

RESOLUTION No. 24-408

Date of Adoption

OCT 03 2024

Approved as to Form and Legality

Factual content certified by

WESLEY BRIDGES, ESQ., CITY ATTORNEY

ARCH LISTON, ACTING DIRECTOR OF HOUSING
AND ECONOMIC DEVELOPMENT

Councilman/woman

presents the following Resolution:

SPONSORED BY:

RESOLUTION AWARDING A CONTRACT THROUGH THE FAIR AND OPEN PROCESS IN ACCORDANCE WITH N.J.S.A. 19:44A-20.5 ET SEQ., AND N.J.S.A. 40A:11-4 ET SEQ., TO ENVIRONMENTAL STRATEGIES & APPLICATIONS, INC. FOR THE CITY OF TRENTON BY AND THROUGH THE DEPARTMENT OF HOUSING AND ECONOMIC DEVELOPMENT, DIVISION OF ECONOMIC DEVELOPMENT FOR PROFESSIONAL SERVICES TO CONDUCT A REMEDIAL INVESTIGATION, IN ACCORDANCE WITH NJDEP REGULATIONS FOR A PERIOD NOT TO EXCEED ONE (1) YEAR FROM DATE OF AWARD IN AN AMOUNT NOT TO EXCEED \$23,960.00 PER RFP2024-15

WHEREAS, the City of Trenton (the "City") has a need for Professional Services to Conduct a Remedial Investigation in Accordance with NJDEP Regulations, by and through the Department of Housing and Economic Development, Division of Economic Development in support of the expansion of the Edgewood Avenue Park; and

WHEREAS, a request for proposal was advertised, and twelve (12) sealed proposals were received on May 7, 2024 at 11:00AM, by the Purchasing Agent and was evaluated by a committee based on criteria that included, experience, understanding of requirements and cost; and

WHEREAS, the proposal of Environmental Strategies & Applications, Inc., 495 Union Avenue, Suite 1D, Middlesex, New Jersey 08846 was deemed to have the necessary qualifications and expertise for the performance of the services at the rates budgeted; and

WHEREAS, funds in an amount not to exceed \$23,960.00 have been certified to be available in the following account numbers: G-FF-22-60-063B-290 (\$7,023.39) and C-04-24-60-048A-002 (\$16,936.61) for a period not to exceed one (1) year from date of award.

NOW, THEREFORE IT IS RESOLVED, by the City Council of the City of Trenton, as follows:

1. The above recitals are incorporated by reference as if set forth at length herewith.
2. The Mayor is hereby authorized to execute a contract with Environmental Strategies & Applications, Inc., 495 Union Avenue, Suite 1D, Middlesex, New Jersey 08846 for Professional Services to Conduct a Remedial Investigation in Accordance with NJDEP Regulations; in an amount not to exceed \$23,960.00 for a period not to exceed one (1) year from date of award for the City of Trenton, by and through the Department of Housing and Economic Development, Division of Economic Development, and Division of Planning; and

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3. This contract is awarded pursuant to the authority set forth in the Local Public Contracts Law, specifically N.J.S.A. 19:44A-20.5 et seq., and N.J.S.A. 40A:11-4 et seq.
4. A notice of this action shall be printed once in the official newspaper for the City of Trenton and the Resolution and contract shall remain on file in the City

MOTION: <i>Frisby</i>					SECOND: <i>Figueroa Kettenburg</i>									
	Aye	Nay	Abstain	Absent		Aye	Nay	Abstain	Absent		Aye	Nay	Abstain	Absent
EDWARDS	<input checked="" type="checkbox"/>				GONZALEZ	<input checked="" type="checkbox"/>				FELICIANO	<input checked="" type="checkbox"/>			
FIGUEROA	<input checked="" type="checkbox"/>				HARRISON	<input checked="" type="checkbox"/>								
KETTENBURG	<input checked="" type="checkbox"/>													
FRISBY	<input checked="" type="checkbox"/>				WILLIAMS	<input checked="" type="checkbox"/>								

This Resolution was adopted at a Meeting of the City Council of the City of Trenton on

