

RESOLUTION NO. 2020-~~498~~

A RESOLUTION AUTHORIZING AN AGREEMENT FOR PROFESSIONAL SERVICES WITH ACV ENVIRO, CLAYTON, NJ, FOR ENVIRONMENTAL CLEAN-UP OF 111 HIGHLAND AVENUE PROJECT, IN AN AMOUNT NOT TO EXCEED \$143,193.25.

WHEREAS, there exists a need for professional services for environmental clean-up of 111 Highland Avenue Project specifically the 20x20 contaminated pit located on property; 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, the purchasing agent has determined and certified in writing that the value of said services will exceed \$17,500.00; and

WHEREAS, ACV Enviro, Clayton, NJ, has submitted a proposal indicating they will provide the professional services in an amount not to exceed \$143,193.25 for the contract period January 1, 2021 through December 31, 2021; and

WHEREAS, ACV Enviro has completed and submitted a Business Entity Disclosure Certification for Non-Fair and Open Contract which certifies that ACV Enviro 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 ACV Enviro 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 Chief Financial Officer; 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 ACV Enviro, Clayton, NJ, for Professional Services for environmental clean-up of 111 Highland Avenue Project in an amount not to exceed \$143,193.25 for the contract period January 1, 2021 through December 31, 2021.
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, the Political Contribution Disclosure Form and the Determination of Value be placed on file with the Resolution.
4. That a Notice of this action shall be printed once in the Daily Journal.

Adopted:

President of Council

ATTEST:

City Clerk

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

11/09/2020

(DATE)

1. Service (detailed description): Environmental clean-up of 111 Highland ave project
Specifically the 20x20 contaminated pit located on the property.

2. Amount to be Awarded: \$ 143,193.25

- Encumber Total Award
 Encumber by Supplemental Release

3. Amount Budgeted: \$ 143,193.25

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

5. **Account Number to be Charged: 01-22-195-1606-23103

6. Contract Period: 01/01/2021-12/31/2021

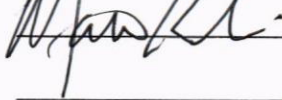
7. Date To Be Awarded: _____

8. Recommended Vendor and Address: ACV ENVIRO
600 Cenco BLVD Clayton NJ 08312


9. Justification for Vendor Recommendation:(attach additional information for Council review)
See Attached Document

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

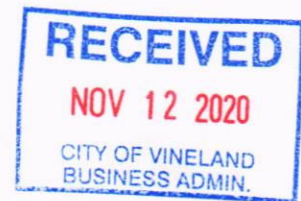
10. Evaluation Performed by: _____

11. Approved by: 

12. Attachments:
 Awarding Proposal
 Other: _____

- Send copies to:
Purchasing Division
Business Administration 

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



I am requesting that ACV Enviro be awarded a Non-Fair and Open bid for re-mediation clean-up of the Highland Ave Project. The reason for the awarding of this contact is because ACV is familiar with the scope of the work which needs to be completed. ACV performed emergency work(2019) already on this project as a result of finding unexpected contaminates at this site.

ACV Enviro is very familiar with the project and what it entails so with the awarding of this contact we are moving forward and not having to stop and get a new company up to speed. They are already aware what need to be accomplished.

The amount will not exceed \$143,193.25



Quote-SJ103538

November 4, 2020

Mr. Matt Rabbai
Director of Licensing and Inspections
VINELAND CITY OF
ATTN: ACCOUNTS PAYABLE P.O. BOX 1508
VINELAND, New Jersey 08362-1508

RE: City of Vineland 111 Highland Ave
ATTN: ACCOUNTS PAYABLE P.O. BOX 1508
VINELAND, NJ 08362-1508

Dear Mr. Matt Rabbai,

ACV Enviro is pleased to provide you with this quotation for the services outlined below in the Scope of Work. We pride ourselves on being responsive and delivering a quality service; We appreciate being considered for this opportunity. Upon your review, if there are any changes to the Scope of Work, or if additional services are required, we would be pleased to discuss any additional needs you may have.

Quote is based on estimated work date: 02/01/2021 - 02/05/2021

SCOPE OF WORK

ACV will mobilize a field crew to the City of Vineland's 111 Highland property to excavate 280 yards of impacted soil. For the purposes of this proposal it is assumed that the soil is non-hazardous and will meet New Jersey's ID 27 criteria for soil disposal.

On 8-22-19 ACV's Project Manager went to 111 Highland Ave to collect soil samples for waste classification purposes. This sample was delivered the same day to Mid Atlantic Labs (An NJDEP Certified Lab) in New Castle, Delaware.

