



Legislation Text

File #: 15-0894, Version: 1

Dept/ Agency: Economic & Housing Development

Action: () Ratifying (X) Authorizing () Amending

Type of Service: Professional Services Contract

Purpose: Licensed Site Remediation Professional Services for 2104-2118 McCarter Highway (Block 827, Lot 1)

Entity Name: Excel Environmental Resources, Inc.

Entity Address: 111 North Center Drive, North Brunswick, New Jersey 08902

Contract Amount: Not to exceed \$101,000.00

Funding Source: US EPA Brownfield Cleanup Grant.

Contract Period: One year from the date of issuance of a Notice to Proceed by the Director of the Department of Economic and Housing Development

Contract Basis: () Bid () State Vendor (X) Prof. Ser. () EUS

() Fair & Open () No Reportable Contributions (X) RFP () RFQ

() Private Sale () Grant () Sub-recipient () n/a

Additional Information:

2104-2118 McCarter Highway/Block 1827/Lot 1/North Ward

Former Maas & Waldstein Site

Ten (10) proposal received

WHEREAS, the City of Newark, Department of Economic & Housing Development, caused to be published on City of Newark's website a Request for Proposals on November 25, 2014 for Licensed Site Remediation Professional Services for 2104-2118 McCarter Highway, Block 827, Lot 1 (the "Former Maas & Waldstein Site"); and

WHEREAS, Licensed Site Remediation Professional Services are professional services, exempt from the requirement for public bidding, pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, the City of Newark received a total of ten (10) proposals in response to its request; and

WHEREAS, Excel Environmental Resources, Inc., with offices located at 111 North Center Drive, North Brunswick, New Jersey 08902, submitted a proposal and it was found, based upon price and other factors, to be in the best interest of the City of Newark to accept the proposal for the purpose of providing Licensed Site Remediation Professional Services for the Former Maas & Waldstein Site; and

WHEREAS, the proposal submitted by Excel Environmental Resources, Inc., included proposed pay items numbered 1 through 15 as requested by Addendum No. 1 to the aforementioned Request for Proposals and when added up, all of these pay items, including contingency equal a total

proposal amount of \$208,959,57; and

WHEREAS, the City of Newark currently has in place funding from the U.S. Environmental Protection Agency through a Brownfield Community-Wide Hazardous Substance Assessment Grant which will fund a portion of the work associated with the aforementioned pay items that totals an amount not to exceed \$101,000.00 and the City is currently seeking additional funding from the State of New Jersey's Hazardous Discharge Site Remediation Program for additional funding for the remainder of the work detailed in the aforementioned pay items; and

WHEREAS, the US EPA Brownfield Community-wide Hazardous Substances Assessment Grant may only be used to fund certain activities including the following items that correlate to the aforementioned pay items: licensed site remediation professional services, waste characterization activities, laboratory quality assurance oversight, remedial investigation and pre-demolition survey, liquid waste and contaminated soil disposal, structural inspection, asbestos survey and other physical and mechanical labor activities; and

WHEREAS, the City of Newark wishes to enter into a contract with Excel Environmental Resources, Inc. to provide Licensed Site Remediation Professional Services for the Former Maas & Waldstein Site in an amount not to exceed One Hundred One Thousand Dollars (\$101,000.00), for the period of one year from the date of issuance of a Notice to Proceed by the Deputy Mayor/Director of the Department of Economic and Housing Development; and

WHEREAS, Excel Environmental Resources, Inc. shall consult with the City's representatives to proceed with the work described above in a cost effective manner consistent with the funding requirements of the US EPA Brownfield Community-wide Hazardous Substances Assessment Grant; and

WHEREAS, if the City of Newark receives additional funding from the State of New Jersey for the remainder of the work detailed in the aforementioned pay items the City Council might consider adopting a resolution that increases the amount of the professional services contract awarded to Excel Environmental Resources, Inc., because Excel submitted the lowest price proposal for the aforementioned pay items; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et. seq.) requires that notice of the award of contracts for "Professional Services" without competitive bidding must be published in a local newspaper; and

