

# RESOLUTION OF THE TOWNSHIP OF IRVINGTON, NJ

No. **DPW 17-0215-5**

Date of Adoption **FEBRUARY 15, 2017**

APPROVED AS TO FORM AND LEGALITY ON THE BASIS OF FACTS SET FORTH BY

*Legislative Research Officer*

PRESENTED BY COUNCIL MEMBER **JONES**

SECONDED BY **LYONS**

AWARD AN EMERGENCY CONTRACT TO REPAIR SEWER COLLAPSED INLET LOCATED AT SOUTH 20TH STREET BETWEEN BUFFINGTON AND NYE AVE

WHEREAS, a portion of the sanitary sewer located on South 20<sup>th</sup> Street between Buffington & Nye Avenue and 21<sup>st</sup> Street between Avon and Madison Avenue collapsed and:

WHEREAS, the work needed to repair this sewer is beyond the current capabilities of the Department of Public Works and it is not practical for the Department of Public Works, and

WHEREAS, this situation constitutes a threat to public health, safety and welfare and the Director of Public has declared an emergency, and;

WHEREAS, two quotes were obtained from John Garcia Construction Co., Inc for \$127,450.00 and Diamond Mason Contractors LLC for \$73,500.00, and;

WHEREAS, Diamond Mason Contractors LLC provided the lowest quote and was called and the required repairs were done for the total sum of \$73,500.00 and;

WHEREAS, the Director of Public Works has concurred with the amount and recommends that an emergency contract be awarded to Diamond Mason Contractors LLC, 280 S. Springfield Ave., Springfield, NJ 07081, and;

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that it ratifies the decision of the Director of Public Works to authorize an emergency contract in the amount of \$73,500.00 to Diamond Mason Contractors LLC of Springfield, NJ 07081 to repair the sanitary sewer located at South 20<sup>th</sup> Street and 21<sup>st</sup> Street.

BE IT FURTHER RESOLVED, that the required certification of availability of funds C7-00175 in the amount of \$73,500.00 from account number 7-01-21-165-165-118 has been obtained from the Chief Financial Officer to repair the sewer emergency.

BE IT FURTHER RESOLVED, that a copy of this resolution and entire emergency package shall be forward to the Director of Division of Local Government Services.

## RECORD OF COUNCIL VOTE

X = Indicates Vote

N.V. = No Vote

A.B. = Absent

COUNCIL MEMBER	YES	NO	N.V.	A.B.	COUNCIL MEMBER	YES	NO	N.V.	A.B.
BURGESS, 1ST VICE PRESIDENT	X				INMAN				X
COX	X				JONES, 2ND VICEPRESIDENT	X			
FREDERIC	X				LYONS, PRESIDENT	X			
DR. HUDLEY				X					

PRESIDENT OF COUNCIL *P. Lyons* MUNICIPAL CLERK *David E. Miller* DATE **FEBRUARY 15, 2017**

I hereby certify that the foregoing is a true copy of a Resolution duly adopted by the Municipal Council. In witness whereof I have hereunto set my hand and the Corporate Seal of the Township of Irvington.

MUNICIPAL CLERK *David E. Miller*

DATE **FEB 15 2017**

ADMINISTRATOR ☐ ASSESSOR ☐ BLDG ☐ CFO ☒ COLLECTOR ☐ COURT ☐ EDGO ☐ ENGINEER ☐ FIRE ☐ CF ☐ HEALTH ☐ HOUSING ☐ INIC ☐ JUDGE ☐ LEGAL ☐ LIBR ☐ LICEN ☐ MAYOR ☐ NPP ☐ OCDP ☐ PARKS ☐ PAYROLL ☐ PUBLIC SAFETY ☐ DIR ☐ PUBLIC WORKS ☒ PURCHASING ☐ SEC~PB/ZBA ☐ TRAFFIC ☐ ZONING~OFF ☐ DLGS ☐ GNCD ☐ OTHER(S): \_\_\_\_\_

Certification of Availability of Funds

This is to certify to the of the Township of Irvington that funds for the following resolutions are available.

Resolution Date: 01/26/17

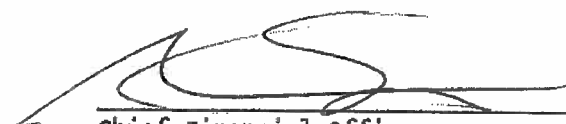
Resolution Number: C7-00175

Vendor: DIAMON02 Diamond Mason Contractors LLC  
280 S. Springfield Ave.  
Springfield, NJ 07081

Contract: C7-00175 ER SEWER INLET REPAIR

Account Number	Amount	Department Description
7-01-21-165-165-118	73,500.00	DEPARTMENT OF ENGINEERING
Total	73,500.00	

Only amounts for the 2017 Budget Year have been certified. Amounts for future years are contingent upon sufficient funds being appropriated.

