

R-20-095**TOWNSHIP OF MONTCLAIR****RESOLUTION AMENDING RESOLUTION R-20-028 ADOPTED ON FEBRUARY 18,
2020 AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES
AGREEMENT EXTENSION WITH H2M ASSOCIATES, LLC FOR PROFESSIONAL
SERVICES IN CONNECTION WITH OFFSITE GROUNDWATER INVESTIGATION AND
REMEDIAL INVESTIGATION ACTIVITIES FOR 399 ORANGE ROAD****June 9, 2020**

This Resolution amends and is substituted in the place of Resolution R- 20-0 046.

WHEREAS, the Township of Montclair has received a supplemental Hazardous Discharge Site Remediation Fund (HDSRF) grant (P45922) from the New Jersey Department of Environmental Protection/Economic Development Authority in the amount of \$42,700 to perform remedial investigations for 399 Orange Road; 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 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 September 27, 2019 to update the workplans, site access and mobilization; targeted soil investigation; and preparation of an amended remedial action workplan at a cost not to exceed \$42,700 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(l)(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 \$42,700 from Budget Line 01-213-20-180-006 for the for services associated with this 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 of 399 Orange Road, at a total cost not to exceed \$42,700 and in a form approved by the Township Attorney; and

BE IT FURTHER RESOLVED that notice shall be published 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.