ACV will utilize a CAT 330 or equivalent excavator to excavate an area of 25' L x 25' W x 15' D. The top four (4) feet is considered to be non impacted overburden and will be stockpiled and utilized for backfill in the excavation. One side of the excavation will be sloped at a 1 foot to 1 foot ratio to eliminate the need for sheeting and shoring. This side will be utilized to enter the excavation for backfilling purposes.

ACV will have a Bio Hazard Crew on site doing the excavation to remove any bottles, vials and syringes. Chicken carcasses and bones will be placed with the soil for offsite disposal.

ACV will excavate the impacted soils and load into both rolloff trucks and triaxle dump trucks. This waste material will be shipped to the Cumberland County Improvement Authorities Landfill if the material is non-hazardous and approved into the facility for disposal. ACV will utilize a Crew Member to spot these trucks as the back into get loaded and on their way back to the roadway.

ACV will then collect post excavation samples. Analysis will include TCLP Metals and TPH 8015 analysis. ACV will then demobe for approximately one (1) week.



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LABOR AND EQUIPMENT		EST. QTY.	UOM QTY.	UOM	UNIT PRICE	EXTENDED PRICE
Project Manager	Reg	1.00	40.00	HR	\$81.00	\$3,240.00
Project Manager	OT	1.00	10.00	HR	\$121.50	\$1,215.00
Supervisor	Reg	1.00	40.00	HR	\$65.00	\$2,600.00
Supervisor	OT	1.00	10.00	HR	\$97.50	\$975.00
Equipment Operator	Reg	2.00	40.00	HR	\$47.00	\$3,760.00
Equipment Operator	OT	2.00	10.00	HR	\$70.50	\$1,410.00
Field Technician	Reg	2.00	40.00	HR	\$43.50	\$3,480.00
Field Technician	OT	2.00	10.00	HR	\$65.25	\$1,305.00
Attachment for Excavator 20-30 TON		1.00	5.00	DAY	\$1,000.00	\$5,000.00
Backhoe Loader, 1 Yard Bucket		1.00	5.00	DAY	\$850.00	\$4,250.00
Pickup/Crew Cab		2.00	5.00	DAY	\$150.00	\$1,500.00
Box Truck		1.00	50.00	HR	\$47.50	\$2,375.00
Compactor		1.00	5.00	DAY	\$400.00	\$2,000.00
Misc. Handtools		1.00	5.00	DAY	\$75.00	\$375.00
Subtotal:						\$33,485.00
Tax:						\$0.00
Total:						\$33,485.00

MATERIALS	ESTIMATED QUANTITY	UOM	UNIT PRICE	EXTENDED PRICE
Level C, Per Person	10.00	EA	\$105.00	\$1,050.00
Level D with Poly Coated Tyvek or Disposable Nomex	36.00	MAN	\$34.00	\$1,224.00
Sheeting - Poly 10 Mil 20Ft X 100Ft	2.00	EA	\$180.00	\$360.00
Misc. Expendables	5.00	EACH	\$125.00	\$625.00
5 Gallon Bucket w/Lid	2.00	EA	\$22.00	\$44.00
Certified Clean Fill	500.00	TON	\$28.00	\$14,000.00
Subtotal:				\$17,303.00
Tax:				\$0.00
Total:				\$17,303.00

DISPOSAL	ESTIMATED QUANTITY	UOM	UNIT PRICE	EXTENDED PRICE
Non-hazardous solids	500.00	DRUM	\$105.00	\$52,500.00
Bio Hazardous waste for incineration	2.00	EA	\$400.00	\$800.00
Subtotal:				\$53,300.00
Tax:				\$0.00
Total:				\$53,300.00



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TRANSPORTATION, DEMURRAGE AND FEES	ESTIMATED QUANTITY	UOM	UNIT PRICE	EXTENDED PRICE
Transportation - Box Truck	1.00	TRIP	\$500.00	\$500.00
Transportation	25.00	LOAD	\$500.00	\$12,500.00
Demurrage	20.00	EA	\$100.00	\$2,000.00
			Subtotal:	\$15,000.00
			Tax:	\$0.00
			Total:	\$15,000.00

MISCELLANEOUS FEES, CHARGES AND TAXES	ESTIMATED QUANTITY	UOM	UNIT PRICE	EXTENDED PRICE
Equipment Mobilization	8.00	EA	\$880.00	\$7,040.00
Waste Disposal Analysis	1.00	EA	\$1,250.00	\$1,250.00
Post Excavation Analysis	5.00	EA	\$550.00	\$2,750.00
Sample Collection-Chemist	4.00	EA	\$81.00	\$324.00
Bio Hazard Team	16.00	EA	\$710.00	\$11,360.00
			Subtotal:	\$22,724.00
			Tax:	\$0.00
			Total:	\$22,724.00

Subtotal: \$141,812.00
 Tax: \$0.00
 Fuel Surcharge: \$1,381.25
ESTIMATED TOTAL: \$143,193.25

