

Introduced by: _____
Seconded by: _____

**CITY OF HOBOKEN
RESOLUTION NO. :___**

**RESOLUTION TO AUTHORIZE A PROFESSIONAL SERVICE CONTRACT WITH SEDITA
CAMPISANO & CAMPISANO AS SPECIAL LEGAL COUNSEL-LAND USE AND
ENVIRONMENTAL LAW TO THE CITY OF HOBOKEN TO COMMENCE JULY 1, 2012 AND
EXPIRE JUNE 30, 2013 FOR A TOTAL NOT TO EXCEED AMOUNT OF \$50,000.00**

WHEREAS, service to the City as Special Counsel – Land Use and Environmental Law is a professional service as defined by N.J.S.A. 40A:11-1 et seq. and as such, is exempt from public bidding requirements pursuant to N.J.S.A. 40A:11-5; and,

WHEREAS, the City of Hoboken published its annual Request for Proposals for the Professional Services of Special Legal Counsel-Land Use and Environmental Law in accordance with the Fair and Open Process and Hoboken Ordinance #DR-154, which Sedita Campisano & Campisano responded to; and,

WHEREAS, the evaluation committee has determined that Sedita Campisano & Campisano offers the best option of all the proposals submitted, cost and other factors considered, and therefore advises a contract be entered into with Sedita Campisano & Campisano and,

WHEREAS, Sedita Campisano & Campisano is hereby required to continue to abide by the “pay-to-play” requirements of the Hoboken Public Contracting Reform Ordinance, codified as §20A-11 et seq. of the Administrative Code of the City of Hoboken as well as the Affirmative Action laws and policies under which the City operates; and,

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$50,000.00 is available in the following appropriations C04-60-711-100; and I further certify that this commitment together with all previously made commitments does not exceed the appropriation balance available for this purpose.

Signed: _____, George DeStefano, CFO

NOW THEREFORE, BE IT RESOLVED, that a contract with Sedita Campisano & Campisano to represent the City as Special Legal Counsel-Land Use and Environmental Law be awarded, for a term to commence July 1, 2012 and expire June 30, 2013, for a total not to exceed amount of Fifty Thousand (\$50,000.00) Dollars; and

BE IT FURTHER RESOLVED, the contract shall include the following term: Sedita Campisano & Campisano shall be paid maximum hourly rates of \$150.00/hour for attorneys, \$50.00/hour for paralegals, and \$20/hour for support staff for services rendered, these are the only charges for services allowable under this agreement, and charges for filing fees and costs shall be allowable, but must be clearly identified and described in full in the appropriate monthly invoice; and

BE IT FURTHER RESOLVED, new litigation and legal matters will be assigned to the firm as they become available and the City Administration determines the firm’s services are appropriate for any particular matter; this contract shall not be for a sum certain but rather, a retainer, the matters on which to be retained shall be determined as the need arises at the sole discretion of the City; and, this contract is not a guarantee of availability of services or assignment; and,

BE IT FURTHER RESOLVED, the contract shall expressly state that said firm shall be obligated to provide prompt written notice to the City when its invoicing reaches 80% of the not to exceed amount, if the firm believes additional funds will be necessary, and the City shall have no liability for payment of funds in excess of the not to exceed amount; and

BE IT FURTHER RESOLVED that the City Council of the City of Hoboken specifically finds that compliance with Hoboken Ordinance #DR-154 (codified as §20A-4 of the Code of the City of Hoboken), and any and all state Pay to Play laws, is a continuing obligation of Sedita Campisano & Campisano; and

BE IT FURTHER RESOLVED the City Clerk shall publish this resolution as required by law and keep

a copy of the resulting contract on file in accordance with N.J.S.A. 40A:11-1 et seq.; and,

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be provided to Mayor Dawn Zimmer and Corporation Counsel for action in accordance therewith and to take any other actions necessary to complete and realize the intent and purpose of this resolution; and,