WHEREAS, this contract is for an amount over \$17,500 and is being awarded as a fair and open contract pursuant to N.J.S.A. 19:44A-20.5; and

WHEREAS, the Municipal Council adopted the Contractor Pay-to-Play Reform Ordinance, R.O. 2:4-22C, which forbids the award of a contract to a Business Entity, as defined therein, which has made or solicited political contributions to Newark Municipal Candidates, office holders having ultimate responsibility for the award of a contract; candidate committees of the aforementioned candidates; and political or political party committees of the City of Newark or County of Essex; and continuing political committees or political action committees regularly engaged in the support of the City of Newark municipal or County of Essex elections; and certain other political party or candidate committees, in excess of certain thresholds.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:

1. The Mayor and/or his designee, the Deputy Mayor/Director of the Department of Economic & Housing Development, are authorized and directed to enter into and execute a contract with Excel Environmental Resources, Inc., 111 North Center Drive, North Brunswick, New Jersey 08902, to provide Licensed Site Remediation Professional Services for the Former Maas & Waldstein Site located at 2104-2118 McCarter Highway (Block 827, Lot 1), Newark, New Jersey, in an amount not to exceed One Hundred One Thousand Dollars (\$101,000.00). Excel Environmental Resources, Inc. is a Woman Business Enterprise (WBE), a Small Business Enterprise (SBE) and a Disadvantaged Business Enterprise (DBE). Excel Environmental Resources, Inc. shall in consultation with the City only undertake work that qualifies for payment pursuant to the US EPA Brownfield Community-wide Hazardous Substances Assessment Grant, such as licensed site remediation professional services, waste characterization activities, laboratory quality assurance oversight, remedial investigation and pre-demolition survey, liquid waste and contaminated soil disposal, structural inspection, asbestos survey and other physical and mechanical labor activities. The contract with Excel Environmental Resources, Inc. shall not exceed the amount awarded by this resolution unless and until the City Council has authorized an amendment to this resolution and the contract authorized herein.

2. The term of this contract shall be for the period of one year from the date of issuance of a Notice to Proceed by the Deputy Mayor/Director of the Department of Economic and Housing Development.

3. This contract is being awarded pursuant to the fair and open procedures of the State Pay-to-Play Law (N.J.S.A. 19:44A-20.5) and pursuant to the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-5(1)(a)(i)); is in compliance with the City's Contractor Pay-to-Play Reform Ordinance, R.O. 2:4-22C.

4. Attached hereto is a certification of funds from the Acting Finance Director of the City of Newark, which states (1) that there are sufficient funds in the amount of \$101,000.00 for the purpose set forth herein above and (2) that the line appropriation which shall be charged is as follows:

<u>Bus. Unit</u>	<u>Dept. ID</u>	<u>Div./Proj.</u>	<u>Activity</u>	<u>Acct. #</u>	<u>Budget Ref.</u>
NW051	G12	D12T0	A	72090	B2012

5. A fully executed copy of this contract and Notice to Proceed shall be filed in the Office of the City Clerk by the Deputy Mayor/Director of the Department of Economic & Housing Development.

6. There shall be no advance payments against this contract pursuant to N.J.S.A. 40A:5-16.

7. A copy of the executed agreement herein authorized shall be filed in the Office of the City Clerk by the Corporation Counsel and shall be made available for public inspection.

8. A notice of this action shall be published in the newspaper authorized by law to publish

a legal advertisement and as required by law within ten (10) days of the adoption of this Resolution.

STATEMENT

This resolution authorizes the Mayor and/or his designee, the Director of the Department of Economic & Housing Development to enter into and execute a contract with Excel Environmental Resources, Inc., 111 North Center Drive, North Brunswick, New Jersey 08902, to provide Licensed Site Remediation Professional Services for the Former Maas & Waldstein Site located at 2104-2118 McCarter Highway, Newark, New Jersey (Block 827, Lot 1), in an amount not to exceed One Hundred One Thousand Dollars (\$101,000.00), for the period of one year from the date of issuance of a Notice to Proceed by the Deputy Mayor/Director of the Department of Economic and Housing Development. (North Ward)