



## Legislation Details (With Text)

**File #:** 11-1318      **Version:** 1      **Name:** Hatch Mott MacDonald - Nat Turner Park - Remediation Investigation and Action

**Type:** Resolution      **Status:** Adopted

**File created:** 11/23/2011      **In control:** Administration

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**Title:** Dept/ Agency: Administration/Office of the Business Administrator  
Action: ( X ) Ratifying (X) Authorizing ( ) Amending  
Type of Service: Professional Service Contract  
Purpose: Environmental Services - Remediation investigation and action at Nat Turner Park  
Entity Name: Hatch Mott MacDonald  
Entity Address: 27 Bleeker Street, Millburn, NJ 07041  
Contract Amount: \$31,671.25  
Funding Source: NJ Department of Environmental Protection/NJ Economic Development Authority  
Contract Period: January 1, 2011 to December 31, 2011  
Contract Basis: ( ) Bid ( ) State Vendor ( X ) Prof. Ser. ( ) EUS  
( ) Fair & Open ( X ) No Reportable Contributions ( ) RFP ( ) RFQ  
( ) Private Sale ( ) Grant ( ) Sub-recipient ( ) n/a  
Additional Information:  
Invitation: Business Administrator, December 20, 2011

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Date	Ver.	Action By	Action	Result
12/21/2011	1	Municipal Council	Adopt	Pass

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**WHEREAS,** the City of Newark in partnership with the Trust for Public Land (TPL), redeveloped and renovated Nat Turner Park, Block 2571, Lot 26, also known as 251-259 18<sup>th</sup> Avenue; and

**WHEREAS**, as part of this redevelopment process, TPL retained Hatch Mott MacDonald, an environmental consulting firm, to perform environmental services, including a Preliminary Site assessment in November 2005, a Site Investigation in May 2006, and a Supplemental Site Investigation in July 2007, and discovered 17 underground storage tanks (USTs) as well as soil contaminants at concentrations in excess of New Jersey Department of Environmental Protection (NJDEP) guidance criteria; and

**WHEREAS**, pursuant to Resolution 7R1-B, adopted January 3, 2008, the City of Newark accepted grant funding in the amount of \$2,962,479.00 from the Hazardous Discharge Site Remediation Fund Municipal Grant Program through the NJDEP and the New Jersey Economic Development Authority (NJEDA) for remedial investigation and remedial action at Nat Turner Park; and

**WHEREAS**, pursuant to Resolution 7R1-B adopted April 7, 2010, the City of Newark entered into and executed a professional services contract with Hatch Mott MacDonald, 27 Bleeker Street, Millburn, New Jersey, to provide environmental consulting services at Nat Turner Park, in the amount not to exceed \$39,000.00 for the period of January 1, 2010 to December 31, 2010; and

**WHEREAS**, Hatch Mott MacDonald performed services at Nat Turner Park during the contract term from January 1, 2010 to December 31, 2010 totaling \$7,328.75 leaving a balance of \$31,671.25; and

**WHEREAS**, the State Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) requires that professional service contract be for a period not to exceed one year; and

**WHEREAS**, due to the nature of the ongoing work being performed and the statutory constraints placed on the duration of professional service contracts, the City of Newark desires to continue working with Hatch Mott MacDonald on the environmental activities at Nat Turner Park by entering into a new professional service contract with them to complete several outstanding environmental monitoring and reporting tasks as required by the NJDEP; and

**WHEREAS**, Hatch Mott MacDonald has submitted a proposal indicating that the remaining required environmental consulting services at Nat Turner Park will not exceed \$31,761.25, for the period of January 1, 2011 to December 31, 2011; and

**WHEREAS**, the services covered under this contract are eligible for payment by the above referenced grant award; and

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

**WHEREAS**, this new contract is being awarded as a Professional Services and pursuant to the provisions of the State Local Public Contracts Law (N.J.S.A. 40A:11-5(1)(a)(i)); and

**WHEREAS**, the Mayor of the City of Newark signed into law Executive Order Number MEO-07-0001 (hereinafter "Pay-to-Play Executive Order"), which requires reporting of political contributions to Newark Municipal Candidates and prohibits certain political contributions during the duration of the contract; and

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

**WHEREAS**, the Business Administrator has determined and certified in writing that the value of this contract shall exceed \$17,500.00.

**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 Business Administrator, are hereby authorized to enter into and execute a Professional Services contract with Hatch Mott MacDonald, 27 Bleeker Street, Millburn, New Jersey 07041, to provide environmental consulting services at Nat Turner Park, in an amount not to exceed \$31,671.25, for the period of January 1, 2011 to December 31, 2011.
2. The contract between the City of Newark and Hatch Mott MacDonald is hereby ratified from January 1, 2011 through the date of the adoption of this authorizing resolution.
3. This contract shall be paid from grant funding from the NJDEP and NJEDA Hazardous Discharge Site Remediation Fund Municipal Grant Program (authorized and accepted pursuant to Resolution 7R1-B, adopted January 3, 2008) said funding remains available to the City until the project is completed.
4. This contract is being awarded pursuant to the non-fair and open procedures of the State Pay-To-Play Law (N.J.S.A 19:44A-20.5) and as a Professional Service pursuant to the provisions of the State Local Public Contracts Law (N.J.S.A. 40A:11-5 (1)(a)(i)), and is in compliance with Newark Executive Order MEO-07-0001, effective March 31, 2007.
5. Hatch Mott MacDonald has completed and submitted a City of Newark Political Contribution Disclosure Form and Business Entity Disclosure Certificate, which certifies that Hatch Mott MacDonald has not made any reportable contributions to a political or candidate committee in the City of Newark in the previous one year, and their contract will prohibit Hatch Mott MacDonald from making any reportable contributions through the term of the contract. The Newark Political Contribution Disclosure Form and Business Entity Disclosure Certificate shall be filed in the Office of the City Clerk.
6. Attached hereto is a Certification of Funds in the amount of \$31,671.25 which states that there are available legally appropriated funds for the purpose set forth hereinabove through December 31, 2011 from the following: Unit NW051, Dept. G08, Div/Proj A18W0, Acct 72090, Budget B2008. The certification shall be filed in the Office of the City Clerk.
7. Attached hereto is a Determination of Value letter, which shall be filed in the Office of the City Clerk by the Business Administrator.
8. A copy of the executed contract herein authorized shall be filed in the Office of the City Clerk by the Business Administrator.

9. A notice of this action shall be published in the newspaper as required by law within 10 days of its passage.

### **STATEMENT**

This resolution ratifies and authorizes the Mayor and/or his designee, the Business Administrator, to enter into and execute a Professional Services contract with Hatch Mott MacDonald, 27 Bleeker Street, Millburn, New Jersey 07041, to provide environmental consulting services at Nat Turner Park, in an amount not to exceed \$31,671.25, for the period of January 1, 2011 to December 31, 2011.