

**RESOLUTION**  
of the  
**BOROUGH OF NEW PROVIDENCE**  
Resolution No. 2012-66

Council Meeting Date: 02-13-2012

Date Adopted: 02-13-2012

TITLE           RESOLUTION ACCEPTING THE PROPOSAL OF MASER  
CONSULTING, P.A. FOR PROFESSIONAL ENGINEERING AND  
PROFESSIONAL ENVIRONMENTAL CONSULTING SERVICES  
REGARDING STORMWATER OUTFALLS

Councilperson Lesnewich submitted the following resolution, which was duly seconded by Councilperson Cucco.

WHEREAS, the Borough of New Providence has a need to acquire Professional Engineering and Professional Environmental Consulting Services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19-44A-20.5; and

WHEREAS, Maser Consulting Services has submitted a proposal dated January 18, 2012 indicating they will provide professional engineering and professional environmental consulting services relating to the repair/replacement of the Ashwood Road and Pine Way stormwater outfalls, for an amount not to exceed \$13,000.00; and

WHEREAS, Maser Consulting was awarded a contract with the Borough of New Providence via Resolution 2011-23, and fees assessed with this project are contained in said contract; and

WHEREAS, the Borough of New Providence awarded said contract to Maser Consulting in accordance with a fair and open process; and

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the service will not exceed \$13,000.00; and

WHEREAS, the anticipated term of this contract is one (1) year; and

WHEREAS Maser Consulting has completed and submitted a Business Entity Disclosure Certificate which certifies that Maser Consulting has not made any reportable contributions to a political or candidate committee in the Borough of New Providence in the previous one year, and that the contract will prohibit Maser Consulting from making any reportable contributions through the term of the contract, and

WHEREAS, the maximum amount of the agreement is not to exceed \$13,000.00, and said funds are available and have been certified by the Chief Financial Officer; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-5) requires that the resolution authorizing and awarding of agreement for "professional services" without competitive bids and the agreement itself must be available for public inspection.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of New Providence that they hereby agree as follows:

1. The Mayor and Borough Clerk are hereby authorized and directed to execute the attached agreement with Maser Consulting for Professional Engineering and Professional Environmental Services.
2. Such agreement is awarded without competitive bids as a "professional service" in accordance with N.J.S.A. 40A:11-5(1) (a) of the Local Public Contracts Law, because the services to be rendered are professional in nature and are unspecifiable as to requirements for performance. Such services must be rendered by a person particularly trained and licensed in this area, which requires extensive specific education and long experience in both the Federal and State procedural requirements.
3. A notice of this action shall be published once in the Courier News.

APPROVED, this 13<sup>th</sup> day of February, 2012.

## RECORD OF VOTE

	AYE	NAY	ABSENT	NOT VOTING
CUCCO	X			
GALLUCCIO	X			
GENNARO	X			
LESNEWICH	X			
MUÑOZ	X			
ROBINSON	X			
HERN			TO BREAK COUNCIL TIE VOTE	

I hereby certify that the above resolution was adopted at a meeting of the Borough Council held on the 13<sup>th</sup> day of February, 2012.

Wendi B. Barry, Borough Clerk



Consulting, Municipal & Environmental Engineers  
Planners ■ Surveyors ■ Landscape Architects

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January 18, 2012

Mr. Douglas R. Marvin, Administrator  
Borough of New Providence  
360 Elkwood Lane  
New Providence, NJ 07974

Re: Ashwood Road and Pine Way Outfall Repair  
Borough of New Providence  
Union County, New Jersey  
MC Proposal No. NPT254P

Dear Mr. Marvin:

Maser Consulting P.A. is pleased to submit this proposal to provide professional engineering and environmental consulting services for the repair/replacement of two stormwater outfalls. One outfall is located at the terminus of Pine Way and the second outfall is located at the terminus of Ashwood Road. Each of these outfalls were recently impacted by Hurricane Irene resulting in the loss of stormwater piping and severe erosion within each drainage easement. Each outfall is located adjacent to the Passaic River.

