

**TOWNSHIP OF LONG HILL
RESOLUTION 21-267
AUTHORIZING EMERGENCY CONTRACT FOR REPAIRS TO MEADOWVIEW ROAD**

WHEREAS, Tropical Storm Ida landed in New Jersey on September 1, 2021 bringing severe weather conditions, including strong winds and heavy and sustained rainfall; and

WHEREAS, these severe weather conditions caused downed trees and power lines, damage to structures, and stream and river flooding; and

WHEREAS, widespread roadway flooding made many roadways in the Township impassable; and

WHEREAS, Governor Phillip Murphy declared a state of emergency in response to Tropical Storm Ida on September 1, 2021(EO 259); and

WHEREAS, on September 1, Meadowview Road was severely damaged by the storm resulting in hazardous and unsafe conditions; and

WHEREAS, the Local Public Contract Law provides that:

“Any contract may be negotiated or awarded for a contracting unit without public advertising for bids and bidding therefor, notwithstanding that the contract price will exceed the bid threshold, when an emergency affecting the public health, safety or welfare requires the immediate delivery of goods or the performance of services, provided that the awarding of such contracts is made in the following manner:

- a. The official in charge of the agency wherein the emergency occurred... shall notify the purchasing agent... of the need for the performance of a contract, the nature of the emergency, the time of its occurrence and the need for invoking this section....” (N.J.S.A 40A:11-6); and

WHEREAS, the Department of Community Affairs has adopted the following rule setting forth the general requirements for the use of emergency purchasing:

(a) The use of emergency purchasing pursuant to N.J.S.A. 40A:11-6 or 18A:18A-7 shall be subject to the following requirements:

1. An actual or imminent emergency must exist requiring the immediate delivery of the goods or the performance of the service;

3. The emergency purchasing procedure may not be used unless the need for the goods or services could not have been reasonably foreseen or the need for such goods or services has arisen notwithstanding a good faith effort on the part of the contracting unit to plan for the purchase of any goods or services required by the contracting unit;

4. The contract shall be of such limited duration as to meet only the immediate needs of the emergency; and

5. Under no circumstances shall the emergency purchasing procedure be used to enter into a multi-year contract:

(b) The governing body of each contracting unit shall adopt rules or regulations as appropriate to the contracting unit to ensure that there is a procedure for determining and confirming the existence of an emergency and that the provisions for emergency purchasing pursuant to N.J.S.A. 40A:11-6 or 18A:18A-7 may be implemented. Such rules or regulations shall include such provisions that ensure that if initially designated individuals are not available, there is a designated chain of command to ensure that there are always appropriate individuals available to make such decisions. (N.J.A.C. 5:34-6.1); and

WHEREAS, as a result of the storm damage, Meadowview Road has a sever adverse impact on the public's safety and welfare; and

WHEREAS, Public Works Manager Al Gallo immediately notified the Administrator of the need for the fulfillment of an emergency contract; and

WHEREAS, the Township Engineer has confirmed the existence of the emergency and the need for the work; and

WHEREAS, the need for these emergency services resulting from the damage to Meadowview Road caused by Tropical Storm Ida could not have been reasonably foreseen; and

WHEREAS, the Township has received a proposal dated September 30, 2021, from S and L Contractors LLC to perform those emergency services necessary to repair Meadowview Road and mitigate the hazardous conditions; and

WHEREAS, Contractor proposes replacing the drainage culvert under Meadowview Road (as outlined in its proposal) for \$ 29,883 and to install new rusting guide rail on both sides of pipe crossing for an additional \$4,400 for a total of \$34,283;

WHEREAS, the Township Committee finds S and L Contractors LLC's proposal to be fair and reasonable; and

WHEREAS, the Chief Financial Officer has certified in writing the availability of adequate funds to pay the maximum amount of this contract; and

WHEREAS, the contractor has completed and submitted a Business Entity Disclosure Certification which certifies that the business entity has not made any reportable contributions to a political or candidate committee in the Township of Long Hill in the previous one year, and that the contract will prohibit the contractor named herein from making any reportable contributions through the term of the contract, as well as a Township pay-to-play certification:

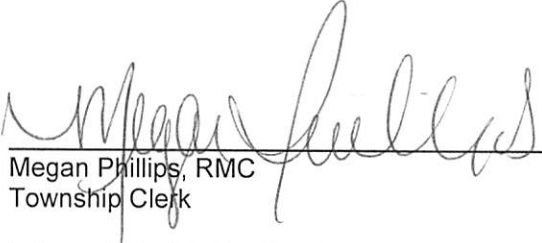
NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Long Hill in the County of Morris, State of New Jersey, as follows:

