

F



### BOROUGH OF EDGEWATER RESOLUTION

COUNCILPERSON	YES	NO	ABSTAIN	ABSENT
HENWOOD				✓
DORAN	✓			
MONTE	✓			
VIDAL				✓
JORDAN	✓			
BARTOLOMEO	✓			
MAYOR				

DATE: March 18, 2013

RESOLUTION NO. 2013-085

INTRODUCED BY: [Signature]

SECOND BY: [Signature]

**A Resolution authorizing additional environmental work as an extension of an existing Professional Services Contract to TERMS Environmental Services for Remediation Testing and Monitoring Services at Veterans Field**

**WHEREAS**, the Borough of Edgewater requires the services of a professional Environmental Engineer to address the requirement for the remediation to the contaminated soils/historic fill detected at Veteran's field; and

**WHEREAS**, the Borough has determined that the value of these services will exceed \$17,500; and

**WHEREAS**, the *Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(i)* permits the award of this professional services contract without the need for full public bidding procedures; and

**WHEREAS**, *N.J.S.A. 40A:11-5(1)(a)(i)* further requires that contracting unit publish notice that that the resolution of award and the contract itself are available for public inspection; and

**WHEREAS**, on June 18, 2012, by way of resolution 2012-191 the Borough authorized for certain environmental engineering services from TERMS Environmental Services, Inc., with offices at 599 Springfield Avenue, Berkeley Heights, New Jersey, 07922; and

**WHEREAS**, the estimated cost of the services to be provided was between \$128,500.00 and \$149,750.00, the final amount to be determined by the specific services rendered and the hours expended, based upon the rate schedule provided by TERMS which was attached to the original proposal hereto; and

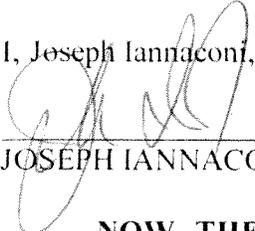
**WHEREAS**, TERMS has completed and submitted a Business Entity Disclosure Certification which certifies that TERMS Environmental Services, Inc. has not made any

reportable contributions to a political candidate or candidate committee in the Borough of Edgewater in the previous one year, and that the contract will prohibit TERMS from making any reportable contributions through the term of the contract; and

**WHEREAS**, based on an updated proposal dated March 4, 2013, as a result of additional testing to ensure clean fill is transported to the site, an estimated cost of services to be provided is between \$232,750.00 and \$367,020.00; and

**WHEREAS**, the Borough's Chief Financial Officer has certified that funds have been appropriated and are available for this purpose as follows:

I, Joseph Iannaconi, Jr., do hereby certify that funding is available through

  
\_\_\_\_\_  
JOSEPH IANNACONI, JR., C.F.O.

**NOW, THEREOF, BE IT RESOLVED** by the Mayor & Council of the Borough of Edgewater that a professional services contract is hereby amended to TERMS Environmental Services, Inc., to provide the site and safety oversight/management and environmental reporting related to the soil remediation that will be performed by others at Veterans Field, as more particularly set forth in the attached Proposal dated June March 4, 2013.

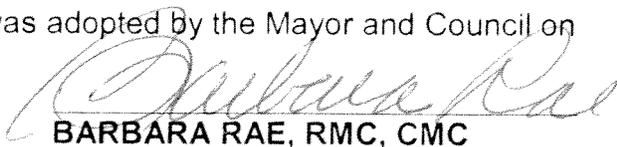
**BE IT FURTHER RESOLVED** that this contract is awarded without competitive bids as a "professional services" Contract in accordance with *N.J.S.A. 40A:11-5(1)(a)(i)* of the *Local Public Contracts Law* because the subject matter of the contract is for professional services by a firm or professional authorized to practice within the State of New Jersey.

**BE IT FURTHER RESOLVED** that this Contract is being awarded pursuant to the alternative process of the *New Jersey Local Unit Pay to Play Law, N.J.S.A. 19:44A-20.5*, and in compliance therewith, and the Business Entity Disclosure Certification will be placed on file with this Resolution.

**BE IT FURTHER RESOLVED** that the Mayor and Borough Clerk are hereby authorized to execute the above Contract for professional services, consistent with this Resolution.

**BE IT FURTHER RESOLVED** that a notice of the award of the above contract shall be published in The Record as required by law within ten (10) days of the adoption of this Resolution.