ASSUMPTIONS & CONTINGENCIES

- A 20 ton minimum applies to each load.
- The transportation pricing to the landfill is based upon each truck making two (2) turns. If a truck is only able to make one turn the pricing will be \$800.00 for that load.
- ACV will encounter no groundwater or have to dewater the excavation.
- ACV Enviro will have free and easy access to the work area.
- Pricing is based on work being completed during normal business hours Monday - Friday.
- Any expendables used are charged in accordance with ACV Enviro's current expendable price list.
- Applicable local, state, federal, transporter and/or other applicable taxes or fees will be added to the invoice.
- All labor, vehicle and equipment charges are billed on a portal-to-portal basis. Overtime rates will apply after eight hours.
- Disposal pricing is based on profile and analytical review and acceptance.
- The first hour of loading/off-loading is free; thereafter demurrage is \$100.00 per hour.



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- The invoice for work referenced above may be generated before final disposal information has been received. If your waste is classified as off-specification upon receipt, you will be notified, and an additional invoice will be generated for any unexpected costs.
- This quotation is based on the generator's characterization of the waste. Off-specification charges will apply if the actual waste does not meet the expected specifications.

TERMS & CONDITIONS

Except where superseded by an existing service agreement between customer and an ACV entity, the terms and conditions below apply to this quoted business proposal.

- This quoted estimate is provided based upon information provided by or gathered at customer's location. Any deviations from this quotation will be invoiced based upon actual labor, materials, and/or disposal services provided by ACV and will be billed at a time and materials basis.
- The first hour of loading/unloading is at no charge; thereafter, demurrage rates apply at \$100.00 / hr.
- An overtime rate of 1.5 times the listed rate will be charged for hours worked over 8 hours in a day, all hours before 7:00 am, after 3:30pm, on weekdays and all day Saturday. Double time will apply to all hours worked on Sunday and ACV Holidays. ACV Holidays include:
New Year's Day, President's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day,
The day after Thanksgiving, and Christmas Day.
- Charges for labor and equipment will be invoiced on a portal to portal basis from start to completion of the job, for loading and unloading and mobilization and demobilization of equipment and materials. Minimum call out time is four hours per person and per piece of equipment. This includes onsite and offsite labor and equipment.
- This quotation is based on the generator's characterization of the waste and the ACV assigned Process Code. Waste materials that are received and do not conform to the assigned Process Code may be subject to re-coding and correction of charges.
- Net due 30 days with prior credit approval unless modified by executed purchase order or contract. Finance charges of one and one half (1.5) percent per month will be due on payments past due after thirty days from date of invoice.
- Applicable Taxes, including local, state and federal taxes and/ or fees are not included in the quoted rates and will be applied to each invoice as applicable.
- Due to uncontrollable fluctuating fuel costs a fuel surcharge will be billed only on equipment that requires fuel and all transportation charges, based on the Department of Energy on Highway Diesel Fuel Prices (National Average). Please ask ACV representative for current rate at time of work.
- Client is responsible for time, material, and disposal charges to decontaminate utilized equipment if necessary. Said charges will be at ACV standard T&M rates and disposal cost plus 30%.



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- In the event legal or other action is required to collect unpaid invoice balances, Customer agrees to pay all costs of collection, including reasonable attorneys' fees and agrees to the laws, jurisdiction, and venue of the state of New Jersey.
- This Quotation is valid for 30 days. Pricing is based on the current market capacity, conditions, and Government regulations. If a significant market-wide pricing, capacity or regulatory change affects our pricing, this quotation is subject to change.
- Unless superseded by a fully executed agreement with terms that conflict, additional terms & conditions located at <https://www.acvenviro.com/terms-and-conditions/> are hereby incorporated by reference and are agreed to and acknowledged by customer.

ACV Enviro appreciates the opportunity to work for you. We sincerely look forward to performing this project. Should you have any questions, please do not hesitate to call me directly at 856-863-8778.



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PROPOSAL ACCEPTANCE

This quote, including terms & conditions is satisfactory and hereby accepted. I am commissioning this work as an authorized representative of VINELAND CITY OF. Payment will be made as outlined in this proposal. My signature denotes a legal and binding contract. VINELAND CITY OF agrees to the above terms and conditions and assumes full responsibility for all off-specification surcharges, payment collection actions, and associated fees.

_____ Customer Signature	_____ Date
_____ Customer Print Name	_____ Purchase Order No.
<i>Richard Foxx</i> _____ ACV Enviro Representative	<i>11/04/2020</i> _____ Date

IF THIS QUOTATION IS ACCEPTABLE, PLEASE EXECUTE AND RETURN THE PROPOSAL ACCEPTANCE SECTION.