OCT 03 2024

Curtis S. Scurie
 President of Council

[Signature]
 City Clerk

PROFESSIONAL SERVICES CONTRACT

RFP2024-15

RESOLUTION 24-408

AWARDED TO ENVIRONMENTAL STRATEGIES & APPLICATIONS, INC., FOR PROFESSIONAL SERVICES TO CONDUCT A REMEDIAL INVESTIGATION FOR THE DEPARTMENT OF HOUSING AND ECONOMIC DEVELOPMENT, DIVISION OF ECONOMIC DEVELOPMENT FOR A PERIOD OF ONE (1) YEAR FROM DATE OF AWARD

THIS CONTRACT made this 4TH day of **OCTOBER 2024** by and between the **CITY OF TRENTON, 319 EAST STATE STREET, TRENTON, NEW JERSEY 08608** a Municipal Corporation of the State of New Jersey, "City" and **ENVIRONMENTAL STRATEGIES & APPLICATIONS, INC., 495 UNION AVENUE, SUITE 1D, MIDDLESEX, NEW JERSEY 08846** (CONTRACTOR").

WHEREAS, the City has a need to provide **PROFESSIONAL SERVICES TO CONDUCT A REMEDIAL** for the City of Trenton, Department of Housing and Economic Development, Division of Economic Development.

WHEREAS, Contractor agrees to provide **PROFESSIONAL SERVICES TO CONDUCT A REMEDIAL INVESTIGATION** for the City of Trenton, Department of Housing and Economic Development, Division of Economic Development in accordance with the terms and conditions as set forth hereinafter, and the City being agreeable thereto;

NOW THEREFORE, the parties mutually agree as follows:

FOR PROFESSIONAL SERVICES TO CONDUCT A REMEDIAL INVESTIGATION for the City agrees to retain **ENVIRONMENTAL STRATEGIES & APPLICATIONS, INC., 495 UNION AVENUE, SUITE 1D, MIDDLESEX, NEW JERSEY 08846** "at the request of and under the general supervision of the City of Trenton, Department of Housing and Economic Development, Division of Economic Development.

1. SCOPE OF SERVICES

SEE ATTACHED SCOPE OF SERVICES

DURATION OF THE CONTRACT:

This contract shall remain in full force and effect for a period of one (1) year from **OCTOBER 4, 2024, TO OCTOBER 3, 2025**, in an amount not to exceed **\$23,960.00**.

- 2. STATUS OF CONTRACTOR:** It is expressly understood by and between the parties hereto that the status of the Contractor retained to carry out the services set forth in this agreement is that of an Independent Contractor. It is further understood by and between the parties that is not intended, nor shall it be construed, that the contractor is an agent, employee, or officer of the City of Trenton.
- 3. NOTICES:** Any notices required to be delivered to either party pursuant to this Contract shall be in writing to their respective addresses. The parties shall be responsible for notifying each other of any change of address.
- 4. INTEGRATION:** **Resolution #24-408** and this contract constitutes the entire agreement between the parties and any representation that may have been made prior to the execution of this Contract are nonbonding, void, and of no effect and neither party has relied on any such prior representations in entering this Contract with the City of Trenton, Department of Administration, Division of Information Technology.
- 5. ENFORCEABILITY:** If any term or condition of this Contract or its application to any party or circumstances shall be deemed invalid or unenforceable, the remainder of the Contract and its application to other parties and circumstances shall not be affected.

6. **GOVERNING LAW:** This Contract shall be governed by the laws of the State of New Jersey.

MISCELLANEOUS PROVISIONS:

- a. Contractor will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, sex, gender identity or expression, affectional or sexual orientation, disability or nationality. Contractor will take affirmative action to ensure that such applicants are recruited and employed and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, sex, affectional, gender identity or expression, sexual orientation. Such action shall include, but is not limited to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause;
- b. Contractor, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, sex, gender identity or expression, affectional or sexual orientation.
- c. Contractor, where applicable, agrees to comply with the regulations promulgated by the Treasurer pursuant to P.L. 1975, c. 127, as amended and supplemented from time to time and the American with Disabilities Act.
- d. Contractor, where applicable, agrees to attempt to schedule minority and female workers consistent with the applicable county employment goals prescribed by N.J.A.C. 17:27-5.2 promulgated by the Treasurer pursuant to P.L. 1975, c. 127, as amended and supplemented from time to time or in accordance with a binding determination of the applicable county employment goals determined by the Affirmative Action Office pursuant to N.J.A.C. 17:27-5.2, amended and supplemented from time to time.
- e. Contractor, where applicable, agrees to inform in writing appropriate recruitment agencies in the area, including employment agencies, placement bureaus, colleges, universities, labor unions that it does not discriminate on the basis of age, creed, color, national origin, ancestry, marital status, sex, gender identity or expression, affectional, sexual orientation, disability or nationality and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.
- f. Contractor, where applicable, agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, race, creed, color, national origin, ancestry, marital status, sex, gender identity or expression, affectional, sexual orientation, disability or nationality. Contractor will conform these employment goals consistent with statutes and court decisions of the State of New Jersey, and applicable Federal law and Federal court decisions.
- g. Contractor, where applicable, shall furnish such reports or other documents to the Affirmative Action Office as may be requested by the office from time to time in order to carry out the purposes of these regulations. Contractor shall furnish such information as may be requested by the Affirmative Action Office for conducting a compliance investigation pursuant to Subchapter 10 of the Administrative Code [N.J.A.C. 17:27].

h. Contractor, shall submit along with the signed contract one of the following as evidence of compliance with N.J.A.C. 17-27:

1. Appropriate evidence that the independent contractor is operating under an existing Federally approved or sanctioned affirmative action program.
2. A certificate of employee information report approval issued in accordance with N.J.A.C. 17:27-4.
3. An initial employee information report (Form AA#302) provided by the Affirmative Action Office and completed by the contractor in accordance with N.J.A.C. 17:27-4


ENVIRONMENTAL STRATEGIES & APPLICATIONS, INC.
495 UNION AVENUE, SUITE 1D
MIDDLESEX, NEW JERSEY 08846

11.8.24
DATE

Seal: _____


Attest:  _____

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year above written.

ATTEST:


BRANDON L. GARCIA
MUNICIPAL CLERK

CITY OF TRENTON


W. REED GUSCIORA, ESQ.
MAYOR

12/2/24
DATE

11.26.24
DATE

3.7 Price Form

Complete and submit the following price form with the proposal:

Price Form

Site Investigation, Former Mercury Cleaners/Suds Brothers site, Trenton, NJ

<u>TASK</u>		<u>T&M, NTE</u>
1	File Review/QAPP/HASP	\$ <u>\$7,575</u>
2	SI Implementation	
2.1	Soil Investigation	\$ <u>\$1,800</u>
2.2	Groundwater Investigation	
	\$ <u>\$9325</u>	
3	Reporting	\$ <u>\$5,260</u>
PROJECT TOTAL		\$ <u>\$23,960</u>

Offeror (Name/Org.)/Date: Environmental Strategies & Applications, Inc/ 05/02/2024

SCOPE OF WORK

1.0 GENERAL DESCRIPTION

The City of Trenton acquired, through tax foreclosure, a former dry-cleaning facility that operated at 215-225 West Ingham Avenue, Trenton, New Jersey. The results of a Preliminary Assessment (PA) conducted for the site indicated a potential for impacts associated with former dry cleaner use and other potential areas of concern (AOCs). A Site Investigation (SI), including a geophysical survey, soil sampling, temporary monitoring well installation and sampling and vapor intrusion sampling, was conducted in 2023. The results of the SI indicated the need for the following additional investigation:

- A groundwater investigation of chlorinated volatile organic compounds in groundwater; and
- Limited soil sample collection and analysis for hexavalent chromium and other parameters.

The site is approved for use of Federal funds provided by the United States Environmental Protection Agency (USEPA) under a Brownfields Assessment Grant awarded to the City. The City of Trenton is an innocent landowner by way of its involuntary acquisition of the site and is exempt from strict liability with the Spill Act and CERCLA. The City of Trenton is voluntarily acting as the remediating party of this site and is exempt from NJDEP's mandatory timeframes and certain other NJDEP requirements under SRRA. The City of Trenton reserves the right to discontinue its status as a voluntary remediating party. The Licensed Site Remediation Professional (LSRP) for this site is:

Frederick Shoyer
Montrose Environmental Solutions Inc.
500 Horizon Center Drive, Suite 540, Robbinsville, New Jersey, 08691.

