

R-19-167

## TOWNSHIP OF MONTCLAIR

**RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT EXTENSION WITH H2M ASSOCIATES, LLC FOR PROFESSIONAL SERVICES IN CONNECTION WITH OFFSITE GROUNDWATER INVESTIGATION AND REMEDIAL ACTION WORKPLAN PREPARATION FOR 399 ORANGE ROAD**

August 20, 2019

**WHEREAS**, the Township of Montclair received a Hazardous Discharge Site Remediation Fund (HDSRF) grant from the New Jersey Department of Environmental Protection/Economic Development Authority in the amount of \$111,612 to perform preliminary assessments, site investigations, remedial investigations and remedial actions for 399 Orange Road; and

**WHEREAS**, the Township received three supplemental grants from the Hazardous Discharge Site Remediation Fund (HDSRF) in the amount of \$128,975 to install three monitoring wells, conduct additional site investigation activities, off-site groundwater monitoring, prepare a Remedial Investigation Report for the property and conduct remedial activities on the site and there is \$28,457 remaining in the budget from these sources; and

**WHEREAS**, on May 29, 2019, the Township submitted two additional grant applications to the Hazardous Discharge Site Remediation Fund (HDSRF) totaling \$332,100 for additional investigation and remedial activities on the site; and

**WHEREAS**, the Local Public Contracts Law, N.J.S.A. 40A:11-5, authorizes municipalities to enter into contracts for professional service without public bidding; and

**WHEREAS**, the Township issued a Request for Proposals (RFP) to provide the required professional engineering and/or environmental services and, in response to the RFP, the Township received eight proposals; and

**WHEREAS**, the Township of Montclair entered into an agreement with H2M Associates to conduct a Site Investigation for 399 Orange Road (Block 3904, Lot 57) pursuant to the Scope of Work approved by NJDEP in 2010; and

**WHEREAS**, the Township Council approved a contract with H2M Associates for \$58,217 in 2011 with a contract amendment for \$42,600 in 2013, a contract amendment for \$38,790 in 2015 and a contract amendment for \$67,843 in 2017 and a contract amendment for \$42,700 in 2018; and

**WHEREAS**, the Township approved a contract with H2M Associates to serve as the Licensed Site Remediation Professional (LSRP) for the subject property; and

**WHEREAS**, the Township has received a proposal from H2M Associates dated August 15, 2019 to address additional soil delineation and evaluation of the soil impact to groundwater

pathways and prepare a revised Remedial Action Workplan at a cost not to exceed \$28,457 and

**WHEREAS**, the contract may be extended without public bidding as an exception to the bidding requirements of the Local Public Contracts Law, as provided in N.J.S.A. 40A:11-5(1)(a)(i) as a professional service because engineering services are rendered by persons authorized by law to practice their recognized profession, whose practice is registered by law and because such services are of a qualitative nature which will not reasonably permit the drawing of specifications or the receipt of competitive bid; and

**WHEREAS**, this contract is being awarded in accordance with the requirements of the New Jersey "Pay-to-Play" Law, N.J.S.A. 19:44A-20.5 et seq.; and

**WHEREAS**, H2M Associates, Inc. has completed and submitted a Business Entity Disclosure Certification certifying that it has not made any reportable contributions to any political or candidate committee in the Township of Montclair in the previous one-year period, and the subject contract will prohibit said corporation from making any reportable contributions during the term of this contract; and

**WHEREAS**, the Chief Financial Officer has issued a Certification of funds for an amount not to exceed \$28,457 from Budget Line 01-213-18-180-002 for the for services indicated in the proposal from the HDSRF grant; now therefore,

**BE IT RESOLVED** by the Council of the Township of Montclair, in the County of Essex, that the Township Manager and Deputy Clerk be and are hereby authorized to execute and attest an extension to the agreement with H2M Associates, Inc. to provide environmental and other services to the Township in connection with the proposed remedial investigation and remediation of 399 Orange Road, at a total cost not to exceed \$28,457 and in a form approved by the Township Attorney; and

**BE IT FURTHER RESOLVED** that notice shall be published in the official newspaper stating the nature, duration, service and amount of the agreement and that copies of this Resolution and the agreement are on file and available for inspection in the Municipal Clerk's office.