



# City of Newark

City Hall  
920 Broad Street  
Newark, New Jersey 07102

## Legislation Text

File #: 17-0467, Version: 1

**Dept/ Agency:** Water and Sewer Utilities

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

**Type of Service:** Professional Services Contract

**Purpose:** Completion of Environmental Services of site remediation of underground storage tank located at the Little Falls Office

**Entity Name:** Dresdner Robin Environmental Management, Inc.

**Entity Address:** 1 Evertrust Plaza, Suite 901, Jersey City, New Jersey 07302

**Contract Amount:** Amount not to exceed \$141,700.00

**Funding Source:** 2017 and 2018 Budget/ Department of Water and Sewer Utilities

**Contract Period:** From authorization by Municipal Council until completion of remediation construction pursuant to N.J.S.A. 40A:11-15(9)

**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:**

Partial certification of funds in the amount of \$25,000.00.

**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**, Dresdner Robin Environmental Management Inc., has been providing efficient and quality services for the underground storage tank remediation at the Property since May 1993, when a storage tank leak was discovered; and

**WHEREAS**, on December 9, 2016, Dresdner Robin Environmental Management Inc., 1 Evertrust Plaza Suite 901, Jersey City, New Jersey 07302, submitted a proposal to the City to provide completion of environmental services of the above-referenced professional site remediation services at the Property, for an amount not to exceed \$141,700.00; 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 completion of environmental services for professional site remediation services at the Property, for an amount not to exceed \$141,700.00; 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 Municipal Council adopted the Contractor Pay-to-Pay Reform Ordinance R.O. 2:4-22 C, which forbids the award of a contract of 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; candidates committees of the aforementioned candidates, and political or political party 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; 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 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., 1 Evertrust Plaza Suite 901, Jersey City, New Jersey 07302, in the form attached hereto, to provide completion of environmental services for 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 \$141,700.00.
2. The term of this Professional Services Agreement shall be from the date that this agreement is authorized by the Newark Municipal Council until completion of remediation construction, pursuant to N.J.S.A. 40A:11-15(9) f.
3. Pursuant to *N.J.A.C. 5:30-5.5(a)*, Temporary Budget, attached hereto is a partial Certification of Funds issued by the Director of Finance of the City of Newark, which states that funds in an amount of \$25,000.00 are available in the 2017 Water and Sewer Utilities Budget, Business Unit 037, Department ID 750, Division/Project 7502, Account # 71280.
4. The Director of the Department of Water and Sewer Utilities shall file a copy of the partial Certification of Funds along with the original resolution and the executed contract in the Office of the City Clerk. The remainder of \$116,700.00 in funding for this contract will be subject to appropriation in the 2017 and 2018 Municipal Budgets and funds will be certified prior to services being provided by the contractor, and the contract shall be subject to the availability and appropriation of sufficient funds in accordance with *N.J.A.C. 5:30-5.5(c)* and *N.J.A.C. 5:30*

-5.5(d).

5. No changes to this Professional Services Agreement are allowed or authorized without prior Municipal Council approval.
6. There shall be no advance payments made against this Professional Services Agreement in accordance with N.J.A.C. 40A: 5-16.
7. 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 Director of the Department of Water and Sewer Utilities.
8. 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.
9. 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 City's Contractor Pay-to-Play Reform Ordinance R.O. 2:4-22 C.
10. 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.
11. 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 Director of the Department of Water and Sewer Utilities, to enter into and execute a Professional Services Agreement with Dresdner Robin Environmental Management, Inc., 1 Evertrust Plaza Suite 901, Jersey City, New Jersey 07304, on behalf of the City of Newark, to provide completion of environmental services of 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, for an amount not to exceed \$141,700.00, from the date that this contract is authorized by the Newark Municipal Council, until completion of the remediation construction pursuant to N.J.S.A. 40A:11-15(9) f