1.1 Purpose

The purpose of this RFP is to contract with an environmental consulting firm qualified and experienced in site characterization using NJDEP requirements and protocols, to provide support to the City's Brownfields Program.

1.2 Project Description

The City of Trenton is issuing this RFP to perform various technical consulting and engineering tasks that will be comprised of:

- 1) Conducting a Remedial Investigation (RI) of Soil and Groundwater to investigate the potential for impacts by historic operations and historic fill;
- 2) Conduct soil sampling at two former boring locations where Total Chromium concentrations exceeded the Hexavalent Chromium Soil Cleanup Criteria; and
- 3) Preparing a Remedial Investigation Report.

The City of Trenton's Brownfields Program will subsequently consider conducting additional investigations if necessary and based on the results of the RI.

1.3 Site Location, Description and History

The site is located in an area of commercial and residential buildings. The site is comprised of Block 6901; lot 6 through 10 and is indicated as 0.23 acres in area (roughly 100' x 100'). One, two-story building occupies the site along with an asphalt-paved parking lot in the front and side. The building and parking lot is in poor condition.

The site was previously used as a dry cleaner (known as Mercury French Dry Cleaners) as far back as the mid to late 1950s. It continued operations as "Subs Brothers" after sale in 2004/2005 until approximately 2010. Prior to that time, the property was comprised of several residences or row homes. The City obtained ownership through tax foreclosure on May 11, 2017.

1.4 Schedule

The City of Trenton wishes to maintain a schedule for this project that will complete all tasks within 365 days from execution of a contract. The contract period will be for one year.

2.0 TECHNICAL SPECIFICATIONS

Details for the performance of project tasks are included below. All work is to be conducted in accordance with NJDEP requirements and applicable Federal, state and local laws. The scope of work will include all management, labor, materials, expendables and subcontractors necessary to complete the requirements for this scope of work. The work scope breakdown will be as follows:

Task 1 File Review/QAPP/HASP

Review existing PA and SI report on file with the City of Trenton's Brownfields Program to become familiar with the site, existing site data and former sample locations.

Provide a revised QAPP that meets Federal requirements as required under the City's USEPA Assessment Grant. The QAPP is required to be submitted to USEPA's Region 2 office for review and comment. USEPA comments will be incorporated in the final document and be submitted to USEPA prior to implementation of the Site Investigation. Proposed sample locations, identification numbers, analytical protocols and other information are included in Attachment 1.

Prepare a site-specific health and safety plan (HASP) meeting OSHA HAZWOPER and other relevant standards.

All submittals will be reviewed and approved by, and final electronic copies will be delivered to, the City's Technical Contact.

Task 2 Remedial Investigation Implementation

This task will consist of the implementation of all field sampling for the investigation of soil and/or groundwater quality at reported AOCs. All activities shall be performed, and deliverables shall be prepared, in accordance with NJDEP requirements, regulations and technical guidance, and as proposed in the approved QAPP. All deliverables to be reported to NJDEP shall include the preparation and submittal of the appropriate NJDEP report form.

Conduct all fieldwork as proposed in the QAPP. Containerize investigation-derived wastes and backfill any soil borings (as required by USEPA).

2.1 Soil Investigation

Conduct a soil investigation based on the findings of the SI. A proposed sample location map and sampling plan table are included in Attachment A. Soil investigation requirements are as follows:

- Collect soil samples at former boring locations B-1 and B-3.
- Samples will be collected from 0.0 to 2.0 feet below ground surface (bgs) and 2.0 to 4.0 feet bgs; Samples collected from 0.0 to 2.0 feet bgs will be analyzed for Cr+6, pH and ORP. Deeper samples will be held for analysis only if the shallow samples exceed the NJDEP's Cr+6 soil cleanup criteria.

