

RESOLUTION 2021-111

RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES, LITIGATION SUPPORT, AND ENVIRONMENTAL RESEARCH SERVICES.

WHEREAS, there exists a need for an environmental research specialist to assist The Bordentown Sewerage Authority with professional engineering services and litigation support for evaluating the environmental constraints related to Tower Gate Associates proposed development on Block 70, Lot 6.02 in Mansfield Township; and

WHEREAS, James Cosgrove, Jr., P.E. of Kleinfelder, Inc. has provided a proposal dated January 11, 2022 which is attached to this resolution; and

WHEREAS, the contract is awarded at an amount not to exceed \$20,000.00; and

WHEREAS, the work to be performed shall be at the request of Diane Alexander of Maraziti Falcon, Special Counsel for the Tower Gate litigation, with oversight to be exercised by the Authority's Executive Director; and

WHEREAS, the Contract has been awarded without competitive bidding after a non-fair and open process as a professional service pursuant to N.J.S.A. 19:44A-20.5.; and

WHEREAS, funds are available for the purpose of the contract, and a certificate of the availability of funds has been provided by the designated certifying finance officer and is attached hereto;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Bordentown Sewerage Authority authorizes entry into a contract with James Cosgrove, Jr., P.E. of Kleinfelder, Inc.; and

BE IT FURTHER RESOLVED that a Notice of the award of this contract shall be printed as a legal advertisement.

DATED: DECEMBER 20, 2021

THE BORDENTOWN SEWERAGE AUTHORITY

By: 
M. Ellen Gulbinsky, Chairwoman

ATTEST:


Joseph R. Malone, III, Secretary

I have reviewed this resolution and the certificate of availability of funds and am satisfied that an appropriate certificate of availability has been provided.


Anthony T. Drollas, Jr., Esquire
General Counsel

CERTIFICATE OF AVAILABILITY OF FUNDS

I, Elizabeth J. Kwelty, Administrative Manager and Certifying Finance Officer of The Bordentown Sewerage Authority, do hereby certify, pursuant to the rules of the Department of Community Affairs, Division of Local Government Services (N.J.A.C. 5:34-5.1 et seq.), that there are available adequate funds for the following proposed contract:

CONTRACT: Environmental research services, litigation support, and professional engineering services related to the matter of Tower Gate v. Bordentown Sewerage Authority.

CONTRACT NUMBER: 2022-C4

CONTRACTOR: Kleinfelder, Inc.

CONTRACT AMOUNT: not to exceed \$20,000.00

BUDGETARY LINE ITEM: 01-001-610F

I certify that the same funds have not been certified as available for more than one pending contract.

12/20/21
Date



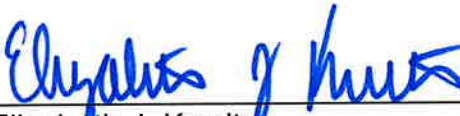
Elizabeth J. Kwelty
Certifying Finance Officer

Special situations (check all that apply):

- A.) The Authority is operating under a temporary budget and:
- 1. the full cost of the contract is certified against the temporary budget; or
 - 2. only the pro rata amount of the contract is charged against the temporary budget and the contract contains a clause making its continuation past the date subject to a further appropriation of sufficient funds.
- B.) This contract is an open-ended contract for goods at a unit price up to a maximum amount and:
- 1. the full maximum amount permitted by the contract is being certified; or
 - 2. the amount of the purchase shall be certified at the time that such goods are ordered by attaching the certificate of availability to the file copy of the purchase order.
- C.) This 12-month contract does not coincide with the fiscal year and:
- 1. the full cost of the contract is hereby certified against the budget of the year in which the contract is awarded; or
 - 2. the amounts for which liability is to be incurred is hereby certified against the two respective budgets at this time.
- D.) This is a multi-year contract and:
- 1. this contract is for construction and related services and the full amount of the contract is hereby certified to the current budget; or
 - 2. this is not a construction contract, and the availability of funds will be certified to the respective budgets at the time that the goods or services are ordered.