  
\_\_\_\_\_  
Chief Financial Officer



TOWNSHIP OF IRVINGTON  
Department of Public Works  
Irvington Municipal Building  
Civic Square, Irvington, NJ 07111  
Tel: 973-399-6690 Fax: 973-399-6798

Tony Vauss, Mayor  
Jamel Holley, Director  
Glen Vick, Asst. Director

To: Tony Vauss, Mayor

From: Jamel C. Holley, Public Works Director

Re: Emergency Sewer Service-Diamond Mason Contractors, LLC

Date: January 16, 2017

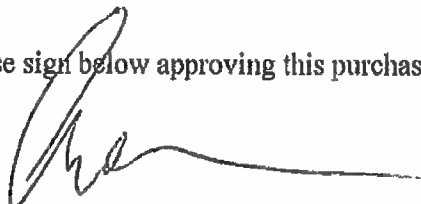
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The Township has two locations of which emergency sewer repair is required to repair a collapsed inlet located at both South 20<sup>th</sup> Street between Buffington & Nye Avenue; as well as 21<sup>st</sup> Street between Avon & Madison Avenue.

The work needed to repair this sewer line was beyond the current capabilities of the Department of Public Works, and this situation constituted a threat to public health, safety and welfare.

An emergency request is being made to cover the cost of services totaling \$73,500 completed by Diamond Mason Contractors, LLC.

Please sign below approving this purchase.

  
\_\_\_\_\_  
Tony Vauss, Mayor

# N.J. Division of Local Government Services

## EMERGENCY PROCUREMENT REPORT

This report is to be filed by the contracting agent of the public agency with the Director of the Division of Local Government Services within 30 days of the date the emergency contract was issued. Please provide the necessary information to satisfactorily complete the report. Refer to the Instructions accompanying this form and the statutory and regulatory citations on the reverse of this form.

This form is designed to be completed using Microsoft Word; if not completed that way, please print it out.

1. Name of Public Agency:	Department of Public Works		County:	Essex
2. Date Emergency occurred:	1/16/17	Time emergency occurred:	9:00 a.m.	
3. Date emergency declared:	1/16/17	Time emergency declared:	9:00 a.m.	
4. Agency/department responsible for determining there was an emergency:	Township of Irvington-Department of Public Works			
5. Name and title of the official in charge of that agency:	Jamel C. Holley, Director of Public Works			
6. Describe the condition or circumstance pertaining to the emergency (attach additional sheets if necessary):				
7. Name and title of the individual who determined the matter was an emergency and authorized award of contract(s):		Jamel C. Holley, Director of Public Works		
8. The total (or estimated) cost of providing the goods or performing services was:			\$ 73,500	
9. List the names the contractors/suppliers receiving 25% or more of the contracts awarded under the emergency:				
Diamond Mason Contractors LLC				
10. When was the notification reduced to writing and filed with the purchasing agent?			1/16/17	
11. Has the public agency adopted a "chain of command" procedure pursuant to N.J.A.C.5:34-6.1?			YES	
This report was completed by (name and title):			Asmita Mitchell, Secretary to Department Head	
Name and Address of agency contact person:				
Signature:			Date:	

Submit by mail or fax to:  
 Director, Division of Local Government Services  
 P.O. Box 803  
 Trenton, New Jersey 08625-0803  
 Fax: 609-633-6243



*State of New Jersey*

OFFICE OF THE STATE TREASURER

PO Box 002

TRENTON, NJ 08625-0002

CHRIS CHRISTIE  
*Governor*

KIM GUADAGNO  
*Lt. Governor*

FORD M. SCUDDER  
*State Treasurer*

MEMORANDUM

TO: Timothy J. Cunningham, Director  
Division of Local Government Services  
Department of Community Affairs

FROM: Ford M. Scudder, State Treasurer *FMS*

DATE: November 4, 2016

SUBJECT: Public Exigencies Pursuant to N.J.S.A. 19:44A-20.12

This memorandum addresses situations in which the immediate delivery of goods or the performance of emergency services is required in order for counties and municipalities, as well as county and municipal agencies covered under provisions of N.J.S.A. 19:44A-20.4 and 20.5, to address public exigencies in a timely and effective manner. Through a memorandum dated January 17, 2006, then State Treasurer McCormac set forth the circumstances under which a public exigency shall presumptively exist for public agencies covered under the above-referenced statutory provisions, as well as for county colleges subject to N.J.S.A. 19:44A-20.4, along with certain reporting requirements.

I hereby **rescind** the portion of Treasurer McCormac's January 17, 2006 directive that required the contracting agent of the public agency to file with the Division of Local Government Services an "Emergency Procurement Report." I understand then Treasurer McCormac wanted these reports to be issued so that the Division of Local Government Services could monitor local governments' use of emergency procurements to ensure discretion was not being abused. However, I have every confidence that a decade of experience, in conjunction with certain checks and balances (including audits and potential review by various State agencies) obviates the need for continued reporting. I **affirm** the balance of the January 17, 2006 directive.

Should you feel that such reports will be helpful at any point in the future, feel free to reinstitute them under your general authority to regulate local government matters, including procurement. Please take appropriate action to communicate this directive to affected public agencies. Thank you for your assistance in this matter.