Boring locations B-1 and B-3 will also be converted to groundwater monitoring wells per section 2.2. There is no electrical power or water available at the site.

2.2 Groundwater Investigation

Conduct a groundwater investigation based on the findings of the SI. Groundwater investigation requirements are as follows:

- Install four 2-inch, flush-mounted PVC monitoring wells on the site or on City-owned rights-of-way (see Attachment 1) by a New Jersey Licensed Well Driller;
- Monitoring well depth to be approximately 20 feet bgs;
- Develop wells and stage development water drums inside the existing building;
- Collect two quarterly rounds of groundwater samples from each well for VO+ using the volume averaged purging and sample collection (Field Sampling Manual Section 6.9.2.4 (including QA/QC samples- equipment blank, trip blank, and one duplicate);
- Submit soil and groundwater samples to a Laboratory Certified in New Jersey to perform the required analyses that meet the most stringent soil and groundwater standards (Calls Ila Aquifer);
- Monitoring wells to be surveyed by a New Jersey Licensed Surveyor

Task 3 Reporting

Prepare an RI Summary Report in accordance with NJDEP guidance and requirements. The report will include at a minimum the following:

- Scope of the investigation
- Investigation and Sampling Techniques & Observations
- Sampling Results & Findings
- Summary

- Tables:
 - Soil sample depths and results with standards
 - Groundwater Field Monitoring Data
 - Groundwater Summary results with Standards
 - Monitoring Well Construction Table with Permit Number, depth, screen interval, construction well materials
- Figures:
 - Site Map with Monitoring Well and Soil Sample Locations
 - Soil Results Map
 - Groundwater Contour Map
 - Groundwater Quality Map
- Appendices
 - Site Photographs
 - Field Notes
 - Well Logs
 - Soil Analytical report
 - Groundwater Analytical report
 - Surveyor Form B's

If additional work is required under the regulations, the consultant will provide a recommended and abbreviated RI workscope and cost estimate to include: 1) a proposed sample location map; 2) a table of sample identification numbers, sample depths and analytical protocols under current NJDEP requirements for site remediation; and 3) a ballpark cost estimate for the proposed RI work. This abbreviated workscope will be provided to the City's Technical Contact under separate cover.

3.0 SPECIAL CONDITIONS

3.1 Work Provided By Consultant

General

The Consultant shall provide quality work and materials meeting the requirements of the specifications. All work shall be performed in accordance with the New Jersey Technical Requirements for Site Remediation, and other applicable Federal, State and local laws. Work will be conducted in level D personal protective equipment unless conditions are observed that require upgrading to higher levels of personal protection.

Health & Safety

The Consultant is responsible for the implementation of all health and safety measures taken to complete the required services. The City of Trenton assumes no responsibility for the health and safety of Subcontractor employees or other non-City employees. Unsafe conditions shall be reported to the City of Trenton's technical contact.

The subcontractor is required to complete, maintain and enforce a site-specific Health and Safety Plan for any work required to comply with OSHA HAZWOPER and other applicable laws.

Support of Public Relations

The Subcontractor shall make every effort to maintain good relations with the local property owners, tenants and residents. All Consultant and Subcontractor field personnel employed on-site shall be made thoroughly cognizant of the importance of this aspect of the work. All field activities shall be conducted in an efficient and professional manner.

Deliverables

The following deliverables are to be provided as part of this scope of work:

- Draft and final QAPP
- HASP
- Draft and final RI Report

These deliverables will be submitted in draft to the City's Technical Contact. One complete electronic version of each final report will be delivered after review and comment on the draft reports.

3.2 Work provided by the City of Trenton

The City of Trenton shall inspect the work in progress, when appropriate, and at completion. Any discrepancies will be noted and submitted to the Subcontractor.

