Highlands, as follows:

1. Subject to the expiration of the 20-day estoppel period for Bond Ordinance 13-23, the Borough approves a contract with Arcadis for Private Property Debris Removal/Demolition Services as an Extraordinary Unspecifiable Service and as a State Contract awarded by the Division of Purchase and Property; and
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount of \$560,000.00 and any other necessary documents with Arcadis for Private Property Debris Removal/Demolition Services; and
3. The Borough Attorney shall review and approve the form of the contract between the Borough and Arcadis.

Seconded by Ms. Kane and adopted on the following roll call vote:

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan

NAYES: None

ABSENT: None

ABSTAIN: None

DATE: October 2, 2013

Carolyn Cummins, Borough Clerk

I hereby certify this to be a true copy of Resolution R-13-205 adopted by the Governing body of the Borough of Highlands on October 2, 2013.

Borough Clerk/Deputy Clerk