

RESOLUTION NO. 50-17

THE BRICK TOWNSHIP MUNICIPAL UTILITIES AUTHORITY

June 29, 2017

**A Resolution Approving the Time and Material Costs Associated with the
Emergency Replacement of Sanitary Sewer Manhole No. 11-28 at the Intersection of Princeton
Avenue and First Street by Pillari Brothers Construction Corporation for \$96,197.86;
Emergency Repair Fund No. 8102775727 (Assigned to Capital Project No. 817002)**

WHEREAS, The Brick Township Municipal Utilities Authority (“Authority”) owns, operates and maintains approximately 335 miles of sanitary sewer main and approximately 7,820 sanitary sewer manholes in the Township of Brick; and

WHEREAS, on May 27, 2017 Sanitary Sewer Manhole No 11-28 located at the intersection of Princeton Avenue (also designated Ocean County Route 630) and First Street sustained a catastrophic collapse; and

WHEREAS, the sanitary sewer main and associated manholes was installed in 1977 in this area and handles the discharge of sewage from the Fifth Street Wastewater Pump Station as well as numerous residents along Princeton Avenue from First Street to Beaver Dam Road; and

WHEREAS, a temporary diesel bypass pump was installed to maintain the sewage flow in the area; and

WHEREAS, a sanitary sewer system back-up due to pump malfunctions was a major concern and also a considerable amount of noise and exhaust fumes were being generated by the by-pass pump operation; and

WHEREAS, the travel lanes on Princeton Avenue, a heavily travelled county road, were shifted into the designated bicycles lanes in order to minimize any vehicular load impact on collapsed Manhole No. 11-28, creating a very hazardous condition for the traveling public, including vehicular, pedestrian and bicycling; and

WHEREAS, the Executive Director, in consultation with the Authority’s Director of Engineering/Operations, has determined and declared that the immediate replacement of Manhole No. 11-28 constituted an emergency affecting public health, safety and welfare and requires the immediate delivery of goods and performance of repair and replacement services in accordance with the requirements set forth in N.J.S.A. 40A:11-6 and N.J.A.C. 5:34-6.1; and

WHEREAS, an actual or eminent emergency existed requiring the immediate delivery of goods and performance of services; and

WHEREAS, the need for the goods and services for the replacement of Manhole No. 11-28 could not have been reasonably foreseen and the need for the goods and services have arisen notwithstanding a good faith effort on the part of the Authority to plan for the purchase of goods and services required by the Authority; and

WHEREAS, pursuant the Local Public Contracts Law, specifically NJSA 40A:11-6 which permits the awarding of emergency contracts, Pillari Brothers Construction Corporation (“Pillari”) was authorized to complete the aforementioned work on a cost of the work basis (time and material); and

WHEREAS, Pillari ordered the replacement manhole on May 30, 2017, mobilized on June 2, 2017 and completed the replacement of Manhole No. 11-28 on June 7, 2017; and

WHEREAS, Pillari’s total cost to complete their work was \$96,197.86; and

WHEREAS, Stephen T. Specht, P.E., Deputy Executive Director and Director of Engineering/Operations certified per the attachment of the Declaration of an Emergency for the Replacement of Sanitary Sewer Manhole No. 11-28 at the Intersection of Princeton Avenue and First Street, Brick, New Jersey; and

WHEREAS, the emergency contract was of such limited duration as to meet only the immediate needs of the emergency replacement of Manhole No. 11-28; and

WHEREAS, John Clifford, Chief Financial Officer, has advised Brick Utilities that funds for the payment of \$96,197.86 does exist and is included in the Emergency Repair Fund No. 8102275727 and is assigned to Capital Project No. 817002, Emergency Replacement of Manhole No. 11-28.

