

RESOLUTION DECLARING RATIFYING AND INSTITUTING EMERGENCY COMMISSION PROCEDURES AND ADDITIONAL APPROPRIATION AND AWARD OF CONTRACT FOR DISPOSAL OF UNANTICIPATED HAZARDOUS MATERIALS FROM CHAPEL AVENEUE MAIN REPLACEMENT FOR THE PUBLIC SAFETY

WHEREAS, the Merchantville- Pennsauken Water Commission (hereafter, MPWC) in furtherance of its mission to product, store and supply safe drinking water to its constituents, is in need at times in addition to the services supplied by its employees to procure services and materials at various times; and

WHEREAS, the MPWC finds it necessary to service and maintain the supply of water to contracts for infrastructure rehabilitation, repair and replacement on regular basis and to comply with relevant law and regulation it must publicly advertised in accordance with the requirements of the Public Contracts Act; and the Commission is specifically empowered to do so under N.J.S.A. 40:62-108, et. seq., as well as the Public Contracts Act; and

WHEREAS, in accordance with the Local Public Contracts Act the MPWC legally advertised and publicly awarded to the low bidder the Contract for Chapel Avenue Main replacement in Cherry Hill; and the low bid award to Mount Construction provided for removal and disposal of the construction debris from the main replacement but during construction an unknown and undesignated county s drainage line was encountered which caused more debris removal than was anticipated, and after removal to the staging site, testing of the material proved that it was “hazardous material” and could not be disposed in accordance with the contract; and could not be there in that open site and was also contractually prohibited to even be there once discovered to be contaminated; and the cost of change order with Mount for disposal was prohibitive at over \$100,000.00 and emergency quotes received came in at a savings of more than \$48,000.00 for immediate disposal outside of the Mount contract; and

WHEREAS, the Commissioners at its December 2017 meeting approved the contract and payment of \$52,000.00 for the disposal of the contaminated soil; and the C.O.O. declared an Emergency pursuant to the MPWC SOP # 1200 and the Emergency Procedures approved by the Commissioners on 7/10/2014; and

NOW, THEREFORE BE IT RESOLVED, by the Commissioners of the MPWC on this 11th day of January 2018 in its duly advertised and publicly held monthly meeting, the Commission hereby authorizes, approves and ratifies nunc pro tunc to the date of October 12, 2017 the Declaration of Emergency and the work, payment and compensation authorized to the Contractor as awarded and paid under this emergency contract that was awarded and approved at that time and hereby authorizes any necessary transfer of funds to cover this unexpected cost.

I hereby certify that this is a True and Accurate Recitation of the Resolution adopted by the Merchantville-Pennsauken Water Commission on the 11th day of January, 2018.

Merchantville-Pennsauken Water Commission



George R. Piperno, Commissioner and Secretary