

RESOLUTION 20-028

RESOLUTION FOR CONTINUATION OF EMERGENCY PROCUREMENT OF SLUDGE HAULING SERVICES

WHEREAS, the Rockaway Valley Regional Sewerage Authority (“RVRSA”) entered into a Sludge Hauling Contract with R-D Trucking, Inc. (“R-D Trucking”), with principal offices located at 1874 Route 23 North, West Milford, New Jersey 07480, dated December 15, 2017, (hereinafter “Sludge Hauling Contract”) providing for the performance of needed Sludge Hauling services in accordance with the Contract Documents, generally accepted standards of professional care, and in compliance with all applicable Federal, State and local laws, statutes, codes, rules, regulations and guidelines; and

WHEREAS, on October 31, 2019, the Rockaway Valley Regional Sewerage Authority (“RVRSA”) suspended its Sludge Hauling Contract with R-D Trucking due to R-D Trucking’s inability to comply with Federal and State Law regulating the maximum weight of a tractor and tanker with load; and

WHEREAS, pursuant to Resolution No. 19-102, the Authority terminated its Sludge Hauling Contract with R-D- Trucking; and

WHEREAS, pursuant to Resolution No. 19-102, the Authority entered into an emergency contract with Russell Reid Waste Hauling and Disposal Service Co., Inc. to provide emergency sludge hauling services through December 31, 2019 in an amount not to exceed \$83,810.00 as set forth in the proposal dated November 6, 2019; and

WHEREAS, pursuant to Resolution No. 19-116, the Authority rejected all bids received on November 14, 2019 in order to substantially revise the bid specifications and re-advertise for the receipt of sealed competitive bids; and

WHEREAS, pursuant to Resolution No. 20-010, on February 13, 2020 the Authority rejected all bids received for substantially exceeding the Authority’s budget appropriation for sludge hauling services; and

WHEREAS, an emergent need exists for the continuation of services to haul liquid sludge from the RVRSA to avoid any adverse impacts to the RVRSA treatment facility and the discharge of raw, untreated sewage into the Rockaway River, and to protect human health and safety until a contract is awarded pursuant to the Local Public Contracts Law for sludge hauling services; and

WHEREAS, the RVRSA staff have reviewed the proposal received and desire to authorize Russell Reid to continue performance of emergency Sludge Hauling services, as set forth in the proposals for the same dated November 5, 2019 and February 5, 2020, attached hereto and made a part hereof, in an amount not to exceed \$0.047/gal through January 31, 2020 and \$0.044/gal thereafter without further authorization, for the provision of emergency sludge hauling services until such time that a contract for sludge hauling services is fully executed after said contract is procured in accordance with the Local Public Contracts Law or April 30, 2020, whichever occurs first ; and

WHEREAS, the RVRSA has reviewed the written requisition filed with the Authority by the Executive Director for the continuation of emergency procurement of sludge hauling services; and

WHEREAS, under the Local Public Contracts Law, N.J.S.A. 40A:11-6, a contract may be awarded without public advertising for bids and bidding when an emergency affecting the public health, safety or welfare requires the immediate performance of the services; and

WHEREAS, the Authority is satisfied that, for the reasons articulated in the written requisition dated February 5, 2020, from JoAnn Mondsini, Executive Director, attached hereto and made a part hereof, the proposed emergency procurement is justified and meets the requirements of the Local Public Contracts Law and N.J.A.C. 5:34-6.1.

NOW, THEREFORE, BE IT RESOLVED by the Rockaway Valley Regional Sewerage Authority as follows:

1. The RVRSA hereby declares that an emergency exists due to the immediate need to continue sludge hauling services until a new public bid contract can be awarded.
3. The Executive Director is authorized to execute a Contract with RUSSELL REID WASTE HAULING AND DISPOSAL COMPANY, INC., of Keasbey, New Jersey, in an amount not to exceed \$200,000 for the provision of emergency sludge hauling services, as described in the written requisition dated February 5, 2020, from JoAnn Mondsini, Executive Director, attached hereto.
4. Funds are available in budget line item 01-506-032 for this purpose.
5. This Resolution shall take effect as provided by law.

CERTIFICATION

I hereby certify that this Resolution was adopted at a regularly scheduled meeting of the Rockaway Valley Regional Sewerage Authority held on February 13, 2020

On motion of: Hector Schorno

Seconded by: Michael Guadagno


and a Roll Call Vote as Follows:

Yeas: (6) Cegelka, Guadagno, Isselin, Farrell, Rossi, Schorno

Nays: (0)

Abstain: (2) Andes, Recchia

Absent: (2) Corbett, Zuppa


Michael Guadagno
Board Secretary

Requisition for Emergency Sludge Hauling Services

To: Rockaway Valley Regional Sewerage Authority
From: JoAnn Mondsini, Executive Director
Re: Emergency Sludge Hauling services
Date: February 5, 2020

This is to request your approval of a resolution authorizing contracts to be executed as follows:

Firm: Russell Reid Waste Hauling and Disposal Services, Inc.
Period: not to exceed April 30, 2020
Cost: Not to exceed \$200,000.00
Purpose: To continue to provide necessary emergency sludge hauling services.

This is requested to be awarded without competitive bids as an Emergency Service pursuant to N.J.S.A. 40A: 40A:11-6.

I do hereby certify as follows:

1. Sludge Hauling Service proposals were solicited from Russell Reid Sludge Hauling & Disposal Services for the continuation of sludge hauling services
2. An actual or imminent emergency exists requiring the immediate performance of emergency services to prevent the discharge of raw sewage into the Rockaway River, which otherwise would be deleterious to public health.

On October 31, 2019, the RVRSA was notified that R-D Trucking was not able to comply with Federal, State and Local Law regarding maximum weight of tractor and tanker with load.
3. The need for such emergency services could not have been reasonably foreseen, as the contractor, by RVRSA contract, is responsible for compliance with all Federal, State and Local Laws, including compliance with maximum tractor, tanker and load weight provisions. The RVRSA met with the owner of R-D Trucking seeking to remedy the issue. RVRSA also consulted with its Risk Manager, Brown & Brown, to determine if 8,000-gallon trucks, with and without baffles, can be half loaded and be safely operated. By discussions on October 31, 2019, Brown and Brown recommended that, particularly in instances where a tanker does not have baffles, only a full tanker truck should be operated, and further advised that the tanker size should be limited to a maximum volume of 6,500-gallons based upon the weight associated with a laden truck. R-D Trucking advised RVRSA on October 31, 2019 that it was unable to comply with the maximum weight required by law and/or utilize a 6,500-gallon tanker. The RVRSA suspended the R-D Trucking contract in accordance with the Contract between the RVRSA and R-D Trucking. On November 8, 2019 the RVRSA provided written notice to R-D Trucking of its intent to terminate RVRSA's contract with R-D Trucking due to R-D Trucking's inability to haul sludge from the RVRSA in compliance with Federal, State and Local Laws.
4. The contract shall be of such limited duration as to meet only the immediate needs of the emergency and a new publicly bid contract can be awarded, and fully executed or April 30, 2020, whichever is earliest.
5. I have reviewed the rules and regulations of the Division of Local Governmental Services as contained in the Local Public Contract Guidelines and Regulations and have reviewed the exceptions to the bidding requirements of the Local Public Contracts Law and hereby certify that the proposed contracts may be awarded as extraordinary, unspecifiable services in accordance with the requirements thereof.

Respectfully submitted,

JoAnn Mondsini
Executive Director