I hereby certify that the above Resolution was adopted by the Mayor and Council on

  
\_\_\_\_\_  
**BARBARA RAE, RMC, CMC**  
Borough Clerk



599 Springfield Avenue, Berkeley Heights, NJ 07922

Mr. Gregory Franz  
Borough Administrator  
916 River Road  
Edgewater, NJ 07020

Re: Veterans Park  
Completion of Site Remediation  
Remaining Scope/Cost

Per your request, the following is presented as a status and summary of required tasks and costs associated with completing the site remediation at the Veterans Park site in Edgewater, NJ.

The following Tasks are based on the amount of soil still required as of March 1, 2013 to complete the cap in accordance with the Remedial Action Workplan and on the anticipated of the remaining time to complete this work. Prior to Hurricane Sandy and at this point in time, between 1/3 and 1/2 of the area/volume of the soil required for the final cap has been imported to the site.

In accordance with our discussions, we are providing a range of costs with the minimum work/cost assuming that the analysis for all remaining clean fill samples will be acceptable for use at the site. We also assume that the site work (i.e. capping and utility work below the cap) will be completed as quickly as reasonably possible.

Our high end "reasonable worst case" of the cost range is based on the percentage of samples that were previously tested and were unacceptable and on the time it took to complete the capping to date (prior to Hurricane Sandy).

## **BUDGETARY COST ESTIMATE/REMAING TASKS**

### **MINIMUM SCOPE/COSTS**

#### **TASK 1-CLEAN FILL SAMPLE COLLECTION ANALYSIS**

Per September 27, 2012 cost estimate and Subsequent 9/30/12 revision for Remaining Sampling & Lab Analysis for full Clean Fill parameter: (as noted in the 9/30/12 revision, the reduced frequency was based on the understanding that Waterside

intended to utilize the soil from the Route 3 site that has all tested at acceptable levels for use as clean fill at the site)

Sampling: 30 hours @ \$85/hour \$ 2,550.00  
Analysis: 56 samples @ \$ 1,500/sample \$ 84,000.00

**Budgetary Cost Estimate-Task 1 \$86,550.00**

**TASK 2 - RAR & DEED NOTICE Reporting**

Cost Estimate Per Task 2 of June 6, 2012 Proposal

**Cost Estimate Task 2 \$12,700.00**

**TASK 4-Oversight Soil Remediation/Capping (Minimum Anticipated Time-Restarting Oversight on February 11, 2013)**

Daily costs are per June 6, 2012 Proposal (assumes all work completed Mon.-Fri)

Per Diem Cost - 40 Days @ \$ 750.00/day

Per Diem Cost - 30 Days @ \$ 1,300.00/day

**Budgetary Cost Range Estimate Task 4 \$69,000.00**

**TASK 5-GROUNDWATER INVESTIGATION**

**Low End of Cost Range**

**Per Task 5 of June 6, 2012 proposal: \$50,000.00**

**TAS K 6-PROJECTMANAGEMENT/LSRP SERVICES**

**Estimated Remaining Time/Cost: \$14,500.00**

**Total Estimated Minimum Cost for Remaining Scope \$232,750.00**

**REASONABLE "ADDITIONAL" WORST CASE SCOPE/COSTS**

**TASK 1-Clean Fill Sample Collection & Analysis**

Per September 27, 2012 cost estimate and Subsequent 9/30/12 revision for Remaining Sampling & Lab Analysis for full Clean Fill parameter: (as noted in the 9/30/12 revision, the reduced frequency was based on the understanding that Waterside

intended to utilize the soil from the Route 3 site that has all tested at acceptable levels for use as clean fill at the site). The additional costs are based on the possibility that some of the material may not come from the Route 3 site and may therefore, have unacceptable results as some of the previous soil did.

Sampling: 12 hours @ \$85/hour	\$ 1,020.00
Analysis: 15 samples @ \$ 1,500/sample	<u>\$ 22,500.00</u>

**Budgetary Cost Estimate-Task 1** **\$ 23,520.00**

**TASK 4-Oversight Soil Remediation/Capping (Maximum Anticipated Time)**

Per Diem Cost - 50 Days @ \$ 750.00/day  
Per Diem Cost - 40 Days @ \$ 1,300.00/day

**Budgetary Cost Range Estimate Task 4** **\$ 89,500.00**

**TASK 5-Groundwater Investigation**

**High End of Cost Range**  
**Per Task 5 of June 6, 2012 proposal:** **\$ 21,250.00**

**Total Reasonable "Additional" Worst Case Cost** **\$134,270.00**

**Total Estimated Cost Range for Project Completion** **\$232,750.00-\$367,020.00**