

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF NORTH BRUNSWICK  
AUTHORIZING A PROFESSIONAL SERVICE AGREEMENT WITH AMPHION  
ANALYTICAL ENGINEERING TO PROVIDE A BUILDING ENVELOPE MOISTURE  
INTRUSION INVESTIGATION OF THE MUNICIPAL COMPLEX**

**WHEREAS**, Hurricane Ida impacted New Jersey on Wednesday, September 1, 2021, bringing severe weather conditions including strong winds, reports of tornadoes, and heavy and sustained rainfall in some areas; and

**WHEREAS**, the storm caused severe damage to municipal facilities, infrastructure, vehicles and equipment, including the Municipal Complex which had extensive damage to the sections of the Police Department and basement where the mechanical room is located; and

**WHEREAS**, following the event professionals were engaged by the Insurance Company and excess carrier to review the municipal complex and provide a report on findings and issue an opinion to the carrier that is used as a basis for determination of coverage; and

**WHEREAS**, in the months following the initial report, municipal officials challenged the findings and requested areas not covered in the report that had also sustained damage be evaluated, which led to supplemental engagements by the insurance carrier to amend the findings, specifically addressing concerns with the exterior wall and façade; and

**WHEREAS**, Halliwell Engineering Associates that had been engaged on the side of the Insurance Company issued an investigation report in May of 2022, followed by MKA issuing a supplemental report in July of 2022, specifically to address concerns with the exterior façade; and

**WHEREAS**, in the fall of 2022, municipal officials and professionals working with the Township held meetings with the insurance carrier and their engaged professionals to discuss findings included within the reports; and

**WHEREAS**, in October and November of 2022, municipal officials working with legal counsel and the Risk Manager raised concerns with the findings to members of the Garden State Joint Insurance Fund and requested the carriers cover costs associated with an independent study of the exterior, that would be engaged directly by the Township; and

**WHEREAS**, in December of 2022, pursuant to Resolution 346-12.22, an agreement with BDO USA, LLP was authorized for claims administration services and for assistance with the reporting, documentation and submission requirements; and

**WHEREAS**, in January of 2023, representatives for BDO USA, LLP working with municipal officials, identified and met with professionals from Amphion Analytical Engineering, PA to provide a proposal to conduct a Building Envelope Moisture Intrusion Investigation that will determine the scope of damage to the cavity of the exterior wall, in addition to working together with Hillmann Consulting as the engaged environmental firm for a comprehensive study of the facility; and

**WHEREAS**, Amphion Analytical Engineering, PA has provided a proposal to conduct a Building Envelope Moisture Intrusion Investigation with a cost of \$16,300.00; and

**WHEREAS**, the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(i), provides for the award of professional services, without engaging in the bidding process, to a person(s) authorized by law to practice a recognized profession; and

**WHEREAS**, the Local Public Contracts Law, N.J.S.A. 40A:11-2 declares that a “professional service” means services performed by 1) a person authorized by law to practice a recognize profession, 2) whose practice is regulated by law, 3) and the performance of which services requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study; and

**WHEREAS**, the Purchasing Agent and Legal Counsel have reviewed the qualifications and proposal submitted by Amphion Analytical Engineering, PA and determined they possess the expertise and proven reputation to assist with in the scope of work outlined herein above; and

**WHEREAS**, the proposal submitted by Amphion Analytical Engineering, PA for said work has been presented to the excess carrier for a determination of coverage as an eligible expense under the insurance claim(s); and

**WHEREAS**, in addition, the proposal submitted by Amphion Analytical Engineering, PA shall be presented to FEMA for approval as an eligible expense under the Hurricane Ida application; and

**WHEREAS**, Amphion Analytical Engineering, PA has completed and submitted a Business Entity Disclosure Certification which certifies that Amphion Analytical Engineering, PA has not made any reportable contributions to a political or candidate committee in the Township of North Brunswick in the previous one year, and that the contract will prohibit Meridian Strategic Services, Inc. from making any reportable contributions through the term of the contract; and

**WHEREAS**, in addition, Amphion Analytical Engineering, PA has completed and submitted a C.271 Political Contribution Disclosure Form pursuant to N.J.S.A. 19:44A-20.26 et seq.

**NOW THEREFORE BE IT RESOLVED**, on this 6<sup>th</sup> day of February 2023, that the Township Council of the Township of North Brunswick does hereby authorize the agreement with Amphion Analytical Engineering, PA as a professional service contract to conduct a Building Envelope Moisture Intrusion Investigation, with a cost of \$16,300.00 and a one-year contract term; and

**BE IT FURTHER RESOLVED** that the Business Disclosure Entity Certification and the Determination of Value shall be placed on file with this resolution; and

**BE IT FURTHER RESOLVED** notice of this action shall be published in the Home News & Tribune as required by law within 10 (ten) days after its passage.

**CERTIFICATION**

I, Cavel Gallimore, Chief Financial Officer, hereby certify that \$16,300.00 is available for this purpose in Storm Recovery Reserve Account D-33-56-850-005-001 contingent upon reimbursement under the FEMA application. Contract PRO23037

\_\_\_\_\_  
Cavel Gallimore  
Chief Financial Officer

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Justine Progebin  
Business Administrator

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Ronald Gordon, Esq.  
Township Attorney  
Approved as to legal form

**RECORDED VOTE:**

<b>COUNCIL MEMBER</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>NOTES</b>
HUTCHINSON				
GUADAGNINO				
ANDREWS				
DAVIS				
SOCIO				
MEHTA				
MAYOR WOMACK				

I hereby certify that the above Resolution was duly adopted by the Township Council of the Township of North Brunswick, County of Middlesex, at its meeting held on February 6, 2023.

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Lisa Russo  
Township Clerk