

RESOLUTION NO. 2014-96

A RESOLUTION AUTHORIZING AN AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES WITH CONSULTING ENGINEER SERVICES, SICKLERVILLE, NJ, TO PERFORM THE BIENNIAL INSPECTION OF THE MEMORIAL PARK DAM.

WHEREAS, there exists a need for professional engineering services to perform the biennial inspection of the Memorial Park Dam and preparation of inspection report for submission to NJDEP Dam Safety Section; and

WHEREAS, the City of Vineland has a need to acquire such professional services as a Non-Fair and Open Contract pursuant to N.J.S.A. 19:44A-20.5; and

WHEREAS, Consulting Engineer Services, Sicklerville, NJ has submitted a proposal indicating they will provide the professional services in an amount not to exceed \$1,870.00 for a contract period of four (4) months from date of award; and

WHEREAS, Consulting Engineer Services has completed and submitted a Business Entity Disclosure Certification for Non-Fair and Open Contract which certifies that Consulting Engineer Services has not made any reportable contributions to a political or candidate committee in the City of Vineland in the previous one year and that the contract will prohibit Consulting Engineer Services from making any reportable contributions through the term of the contract to a political or candidate committee in the City of Vineland; and

WHEREAS, the availability of funds for said Professional Services Contract to be awarded herein have been certified by the City Comptroller; and

WHEREAS, the Local Public Contract Law (N.J.S.A. 40A:11-1, et seq) requires that the Resolution authorizing the award of contract for Professional Services without competitive bidding and the contract itself must be available for public inspection.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Vineland as follows:

1. That the Mayor and Clerk are hereby authorized and directed to execute a Non-Fair and Open Agreement pursuant to N.J.S.A. 19:44A-20.5 with Consulting Engineer Services, Sicklerville, NJ, for Professional Services to perform the biennial inspection of the Memorial Park Dam, in an amount not to exceed \$1,870.00.
2. That this Agreement is awarded without competitive bidding as a Professional Services in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because said services to be rendered or performed require knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction distinguished from general academic instruction or apprenticeship and training.
3. That the Business Disclosure Entity Certification and the Political Contribution Disclosure Form be placed on file with the Resolution.
4. That a Notice of this action shall be printed once in the Daily Journal.

Adopted:

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President of Council

ATTEST:

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City Clerk

**REQUEST FOR RESOLUTION FOR CONTRACT AWARDS  
UNDER 40A:11-5 EXCEPTIONS  
(PROFESSIONAL SERVICES, EUS, SOFTWARE MAINTENANCE, ETC)**



February 11, 2014

(DATE)

1. Service (detailed description): Biennial Dams Inspection for Memorial Park Dam

2. Amount to be Awarded: \$ 1,870

- Encumber Total Award
- Encumber by Supplemental Release

3. Amount Budgeted: \$ \_\_\_\_\_

4. Budgeted: By Ordinance No. \_\_\_\_\_  
Or Grant: Title & Year \_\_\_\_\_

5. \*\*Account Number to be Charged: 001-0-12-3002-0-5023044

6. Contract Period: 4 months


7. Date To Be Awarded: \_\_\_\_\_

8. Recommended Vendor and Address: Consulting Engineer Services  
645 Berlin-Cross Keys Road, Suite 1, 08081

9. Justification for Vendor Recommendation:(attach additional information for Council review)  
Prior experience with the dam, including recent construction related to the  
removal of a low level outlet.  
The cost is \$1,850 + \$20 for additional copy of report = \$1,870.00

- Non-Fair & Open (Pay-to-Play documents required)
- Fair & Open: How was RFP advertised? \_\_\_\_\_

10. Evaluation Performed by: David J. Maillet

11. Approved by:   
Brian N. Myers, PE, City Engineer

12. Attachments:

- Awarding Proposal
- Other: \_\_\_\_\_

- **Send copies to:**  
**Purchasing Division**  
**Business Administration**

**\*\* If more than one account #, provide break down**



**consulting engineer services**  
Engineers, Planners, and Land Surveyors

Henry J. Haley, PE, PP, CME  
President

Norman K. Rodgers, III, PE, PLS, CME  
Vice President

Margaret Kulik, PLS  
Vice President

February 11, 2014

Mr. Brian Myers, PE  
City of Vineland  
640 E. Wood Street  
P.O. Box 1508  
Vineland, New Jersey 08362

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Steven M. Shriver  
VP Business Development  
Tony Lecane, Senior Associate  
Marie Baaden, PE, Associate  
Jay F. Sims, PE, PP, CME, Associate  
Rosie Wolk, PE, CME, Associate

Michael R. Brown, PE, CME  
Peter G. Burgess, PE, PLS, CME  
Michael C. Dupras, MS  
Alan J. Ippolito, PE, CME  
William A. Ralston, PE, CME  
John F. Witthohn, PE, CME  
Paul A. Witthohn, PE

**RE: Memorial Park Dam (NJDEP #35-24)  
Proposal for Engineering Services – Dam Inspections**

Dear Brian:

Thank you for the opportunity to provide you with this proposal for Professional Engineering Services needed to perform a regular inspection of the Memorial Park Dam.

**Project Understanding:**

A regular dam inspection is required by the Safe Dam Act, N.J.S.A. 78:4-1, for all Class II dams. CES proposes to inspect the dam and prepare an inspection report in a manner that complies with the Act. Our report will be suitable for you to submit to the NJDEP Dam Safety Section.