The City of Trenton will be responsible for the following:

- 1) Providing access to the exterior and interior of the site;
- 2) Providing a copy of the previously approved QAPP for the SI;
- 3) Clearing vehicles from the site to allow unhindered access for the geophysical survey and site investigation;
- 4) Fees associated with LSRP retention, DEP oversight, permits and other fees;

3.3 Project Schedule and Technical Contact

All work for this contract shall be completed in accordance with the schedule indicated in section 1.4. The technical contact for the City of Trenton is as follows:

J.R. Capasso, C.P.G.
Brownfields Coordinator
City of Trenton - Department of Housing and Economic
Development
Division of Economic Development
319 E. State Street
Trenton, NJ 08608
(609) 989 – 3501

All scheduling shall be coordinated with the technical contact, with a minimum of 48 hours prior to performance of on-site activities. No activities shall commence without prior approval from the City of Trenton.

3.4 Measurement and Payment

The Subcontractor shall provide invoices for services as they relate to the specifications and shall be reimbursed in accordance with the price form presented in Section 3.7. The basis for measurement and payment of each task is presented below. This work is to be conducted on a project and task-based time and materials, not to exceed basis (T&M/NTE) as indicated in Section 3.7. It is required that the bidder include NTE sums to complete each task and sub-task included in this RFP. The contractor will provide all unit costs, labor rates, subcontractor markups and other fee schedules to be used for this scope of work. The contractor is to issue monthly invoices and invoice backup for payment. Each invoice shall include a description of the activities that are charged for the billing period. Each invoice shall also include a table of budgetary status of each task and subtask. The City of Trenton will make monthly payments and a final payment after completion of the scope of work and submission of the Final Report.

This work is being funded by an Assessment Grant from the USEPA. Contractor will abide by all applicable requirements under the USEPA's grant conditions, including compliance with applicable Davis-Bacon wage requirements and other requirements by the U.S. Department of Labor. Complete grant requirements can be furnished on request.

3.5 Proposal Requirements and Selection Criteria

The proposals will include the following information for the City's technical proposal team review:

Understanding of Site Conditions and Preliminary Analysis

The City of Trenton is requiring that the respondent provide information that can be gleaned from information provided, including technical data and subsurface conditions, to demonstrate an understanding of the site and potential remediation technologies to be considered or precluded.

Methodology

As part of the proposal, the Subcontractor shall submit a written plan briefly describing how the work will be completed and proposed level of effort for various sampling and other activities.

Documentation of Experience

The City of Trenton will consider the Subcontractor's experience in awarding the contract. The Subcontractor shall submit a brief synopsis of work experience documenting completion of work of similar character to that required in the specification. Please provide the following information relating to experience:

- Case studies or other information on similar sites and projects, and project outcomes;
- Company experience with similar projects, especially in the State of New Jersey;
- Resume and summary of qualifications of the proposed LSRP;
- Resume and summary of qualifications of the proposed Project Manager;

References

Submit three client references that can provide an indication of similar work performed on their behalf. The client references should refer to supplied case studies, if possible.

Proof of Insurance

respondent shall provide proof of adequate insurance including professional liability and workmen's compensation. Upon award of contract, the subcontractor shall name the City of Trenton as an additional insured for the project.

Cost Basis Information

Attach rate sheets that provide unit cost pricing, labor rates, equipment billing rates, subcontractor markup and other information that will be used for billing purposes, which will be used as the basis for charges for work performed within the scope of this RFP and any work that may be performed beyond the scope of this RFP, which is to be pre-approved by the City.

Selection Criteria

Proposals will be reviewed by a contractor selection committee composed of professionals experienced in site investigation and remediation, project management, and environmental project planning. Selection criteria will be as follows:

- Technical Proposal 30%
 - Understanding Site Conditions
 - Submittal requirements
- Experience 40%
 - Company, via case studies and other information
 - LSRP/Project Manager resume and qualifications
 - Experience with projects of similar scope
 - Experience with site, City of Trenton and Trenton's Brownfields Program
 - References and other submittal requirements
- Pricing 30%

3.6 Submittals and Deliverables

Submittals	Due
1. Project Understanding and Methodology Plan	With Proposal
2. Documentation of Experience	With Proposal
3. Proof of Insurance	With Proposal
4. Completed Price Form	With Proposal
5. Draft QAPP	Within 30 days of receipt of contract
6. Draft SI report	Within 60 days of completion of field sampling activities and receipt of laboratory analytical data
7. Invoices for Payment	Monthly and at the completion of the specified work