



Legislation Details (With Text)

File #: 13-0763 **Version:** 2 **Name:** Underground Storage Tank Dresdner Robin LSRP
Type: Resolution **Status:** Filed
File created: 4/12/2013 **In control:** Water Sewer Utility
On agenda: 12/4/2013 **Final action:** 12/4/2013

Title: Dept/ Agency: Water and Sewer Utilities
Action: () Ratifying (X) Authorizing () Amending
Type of Service: Professional Services Contract
Purpose: For site remediation of underground storage tank located at the Little Falls Office
Entity Name: Dresdner Robin Environmental Management, Inc.
Entity Address: 371 Warren Street, Jersey City, New Jersey 07302
Contract Amount: \$24,950.00
Funding Source: City of Newark/Department of Water and Sewer Utilities Budget
Contract Period: One (1) year from the date of adoption of this authorizing resolution
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:

Sponsors:

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
12/4/2013	2	Municipal Council	Adopt	Pass

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WHEREAS, pursuant to the New Jersey Site Remediation Reform Act (N.J.S.A. 58:10C-1, et seq.), the New Jersey Department of Environmental Protection ("NJDEP") assigned the City of Newark, Department of Water and Sewer Utilities, ("City") Case Number 93-05-11-1536, requiring the City to hire a Licensed Site Remediation Professional ("LSRP") to perform site remediation at the City's facility located at 1294 McBride Avenue, Little Falls, New Jersey 07424 (the "Property"), due to the leaking of an underground storage tank; and

WHEREAS, specifically the NJDEP has required the City to perform continued remediation procedures for monitoring, sampling, reporting and soil remediation at the Property; and

WHEREAS, on May 2, 2013, Dresdner Robin Environmental Management Inc., 371 Warren Street, Jersey City, New Jersey 07302, submitted a proposal to the City to provide the above-referenced professional site remediation services at the Property for the amount not to exceed \$24,950.00; and

WHEREAS, the City wishes to accept the proposal and enter into and execute a professional services agreement with Dresdner Robin Environmental Management, Inc., in the form attached hereto, to provide the above-referenced professional site remediation services at the Property, for the amount not to exceed \$24,950.00; and

WHEREAS, this professional services agreement is for an amount over \$17,500.00 and is being awarded through the “non-fair and open process” pursuant to N.J.S.A. 19:44A-20.5; and

WHEREAS, the provision of the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(i) authorizes the award of professional services agreements without public advertising for bids and bidding and requires that the contract be made available for public inspection; 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, Dresdner Robin Environmental Management Inc., has completed and submitted a Business Entity Disclosure Certificate which certifies that Dresdner Robin Environmental Management, Inc. has not made any reportable contributions to a political or candidate committee in the City of Newark in the previous one year, and that the contract will prohibit Dresdner Robin Environmental Management, Inc., from making any reportable contributions through the term of the contract.

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 Acting Director of the Department of Water and Sewer Utilities are hereby authorized on behalf of the City of Newark to enter into and execute a professional services agreement with Dresdner Robin Environmental Management Inc., 371 Warren Street, Jersey City, New Jersey 07302, in the form attached hereto, to provide professional site remediation services at the City’s facility located at 1294 McBride Avenue, Little Falls, New Jersey 07424 (the “Property”), due to the leaking of an underground storage tank, for and amount not to exceed \$24,950.00.
2. The term of this professional services agreement shall be for a period of one (1) year from the date that this agreement is authorized by the Newark Municipal Council.
3. Pursuant to N.J.A.C. 5:30-5.5(a), attached hereto is a certification of funds from the Comptroller of the City of Newark which states that there are legally appropriated funds in the

amount of \$24,950.00, for the purposes set forth hereinabove, which shall be provided from the following line appropriations of the official municipal budget:

<u>Business Unit</u>	<u>Department ID</u>	<u>Div/Proj.</u>	<u>Account</u>	<u>Bud. Ref.</u>
NW037	750	7502	71240	B2013

4. No changes to this professional services agreement are allowed or authorized without prior Municipal Council approval.
5. There shall be no advance payments made against this professional services agreement in accordance with N.J.A.C. 40A: 5-16.
6. A fully executed copy of the professional services agreement and the certification of funds shall be filed in the Office of the City Clerk by the Acting Director of the Department of Water and Sewer Utilities.
7. This professional services agreement is being awarded without public bidding pursuant to the provisions of the Local Public Contracts Law, N.J.S.A. 40A:-5(1)(a)(i) because the services are to be performed by a person or persons whose performance requires knowledge of and advanced type in a field of learning acquired by prolonged formal course of specialized study.
8. This professional services agreement is being awarded pursuant to the non-fair and open procedures of the Pay-to-Play Law N.J.S.A.19:44A-20.5 and pursuant to the provisions of the Local Public Contract Law N.J.S.A. 40A:11-5 (1) (a) (i), and is in compliance with Executive Order MEO-07-0001, effective March 31, 2007.
9. Dresdner Robin Environmental Management, Inc., has completed and submitted a Business Entity Disclosure Certificate which certifies that Dresdner Robin Environmental Management, Inc., has not made any reportable contributions to a political or candidate committee in the City of Newark in the previous one year, and that the contract will prohibit Dresdner Robin Environmental Management, Inc., from making any reportable contributions through the term of the contract.
10. A notice of this action will be published in the newspaper as required by law, within ten (10) days of its passage.

STATEMENT

This resolution authorizes the Mayor and/or his designee, the Acting Director of the Department of Water and Sewer Utilities to enter into and execute a professional services agreement with Dresdner Robin Environmental Management, Inc., 371 Warren Street, Jersey City, New Jersey 07304, on behalf of the City of Newark, to provide professional site remediation services at the City's facility located at 1294 McBride Avenue, Little Falls, New Jersey 07424 (the "Property"), due to the leaking of an underground storage tank, for an amount not to exceed \$24,950.00, for a period of one (1) year from the date that this contract is authorized by the Newark Municipal Council.