Based upon our review of the State of New Jersey's I-mapping, portions of these pipes may occur in freshwater wetlands, flood hazard areas, and/or riparian zones. Currently within the State of New Jersey, the New Jersey Department of Environmental Protection's (NJDEP), Division of Land Use Regulation (DLUR) is the lead agency responsible for authorizing encroachments into freshwater wetlands, flood hazard areas, and riparian zones. The repair/replacement of each of these outfall pipes appears to be eligible for authorization under Freshwater Wetland General Permit No. 1 (repair and replacement of existing structures) and Flood Hazard Area General Permit No. 4 (stormwater maintenance by a public entity).

Maser Consulting is pleased to present this proposal to provide the above described services. The following scope of service has been separated into phases so that it can be more easily reviewed. The order in which the phases are presented generally follows the sequence in which the work will be accomplished.

Client's Initials \_\_\_\_\_



To: Mr. Douglas R. Marvin  
Re: Ashwood and Pine Way Outfall Repair  
Borough of New Providence  
Union County, New Jersey  
MC Proposal No. NPT254P

January 18, 2012  
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## **SCOPE OF SERVICES**

### **PHASE 1.0 FRESHWATER WETLAND DELINEATION**

A representative from Maser Consulting will inspect each of the outfall locations and delineate the extent of freshwater wetlands within 150 ft. of each outfall. Freshwater wetlands will be delineated in accordance with the standards described in the 1987 Manual for Identifying and Delineating Jurisdictional Wetlands. The limit of freshwater wetlands will be flagged in the field with numbered surveyor's ribbon. This boundary will be located in the field and plotted on the design plans for each outfall.

**Cost Not to Exceed**

**\$1,000.00**

### **PHASE 2.0 EXISTING CONDITIONS SURVEY**

Maser Consulting P.A. will perform an existing conditions and topographic survey of both the Ashwood Road and the Pine Way drainage outfalls. The survey will be in assumed datum and will include the location of all trees larger than 8 inches.

**Cost Not to Exceed**

**\$4,000.00**

### **PHASE 3.0 FRESHWATER WETLANDS GENERAL PERMIT NO. 1 APPLICATION**

Maser Consulting P.A. will prepare an application request for Freshwater Wetlands General Permit No. for the repair and replacement of both outfall structures. This application will be prepared in accordance with the standards described in N.J.A.C. 7:7A- 5, and 10 of the New Jersey Freshwater Wetlands Protection Act Rules. All plans required for this application will be prepared as described in Task 3.0 of this proposal

**Cost Not to Exceed**

**\$2,500.00**

### **PHASE 4.0 FLOOD HAZARD AREA GENERAL PERMIT NO. 4 APPLICATION**

Maser Consulting will prepare a NJDEP Flood Hazard Area General Permit application for the reconstruction of two separate storm sewer systems with outfall structures adjacent to the Passaic River. In accordance with N.J.A.C. 7:13-8.1, a construction plan based on an existing condition survey will be prepared showing the replacement pipes along with the necessary construction

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details. The plan will also show the delineated flood hazard area based on previous NJDEP stream studies (no hydrologic or hydraulic analysis will be completed) along with the area of disturbance within the riparian zone. An Application Report will be prepared, which will include the required maps, checklists, photos, project description and an NHP endangered or threatened species report for the property. An Engineer's Certification will also be prepared and submitted with the application. No public notice is necessary for the General Permit #4.

The below fee does not include a \$500 NJDEP application fee.

**Cost Not to Exceed**

**\$5,500.00**

All fees listed above will be billed in accordance with our hourly rate schedule previously approved by the Borough as part of the Borough Engineer contract.

If any item listed herein, or otherwise not specifically mentioned within this agreement, is deemed necessary then Maser Consulting may prepare an addendum to this agreement for your review, outlining the scope of additional services and associated professional fees with regard to the extra work. This proposal is valid until July 1, 2012.

We thank you very much for the opportunity to offer our services. We look forward to working with you on this and future projects.

Very truly yours,

MASER CONSULTING P.A.

Andrew Hipolit, PE, PP, CME, CFM  
Senior Principal

DAS  
Enclosure