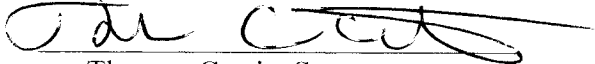
NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS OF BRICK UTILITIES as follows:

1. The Authority ratifies the Executive Director's declaration of emergency and need to award an emergency contract for the replacement of Manhole No. 11-28.
2. The Authority Chairman and Secretary are hereby authorized and directed to execute the emergency contract and any documents required to effectuate the Authority's obligation to make payments of the emergency contract price.
3. Authorizes the payment of \$96,197.86 to Pillari Brothers Construction Corporation, 65 Squankum Yellowbrook Road, Farmingdale, New Jersey 07727; and
4. Said total amount of \$96,197.86 shall be taken from Emergency Repair Fund No. 810275727 which would be assigned to Capital Project No. 817002, Emergency Replacement of Manhole No. 11-28.
5. A certified copy of this Resolution shall be forwarded by the Administrative Secretary of the Authority to the following:

- A. Gregory M. Flynn, Chairman
- B. Thomas Curtis, Secretary
- C. Chris Theodos, P.E., Executive Director
- D. Stephen T. Specht, P.E., Director of Engineering/Operations
- E. John Clifford, C.F.O.
- F. Nicholas C. Montenegro, Esquire
- G. Michael Pillari, Pillari Brothers Construction Corporation

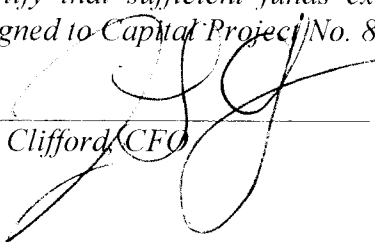
CERTIFICATION

I hereby certify that the foregoing Resolution was duly adopted at a Regular Meeting of Brick Utilities, County of Ocean, State of New Jersey, held on Thursday, June 29, 2017.


Thomas Curtis, Secretary

CFO Certification of Funds

I certify that sufficient funds exist within the Authority's Emergency Repair Fund No. 810275727 (assigned to Capital Project No. 817002) to fund the action authorized herein.



John Clifford, CFO



**DECLARATION OF AN EMERGENCY BY BRICK UTILITIES FOR THE
REPLACEMENT OF THE SANITARY SEWER MANHOLE NO. 11-28 AT THE
INTERSECTION OF PRINCETON AVENUE AND FIRST STREET,
BRICK, NEW JERSEY**

I, Stephen T. Specht, P.E., do hereby certify as follows:

1. On Saturday, May 27, 2017 at approximately 8:38 p.m., a call was received through Brick Utilities' emergency response system of a sewer blockage at 570 Princeton Avenue, Brick, New Jersey.
2. Brick Utilities' Collections Division personnel immediately responded to clear the blockage and determined at approximately 10:00 p.m. that the blockage in the sanitary sewer main could not be cleared. The jet head from the jet-vac truck became stuck in Manhole No. 11-28 at the intersection of Ocean County Route 630 ("Princeton Avenue") and First Street. Upon further investigation it was determined that the 15 foot deep manhole collapsed at the base.
3. Additional personnel from Collections Division were mobilized to maintain control of the wastewater flow utilizing two (2) jet-vac trucks as well as regulating the discharge from the Fifth Street Wastewater Pump Station. A Distribution Crew mobilized early Sunday morning, May 28, 2017 to secure the collapsed Manhole No. 11-28 and set up a wastewater by-pass pumping operation from Manhole No. 11-28 to Manhole No. D-1994-1 on First Street. A temporary diesel powered pump had to be utilized. The pump had to be monitored intermittently around the clock by Brick Utilities' employees to insure that the pump remains fully operational. The sanitary sewer system in this area handles the discharge of flow from the Fifth Street Wastewater Pump Station as well as numerous residents along Princeton Avenue from First Street to Beaver Dam Road. System back-ups due to pump malfunctions are a major concern.
4. There were exhaust fumes and a considerable amount of noise generated by the by-pass operation.
5. The temporary by-pass pump was situated on First Street adjacent to Princeton Avenue. As such, First Street was closed between Princeton Avenue and Parker Avenue.
6. The travel lanes on Princeton Avenue were shifted into the designated bicycle lanes in order to minimize any vehicular load impact on the collapsed Manhole No. 11-28. This creates a very hazardous condition for the traveling public, including vehicular, pedestrian and bicycling.
7. Brick Utilities' pipeline contractor as designated in Brick Utilities' emergency action plan is Pillari Brothers Construction Corp. ("Pillari") of Farmingdale, New Jersey. Due to the severity of the collapse and the depth of Manhole No. 11-28, Pillari was contacted on Sunday, May 28, 2017 and immediately assessed the situation on-site on May 28, 2017. Brick Utilities' Chairman and Executive Director were also contacted on May 28, 2017 concerning the collapse. Pillari was directed to proceed with the replacement of the manhole on a cost of the work basis.
8. The Board of Commissioners were notified via e-mail on Tuesday, May 30, 2017 concerning this emergency affecting the public health, safety and welfare and that Pillari was proceeding with the emergency replacement of Manhole No. 11-28.
9. Pursuant to the notification of the Commissioners of Brick Utilities and pursuant the Local Public Contracts Law, specifically NJSA 40A:11-6 which permits the awarding of emergency contracts, Pillari Brothers Construction Corp. was directed to perform the emergency replacement of Manhole No. 11-28 on a cost of the work basis.

