

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

**R-13-105**

**RESOLUTION ACCEPTING AND AWARDING CONTRACT TO ARCADIS US, INC.  
FOR PUBLIC ASSISTANCE SERVICES AS AN “EXTRAORDINARY  
UNSPECIFIABLE SERVICE” PURSUANT TO N.J.S.A. 40A:11-5**

**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 Borough has a need for Public Assistance Services as a result of damage caused by Superstorm Sandy; and

**WHEREAS**, the Borough requires a consultant with expertise and knowledge to provide funding guidance as to which federal aid programs will be relevant to the Borough and to assist in the develop of specific documentation that conform to the requirements for submission to FEMA and other government agencies as a means to recover costs and expenses expended as a result of damage caused by Superstorm Sandy; and

**WHEREAS**, the Borough requires expert assistance to develop and submit mitigation project applications, facilitate appeals and other applications and to discuss with Borough officials as to certain eligibility and technical requirements and assist in the preparation of Requests for Public Assistance; and

**WHEREAS**, the Borough requires assistance in defining work eligible for Immediate Needs Funding as well as to document storm damage and the costs associated therewith and to prepare proposed scopes of work necessary to repair storm damage; and

**WHEREAS**, the Borough would like to develop a mitigation strategy, with the assistance of knowledgeable expert consultant to protect the Borough from future damage as a result of natural disasters; and

**WHEREAS**, Arcadis US, Inc. (“Arcadis”) provides Public Assistance Services as a consultant to municipal clients following natural disasters since 2001; and

**WHEREAS**, Arcadis US, Inc. (“Arcadis”) is a 115-year-old environmental engineering and consulting firm which provides Public Assistance Services to municipalities; and

**WHEREAS**, Arcadis has extensive knowledge of the federal reimbursement programs as well as local and state regulations; and

**WHEREAS**, Arcadis has provided assistance with FEMA reimbursement and appeals following natural disasters to numerous clients 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 was consulted by FEMA and Congress when the Disaster Mitigation Act of 2000 was passed by the federal government and has worked with both local and state government entities with program management, risk and vulnerability assessments, mitigation project identification and prioritization, loss avoidance assessments and loss avoidance methodology development, grant application development and management, as well as hazard mitigation strategy development to help communities strengthen against future storm damage; and

**WHEREAS**, Arcadis will provide mitigation planning services tailored to the Borough's requirements while performing those services in accordance with FEMA, state and local regulations; and

**WHEREAS**, Arcadis has supplied reimbursement assistance and other services to local communities after damage caused by 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 Borough has not previously publicly bid Public Assistance Services or similar services; and

**WHEREAS**, Arcadis has not previously supplied Public Assistance Services to the Borough; and

**WHEREAS**, the Borough has determined Public Assistance 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 Public Assistance 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 pre- and post- disaster relief cleanup as well in writing and securing grants from governmental agencies; and

**WHEREAS**, the Chief Financial Officer certified funds in the amount of \$128,000.00 are available from the Special Emergency Hurricane Sandy appropriation; and

**WHEREAS**, Arcadis will perform all necessary services described herein in order to provide Public Assistance Services to the Borough as a result of damage caused by Superstorm Sandy.

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

1. The Borough approves a contract with Arcadis for Public Assistance Services; and
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount of \$128,000.00 and any other necessary documents with Arcadis for Public Assistance Services; and
3. The Borough Attorney shall review and approve the form of the contract between the Borough and Arcadis.

**CERTIFICATION OF AVAILABILITY OF FUNDS**

I hereby certify that funds in the amount of \$128,000.00 are available for the above contract from the Special Emergency Hurricane Sandy Appropriation.

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Stephen Pfeffer, CFO

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:** May 1, 2013

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Carolyn Cummins, Borough Clerk

I hereby certify this to be a true copy of Resolution R-13-105 adopted by the Governing Body of the Borough of Highlands at a meeting held on May 1, 2013.

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Borough Clerk/Deputy Clerk