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

Meeting date: July 25, 2012

APPROVED:

APPROVED AS TO FORM:

Quentin Wiest
Business Administrator

Mellissa Longo, Esq.
Interim Corporation Counsel

Councilperson	Yea	Nay	Abstain	No Vote
Theresa Castellano				
Peter Cunningham				
Jen Giattino				
Carol Marsh				
Elizabeth Mason				
David Mello				
Tim Occhipinti				
Michael Russo				
President Ravi Bhalla				

Introduced by: _____
Seconded by: _____

**CITY OF HOBOKEN
RESOLUTION NO. : _____**

RESOLUTION TO TERMINATE FOR CONVENIENCE CONSTRUCTION CONTRACT WITH EIC ASSOCIATES, INC. FOR THE CASTLE POINT & SINATRA PARK WATERFRONT WALKWAY RECONSTRUCTION PROJECT IN ACCORDANCE WITH SPECIFICATIONS SET FORTH IN THE CITY OF HOBOKEN'S BID NUMBER 11-17.

WHEREAS, on February 8, 2012, by way of Resolution Number 1, the City awarded a contract to EIC Associates, Inc. to restore the waterfront walkway located at the Castle Point and Sinatra Park field in accordance with the Specifications for Bid No. 11-17 (the "Project");

WHEREAS, construction on the Project began in or about April 2012;

WHEREAS, in 2010 the City of Hoboken's engineer, Boswell Engineering, proposed repairing the park through encapsulation, which would have turned all of the area under the field into solid land, however this plan was not permitted by the Department of Environmental Protection (DEP) due to loss of aquatic habitat under the pier, and the DEP recommended rehabilitating the existing deteriorated timber pilings, which upon inspection by divers in 2010 were found to have between 30% and 50% section loss, and this was the construction method determined for the project;

WHEREAS, on or about May 4, 2012, during construction on the Project, a section of the sea wall located at the Sinatra Park field collapsed into the Hudson River;

WHEREAS, while it took decades of deterioration due to marine borer (shipworm) activity for the timber piles to suffer between 30% and 50% section loss as determined in 2010, the deterioration drastically accelerated in two years causing section loss to increase to between 50% and 100% currently;

WHEREAS, the City has been provided with information that continuing construction in accordance with the plans and specifications for the Project is unsafe and would not be possible to complete in accordance with the plans and specifications for the Project;

WHEREAS, the City has been provided with information that the Castle Point and Sinatra Park Waterfront Walkway Reconstruction Project will have to be redesigned and that the scope of the work required to restore the waterfront walkway has completely changed;

WHEREAS, the City's engineer has developed plans to request a modification to the construction permit from the DEP, which would involve temporarily building a

cofferdam around the perimeter of the waterfront to turn the construction project into a land project, demolishing the sea wall and timber relieving platform, removing 12,000 tons of fill, installing new steel pilings and building a new high level platform, and later removing the cofferdam and restoring the aquatic habitat underneath the park;

WHEREAS, in light of the new information and change in circumstances, completion of the Project in accordance with the Specifications for Bid No. 11-17 is not possible;

WHEREAS, termination of the contract with EIC Associates, Inc. for convenience at this time would serve the best interests of the citizens of the City;

WHEREAS, termination of the contract with EIC Associates, Inc. would not preclude EIC Associates, Inc. from submitting a new bid once the redesign is completed and approved by the required regulatory agencies and new bid specifications are advertised;

NOW THEREFORE BE IT RESOLVED as follows:

A. This resolution terminates for convenience the City's contract with EIC Associates, Inc. to restore the waterfront walkway located at the Castle Point and Sinatra Park field in accordance with the Specifications for Bid No. 11-17;

B. The City Council directs the Administration to take the appropriate action to effectuate this Resolution, and to take whatever additional action is necessary to effectuate the order to terminate the contract with EIC Associates, Inc. for convenience;