12/20/21

Date



Elizabeth J. Kwelty

Certifying Finance Officer



January 11, 2022

VIA EMAIL

Ellen Gulbinsky
Board Chair
Bordentown Sewerage Authority
954 Farnsworth Ave.
Bordentown, NJ 08505

**RE: PROPOSAL – PROFESSIONAL ENGINEERING, LITIGATION SUPPORT, AND ENVIRONMENTAL RESEARCH SERVICES
TOWER GATE ASSOCIATES PROPOSED DEVELOPMENT
BLOCK 70, LOT 6.02; MANSFIELD TOWNSHIP, NJ**

Dear Ms. Gulbinsky:

I am so pleased to have the opportunity to work with you and the Bordentown Sewerage Authority (BSA) again. As you requested, I have prepared this proposal to provide expert consulting services to you on the above-referenced matter.

It is my understanding that Tower Gate Associates is proposing to construct a residential development in Mansfield Township. They have proposed to connect to the BSA Wastewater Treatment Plant, even though they are not within the Authority's sewer service area. You have requested that I research whether other options could be more appropriate to serve the wastewater treatment needs of this proposed development.

I recommend that we complete our work in a stepwise fashion, which would likely include the following:

- Discuss the project with BSA's attorney, Diane Alexander (Counsel), to better understand the issues and the efforts needed.
- Review the proposed development plan to identify the location and projected wastewater flow.
- Develop a Geographic Information System (GIS) of the area that includes the BSA sewer service area, the proposed development location, the existing sewer system, and other wastewater treatment plants in the region. (We have assumed these GIS layers will be readily available from the New Jersey Department of Environmental Protection and BSA.)
- Identify other wastewater treatment plants that could serve the proposed development.
- Identify barriers that would be faced by proposed development in seeking to connect to BSA (e.g., wastewater management plan amendment issues, land use permitting issues, watershed transfer issues, environmental impacts, etc.).
- Prepare a letter report summarizing the results of our research.

At this time, it is not possible to fully appreciate the extent of the level of effort required to complete our work. I propose that we proceed on a time-plus-expenses basis in accordance with the attached hourly rates and Client Professional Services Agreement. For budgeting purposes, I suggest establishing an initial amount of \$20,000 for our services. Once the scope is more fully defined, I can certainly update the budget estimate with you. If this proposal is acceptable, please indicate acceptance by signing the attached Client Professional Services Agreement and returning it to me.

I understand that I am authorized to undertake tasks in regard to this matter only at the express direction of Counsel. Our work undertaken in this matter, including, without limitation, our work papers (physical and electronic) and any opinions or conclusions that we may form, is being done for and at the direction of Counsel, is therefore part of Counsel's work product, and is accordingly Client's privileged and confidential information. If I am ultimately disclosed as a testifying expert, the rules and law governing discovery of and testimony by experts will apply.

We appreciate the opportunity to be of service to you and are quite confident that you will be pleased with the quality and efficiency of our work. If you have any questions, you can reach me via telephone at 609-454-4550 or via e-mail at JCosgrove@Kleinfelder.com.

Sincerely,



James F. Cosgrove, Jr., P.E.
Vice President / Principal

Enclosures

c: Diane Alexander, Esq., Maraziti Falcon, LLP



HOURLY BILLING RATES

<u>Employee</u>	<u>Rate</u>
Administrative Support	\$ 95
Bradley, Timothy D.	\$295
Contreras, Felipe	\$235
Cosgrove, James F.	\$295
Dovel, Erin L.	\$145
Ferguson, Colin	\$200
Ferrara, Raymond A.	\$385
Friedlich, Brian J.	\$215
Jenkins, Michael J.	\$105
Joy, Nicole E.	\$150
Lim, Sunny	\$115
Nappi, Jordan R.	\$110
Nettuno, Chelsey A.	\$105
Nexon, Michael L.	\$205
Paccione, Brooke	\$100
Roy, Tushar	\$220
Schwarz, Joseph W.	\$150
Sessa, Alphonse J.	\$160

Billing rates are subject to increase during each year. Project related expenses including travel, rental vehicles and equipment, computer charges, safety equipment, disposal of waste materials, telephone charges, messenger and delivery charges, printing, and expendable supplies acquired specifically for the project will be billed at cost. Use of Kleinfelder owned vehicles or personal vehicles will be billed at the current IRS Standard Mileage Rate. Fees for subcontractors retained by Kleinfelder specifically for the project and on behalf of the client will be billed at cost plus ten percent.