1. The Mayor and Clerk are authorized and directed to enter into an emergency contract with S and L Contractors LLC to repair Meadowview Road so that it no longer is a threat to public safety.
2. The Contractor shall be paid a total amount not to exceed \$50,000. Payments will be made to the Contractor on a monthly basis upon submission of properly executed vouchers in accordance with established Township procedures.
3. The contract shall be of such limited duration as to meet only the immediate needs of the emergency.
4. The Contractor shall secure and maintain in force, for the term of this agreement, the insurance coverages described below. The Contractor shall provide the Township with certificates of insurance for all coverage and renewals thereof which must contain the provision that the insurance provided in the certificate shall not be canceled for any reason except after 30 days written notice to the Township (10 days for non-payment of premium). The policies of insurance are to be from a company licensed to sell such insurance in the State of New Jersey and the company is to have an A.M. Best's rating of A-VIII or better. The following coverages shall be provided with minimum limits as indicated:
 - a. Commercial General Liability – Limit of liability shall not be less than \$1,000,000 combined single limit (Bodily Injury and Property Damage) per occurrence, \$1,000,000 general aggregate limit, \$1,000,000 products/completed operations aggregate, and \$1,000,000 in Personal Injury & Advertising Injury Liability. Coverage is to be for premises and operations, products and completed operations. On the Commercial General Liability Policy, the Township of Long Hill shall be included as an additional insured, and the insurance certificate shall indicate such coverage.
 - b. Automobile Liability – Limit of liability shall not be less than \$1,000,000 combined single limit (Bodily Injury and Property Damage) for owned autos (if any), non-owned and hired autos.

- c. Workers' Compensation Policy – Statutory Coverage for the State and New Jersey and Employers liability coverage for limits of at least \$100,000 each accident, \$100,000 each employee for disease, and \$500,000 policy limit for disease. The Workers Compensation policy is to include NO exclusion for members of an LLC, partners in a partnership or for a sole proprietor.
- 5. This contract has been awarded to Contractor based on the merits and abilities of Contractor to provide the goods or services as described herein. This contract was not awarded through a "fair and open process" pursuant to N.J.S.A. 19:44A-20.4 et seq. As such, the contractor must attest that its subsidiaries, assigns or principals controlling in excess of 10% of the company has neither made a contribution, that is reportable pursuant to the Election Law Enforcement Commission pursuant to N.J.S.A. 19:44A-8 or 19:44A-16, in the one (1) year period preceding the award of the contract that would, pursuant to P.L. 2004, c.19, affect its eligibility to perform this contract, nor will it make a reportable contribution during the term of the contract to any political party committee in the municipality/county if a member of that political party is serving in an elective public office of that municipality/county when the contract is awarded, or to any candidate committee of any person serving in an elective public office of that municipality/county when the contract is awarded.
- 6. The Contractor must also represent that it has not made a donation of more than three hundred (\$300.00) dollars in any calendar year (in cash or in-kind services) to a member of the Township Committee in violation of the Township local pay-to-play policies set forth in § 2-23 of the Township Code.
- 7. The Contractor must file with the Township Clerk the Business Registration Certificate as required by N.J.S.A. 54A:7-1.2 and the Public Works Contractor Registration Act as required by N.J.S.A. 34:11-56.51.
- 8. This contract is subject to the affirmative action provisions set forth in *N.J.S.A. 10:5-33*.
- 9. The Contractor shall be subject to the prevailing wage rate which can be paid (as shall be designated by the commissioner) to the workers employed in the performance of the contract and the contract shall contain a stipulation that such workers shall be paid not less than such prevailing wage rate. The contract shall also contain a provision that in the event it is found that any worker, employed by the contractor or any subcontractor covered by said contract, has been paid a rate of wages less than the prevailing wage required to be paid by such contract, the Township may terminate the contractor's or subcontractor's right to proceed with the work, or such part of the work as to which there has been a failure to pay required wages and to prosecute the work to completion or otherwise. The contractor and his sureties shall be liable for any excess costs occasioned thereby to the Township.
- 10. This contract shall be charged to budget line item(s) T-12-0278-00999-6-00000. The certification of available funds by the Financial Officer shall be attached to the original of this resolution and shall be maintained in the files of the Township Clerk.

INTRODUCED	SECONDED	COMMITTEE	AYE	NAY	ABSTAIN	ABSENT
		DORSI	x			
		LAVENDER	x			
		PISERCHIA	x			
x		RAE	x			
	x	VERLEZZA	x			

I, Megan Phillips, Township Clerk of the Township of Long Hill, County of Morris, State of New Jersey, hereby certify this to be a true copy of a resolution adopted by the Township Committee September 27, 2021.



Megan Phillips, RMC
Township Clerk

Certification of Funds

I, Nancy Malool, Acting Chief Financial Officer of the Township of Long Hill, do hereby certify that the funds will be available in account T-12-0278-00999-6-00000.



Nancy Malool, Acting Chief Financial Officer

Dated: October 6, 2021

As directed by Township attorney