DECLARATION OF AN EMERGENCY BY BRICK UTILITIES FOR THE REPLACEMENT OF THE SANITARY SEWER MANHOLE AT THE INTERSECTION OF PRINCETON AVENUE AND FIRST STREET, BRICK, NEW JERSEY

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10. Pillari ordered the replacement manhole on Tuesday, May 30, 2017, installed two dewatering deep wells on Friday, June 2, 2017. A traffic detour of Princeton Avenue utilizing Second Street to Parker Avenue was established on Monday, June 5, 2017 and the manhole replacement was completed on Wednesday, June 7, 2017. All equipment was demobilized equipment on Thursday, June 8, 2017.
11. The Board of Commissioners were informed on Thursday, June 8, 2017 that Manhole No. 11-28 was successfully replaced and that Princeton Avenue was re-opened to thru traffic also on Thursday, June 8, 2017.
12. Brick Utilities estimated that the repair should be completed on a cost of the work basis for approximately \$100,000. Pillari submitted an invoice on June 2017 totaling \$96,197.86,
13. At Brick Utilities' June 29, 2017 Public Meeting, the Board of Commissioners adopted Resolution No. 50-17 memorializing the emergency contract with Pillari in the amount of \$96,197.86.
14. The situation described hereinabove presented an actual emergency in that the collection and treatment of sewage was effected; bypass pumping was required to prevent the potential discharge on untreated sewage; and the repair operations impacted vehicular, pedestrian and bicycling traffic on Ocean County Route 630 ("Princeton Avenue"). This emergency required the immediate delivery of the services for which this contract was made.
15. The emergency conditions recited in the immediately preceding paragraph affected the public health, safety and welfare for the reasons given and thereby required the immediate delivery of the services for which the contract was entered so as to alleviate the effect on public health, safety and welfare.
16. The need for the services to be rendered by this emergency contract could not have been reasonably foreseen, as the collapse of Manhole No. 11-28 was completely unexpected. Brick Utilities maintains a good faith effort to inspect, maintain and repair all lines but this catastrophic situation could not have been predetermined or foreseen.
17. The contract is of a limited duration and was meant only to meet the immediate needs of the emergency. It was under no circumstances used to enter into a multi-year contract, but was solely for this singular occurrence and its aftermath.
18. The payments for this contract shall not be in excess of the available budgeted appropriations. No violation of the Local Budget Law results from this expenditure.
19. The contract was completed in a timely, satisfactory and complete fashion.
20. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: June 29, 2017



Stephen T. Specht, P.E.
Deputy Executive Director
Director of Engineering/Operations