C. This Resolution shall take effect immediately upon passage.

Meeting of:

APPROVED:

APPROVED AS TO FORM:

Quentin Wiest
Business Administrator

Melissa L. Longo
Interim Corporation Counsel

Introduced by: _____
Seconded by: _____

**CITY OF HOBOKEN
RESOLUTION NO. : _____**

**RESOLUTION TO AMEND AND EXTEND THE CONTRACT WITH
EMNET, LLC FOR MAINTAINENCE OF PROPRIETARY HARDWARE
FOR STORMWATER/WASTERWATER COMBINED SEWER-SYSTEM,
EXCESS- FLOW ANALYSIS FOR A ONE YEAR TERM WITH A NOT
TO EXCEED AMOUNT OF \$122,000.00**

WHEREAS, the City previously appointed and contracted for the installation and maintenance of hardware for data analysis for combined sewer-system, excess-flow analysis within the City of Hoboken by EmNet, LLC; and,

WHEREAS, the City wishes to extend the contract with EmNet, LLC for a one year period, to commence upon execution of the Agreement, with a not to exceed amount of One Hundred Twenty Two Thousand Dollars (\$122,000.00); and,

WHEREAS, EmNet, LLC is hereby required to continue to abide by the “pay-to-play” requirements of the Hoboken Public Contracting Reform Ordinance, codified as §20A-11 *et seq.* of the Administrative Code of the City of Hoboken as well as the Affirmative Action laws and policies under which the City operates; and,

WHEREAS, there is a continuing need for the maintenance and management of the propriety flow analysis hardware and data, which is therefore exempt from public bidding requirements pursuant to N.J.S.A. 40A:11-5(dd) and (gg), and EmNet, LLC has significant and specialized knowledge and expertise of the City’s infrastructure and the hardware located therein, which therefore exempts the need for utilization of request for additional proposals under the fair and open process; and,

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$122,000.00 is available in the following appropriations 2-01-31-461-000 in the CY2012 budget; and I further certify that this commitment together with all previously made commitments does not exceed the appropriation balance available for this purpose for the CY2012 budget.

Signed: _____, George DeStefano, CFO

NOW THEREFORE, BE IT RESOLVED that the contract with EmNet, LLC for the installation and maintenance of the hardware for data analysis for combined sewer-system, excess-flow analysis within the City of Hoboken be hereby extended and amended for an additional one (1) year period, with a not to exceed amount of One Hundred Twenty Two Thousand Dollars (\$122,000.00); an additional amendment to the contract shall be added to eliminate the continuing need for installation but to increase and enhance the need for maintenance and management of the system and the data analysis pursuant to the proposal of EmNet, LLC dated May 18, 2012 (attached hereto) and such other terms and conditions which may be added to the amended agreement which seek to further enhance the City’s interests, as the Administration authorizes; and

BE IT FURTHER RESOLVED that the City Council of the City of Hoboken specifically finds that compliance with Hoboken Ordinance #DR-154 (codified as §20A-4 of the Code of the City of Hoboken), and any and all state Pay to Play laws, is a continuing obligation

of EmNet, LLC; and

BE IT FURTHER RESOLVED the City Clerk shall publish this resolution as required by law and keep a copy of the resulting contract on file in accordance with N.J.S.A. 40A:11-1 et seq.; and,

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be provided to Mayor Dawn Zimmer for action in accordance therewith and to take any other actions necessary to complete and realize the intent and purpose of this resolution; and,

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

Meeting date: June 25, 2012

APPROVED:

APPROVED AS TO FORM:

Quentin Wiest
Business Administrator

Mellissa Longo
Interim Corporation Counsel

Councilperson	Yea	Nay	Abstain	No Vote
Theresa Castellano				
Peter Cunningham				
Jen Giattino				
Carol Marsh				
Elizabeth Mason				
David Mello				
Tim Occhipinti				
Michael Russo				
President Ravi Bhalla				