A regular inspection includes a visual inspection of the dam structure including the embankment, spillway and outlet works; and provides a report to NJDEP of the findings with recommendations for repairs or maintenance needed. It is understood that you will assist CES personnel during the inspection. This is required so that the operation of any operable devices, e.g. low level outlets, stop logs, gates etc. can be observed by the inspector. The owner must demonstrate the effective removal and replacement of any stop logs or other water flow regulating device during the inspection. The owner should also have on hand a copy of the most current Operation and Maintenance (O&M) Manual so that the inspector can verify its content.

Please note that recommendations made in a regular inspection report are typically agreed to by NJDEP and then required to be implemented in order to comply with the State Dam Safety Regulations.

**Scope of Services:**

Inspection of Memorial Park Dam (#35-24) will be done in accordance with NJDEP requirements, by a licensed Professional Engineer, with experience in the design, construction, and permitting of dams. Recommendations for immediate repairs, long-term repairs,

maintenance, inspection photos, and compliance with other NJDEP regulations will be included in the inspection report.

**Cost**

The above services will be performed on a lump sum plus expenses basis as shown below:

Memorial Park Dam Inspection and Report .....\$ 1,850.00

**Schedule**

As stated in the Bureau's "Guidelines for Inspection of Existing Dams" document: "all dam inspections shall be performed from March through December." We also understand that the City of Vineland is required to submit the dam safety visual inspection report to the NJDEP Bureau of Dam Safety and Flood Control by April 15, 2014. Upon approval of our proposal CES can immediately proceed with our services in accordance with the timing requirements stated above. We anticipate 3 weeks to complete the proposed services.

**Other Conditions/Fees**

All additional report printing required for out-of-office distribution will be billed to you, in addition to the above, at a rate of \$20.00 per report. Additional costs associated with overnight mail delivery, and public notifications, if needed, that include postage for certified mailings and newspaper publications, will also be billed to you.

Fees for the above services to be performed shall be billed monthly for the value of services rendered. Terms of payment are net 30 days. Any invoice not paid within 30 days of receipt of same shall be subject to a 1.5 percent per month, or fraction thereof, interest surcharge.

All fees listed are for a twelve (12) month period from the date of this proposal.

The fees herein do not include off-tract engineering, geo-technical work such as foundation tests, As-Built surveys, or hydrologic and hydraulic calculations. Fees for these services can be furnished at later time if this work should be determined to be necessary or can be provided on an hourly charge basis.

It is also a condition of this proposal that if any regulations and/or laws relative to environmental or regulatory agencies should change during the execution of this project, it shall be cause for renegotiation of the subject fee.

If client finds it necessary to abandon or terminate the project, CES shall be compensated for all work effort completed to date of receipt of written notice of said action at the prevailing rates for manpower expanded to the notice to terminate. Should the scope of the project change from the present concept, this agreement shall be subject to renegotiation.

The standard of care for all professional services performed or furnished by Consulting Engineer Services under this Agreement will be the skill and care ordinarily provided by similar members of the consulting engineering profession who are practicing under similar circumstances at the same time and in the same locality. Consulting Engineer Services makes no other representations or warranties, whether expressed or implied, under this Agreement or otherwise, in connection with services rendered hereunder.

Please review the above and if all meets with your approval, please execute a copy and return to our office. We will immediately initialize the work once we receive these items.

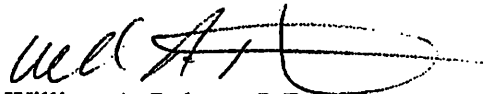
If you should have any questions regarding this proposal, please do not hesitate to call me. Again, thank you for this opportunity to provide these engineering services.

We look forward to working with you on this project.

Very truly yours,



John F. Witthohn, P.E., CME  
Project Engineer



William A. Ralston, P.E., CME  
Project Manager

APPROVED:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name



14-008

## State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
OFFICE OF ENGINEERING & CONSTRUCTION  
BUREAU OF DAM SAFETY & FLOOD CONTROL  
Mail Code 501-01A

BOB MARTIN  
*Commissioner*

CHRIS CHRISTIE  
*Governor*

KIM GUADAGNO  
*Lt. Governor*

PO Box 420, Trenton, NJ 08625-0420  
Telephone: 609-984-0859 Fax: 609-984-1908

January 10, 2014

City of Vineland  
Seventh and Wood St.  
Vineland, NJ 08360

Re: Memorial Park Dam, NJ Dam File No. 35-24  
Vineland City, Cumberland County

Dear Owner/Operator(s):

A review of the Department of Environmental Protection's (Department) files indicates you are now overdue for submission of a dam safety visual inspection report to the Department as required by the Dam Safety Standards, N.J.A.C. 7:20-1.11.

In view of the above, under provisions of the Safe Dam Act (N.J.S.A. 58:4-1 et seq.), you, as owner/operator of this dam, are hereby ordered to submit the required dam safety inspection report for this dam, completed by a New Jersey-licensed professional engineer experienced in the design and construction of dams by **April 15, 2014**. Please note this order does not relieve you of any other order or request for information which may be due to this office in connection with the safety/rehabilitation of this structure. A copy of the Department's Guidelines for the Inspection of Existing Dams is available as a Microsoft Word Document which may be downloaded from the Department's web site at [www.state.nj.us/dep/damsafety](http://www.state.nj.us/dep/damsafety).

Failure to **submit** this report to our office by the stated deadline will result in the issuance of a Notice of Administrative Penalty and Offer of Settlement (NVOS) with corresponding monetary penalties. No further extensions will be considered. In addition to the imposition of monetary penalties, an Order to drain the impoundment and remove the dam may also be issued.

Should you have any questions regarding this matter, please contact this office at 609-984-0859.

Sincerely,

A handwritten signature in black ink that reads "John H. Moyle".

John H. Moyle, P.E., Manager  
Bureau of Dam Safety and Flood Control