

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

R-13-210

**RESOLUTION ACCEPTING AND AWARDING CONTRACT TO ARCADIS US, INC.
AS AN “EXTRAORDINARY UNSPECIFIABLE SERVICE” PURSUANT TO N.J.S.A.
40A:11-5 TO ADMINISTER FEMA HAZARD MITIGATION GRANT (IRENE HOUSE
LIFTING) 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 Administration of the FEMA Hazard Mitigation Grant (Irene House Lifting Grant); and

WHEREAS, the Borough requires consultation and management to oversee and administer the FEMA Hazard Mitigation Grant (Irene House Lifting) 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 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 FEMA Programs Hazard Mitigation Grant Administration expenditures and obtaining agreements and Rights-of-Entry and Hold Harmless Agreements from property owners; and

WHEREAS, the Borough has not previously publicly bid for services or similar services; and

WHEREAS, the Borough has determined FEMA Programs Hazard Mitigation Grant Administration is "Extraordinary Unspecifiable Services" because it require services which are specialized and qualitative in nature.; 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 Chief Financial Officer certified funds in the amount of \$125,000.00 are available from Bond Ordinance O-13-19.

I hereby certify funds are available from Bond Ordinance O-13-19:

Stephen Pfeffer, Chief Financial Officer

Date

and

WHEREAS, Arcadis will perform all necessary services described herein in order to provide Administration Services for the FEMA Hazard Mitigation Grant; 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 13-19, the Borough approves a contract with Arcadis for the Administration of the FEMA Flood Mitigation Grant 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 \$125,000.00 and any other necessary documents with Arcadis; 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-13-210 adopted by the Governing Body of the Borough of Highlands at a meeting held on October 2, 2013.

Borough Clerk/Deputy Clerk