

**A RESOLUTION OF THE TOWNSHIP OF NORTH BRUNSWICK
AUTHORIZING AN AMENDMENT TO THE CONTRACT WITH
SERVPRO DISASTER RECOVERY SERVICES
FOR REMEDIATION AND RESTORATION WORK AT THE
MUNICIPAL COMPLEX THAT WAS DAMAGED FROM HURRICANE IDA**

WHEREAS, Hurricane Ida impacted New Jersey on Wednesday, September 1, 2021, bringing severe weather conditions including strong winds, 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 could have endangered the community's health, safety, and welfare if not responded to in an immediate manner; and

WHEREAS, on Thursday, September 2, 2021, the Mayor for the Township declared a State of Emergency for the Township; and

WHEREAS, in September of 2021, the company Rapid Recovery was engaged under the Garden State Joint Insurance Fund as a qualified contractor to begin remediation efforts; and

WHEREAS, Rapid Recovery as the primary contractor engaged subcontractors to work on various restoration efforts, including Air Exchange; and

WHEREAS, in December of 2021, subcontractor Air Exchange began to work on the replacement of the three boilers units that heat the building, which were never fully operational given concerns with the method of installation; and

WHEREAS, beginning in May of 2022, the Township's Risk Manager established weekly progress meetings with the contractor and sub-contractors, associated members insurance carrier, members of the Garden State Joint Insurance Fund and municipal officials in an attempt to coordinate remediation and restoration efforts as approved by the adjuster for the excess insurance carrier; and

WHEREAS, the infrastructure network for the municipality located within the Municipal Complex had been affected by the physical impacts of the climate variability, leaving the system vulnerable to failure points and was hitting a critical level going into a second winter season; and

WHEREAS, in the fall of 2022, municipal officials and professionals met with members of the Garden State Joint Insurance Fund to again raise concern with regards to the timeline for remediation and restoration efforts under the claim; and

WHEREAS, in the fall of 2022, the Township adopted Ordinance 22-23 which authorized \$10Million in funding to enable the Township to proceed with remediation and restoration efforts if determined necessary given the unknown timeline of contractor and insurance carrier; and

WHEREAS, in December of 2022, Rapid Recovery attempted to bring in a temporary heating solution that is believed to be the source of continued deterioration of the building, including the police network which experienced equipment failure in January of 2023; and

WHEREAS, in December of 2022, professionals were engaged by the Township to assist with review of the work performed by Rapid Recovery and their subcontractors, and after review, raised concern at meetings held between January 23rd and March 1st with regards to what has been remediated as well as areas that have not been remediated that were now a cause for serious environmental concern; and

WHEREAS, in December of 2022, pursuant to Resolution 340-12.22, the Township declared an emergency and authorized a contract be awarded as deemed necessary to bring climate control to the Municipal Complex; and

WHEREAS, in of February of 2023, the Human Resource Department received employee reports of rising health concerns, requiring immediate action by the Township to mitigate; and

WHEREAS, in of February of 2023, pursuant to Resolution 70-2.23, the Township engaged Hillmann Consulting to provide an updated report on the environmental conditions of the building; and

WHEREAS, towards the end of February of 2023, the Township solicited proposals from two remediation companies that had a proven reputation and experience for the required scope of work that would be responsive to both the insurance claim and FEMA application (Servpro and Blue Team); and

WHEREAS, Servpro Disaster Recovery Services provided a general scope of work and action plan to remediate the facility based on an approved Time and Material Rate Schedule; and

WHEREAS, in March of 2023, pursuant to Resolution 98-3.23, Servpro Disaster Recovery Services was contracted to replace Rapid Recovery in providing remediation and restoration of the Municipal Complex, in addition to providing Temporary Climate Control, based on a Time and Material Contract until a detailed project scope could be agreed upon with Insurance carriers, that included an initial not-to-exceed authorization amount of \$2,500,000.00; and

WHEREAS, in July of 2023, at the request of the representatives for the insurance carriers, Servpro Disaster Recovery Services began attended weekly meetings, in addition to meeting with professionals engaged by the insurance carrier and provided various project scope proposals since April of 2023 for review and consideration by the insurance carrier; and

WHEREAS, the most recent proposal(s) includes remediation of additional areas identified within the June 16, 2023 environmental report issued by Hillmann Consulting, with compensation for additional services shall be based upon the July 24, 2023 Servpro proposal(s) that includes floor to ceiling remediation and restoration of the perimeter walls, to be paid upon submission of monthly invoices, for an amount not-to-exceed \$7,021,798.79; and

WHEREAS, the proposal(s) from Servpro Disaster Recovery Services have been presented to the excess carrier for a determination of coverage with Municipal Officials seeking approved as an eligible expense under the claim; and

WHEREAS, on March 3, 2023, prior to the initial contract with Servpro Disaster Recovery Services, the Acting Director for the Department of Public Works – Division of Buildings and Grounds filed a written certification with the Business Administrator in accordance with N.J.S.A. 40A:11-6(a), explaining the nature of the emergency, the time of its occurrence, the work needed and the basis for proceeding on an emergency basis, recommending that Servpro be retained for the work; and

WHEREAS, the Business Administrator has reviewed the submissions by Servpro with the Municipal Attorney and Mayor and hereby recommends amending the contract with Servpro Disaster Recovery Services to perform necessary remediation and restoration work in addition to temporary climate control and trailer rental costs; and

WHEREAS, in March 3, 2023 Servpro Disaster Recovery Services 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, by the Township Council of the Township of North Brunswick, County of Middlesex, and State of New Jersey, does hereby authorize amending the emergency contract with Servpro Disaster Recovery Services for remediation and restoration of the Municipal Complex based on proposals provided by Servpro dated July 24, 2023 for remediation (\$982,821.31) and restoration (\$6,038,977.48) efforts, in addition to trailer rental costs for the period July through September (\$278,282.72), for a total of \$7,300,081.51 and an amended not-to-exceed amount of \$9,800,081.51, subject to review and approval by the New Jersey Office of State Comptroller.

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 of the Township of North Brunswick, certify that funds in the following accounts totaling \$7,300,081.51 are available under Contract PRO23045:

- \$ 185,162.95 are available in Capital Ordinance 20-17 account C-04-55-C20-210-701,
- \$ 48,411.73 are available in Capital Ordinance 21-13 account C-04-55-C21-220-701,
- \$ 2,146,881.50 are available in Capital Ordinance 22-13 account C-04-55-C22-221-701,
- \$ 2,094,948.90 are available in Capital Ordinance 22-23 account C-04-55-C22-230-101,
- \$ 115,053.43 are available in Capital Ordinance 22-24 account C-04-55-C22-231-701,
- \$ 2,449,623.52 are available in Capital Ordinance 23-11 account C-04-55-C23-232-101, and
- \$ 259,999.48 are available Storm Recovery Trust account D-33-56-850-005-001.

Cavel Gallimore
Chief Financial Officer

Justine Progebin
Business Administrator

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

RECORDED VOTE:

COUNCIL MEMBER	YES	NO	ABSTAIN	NOTES
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 July 24, 2023.

Lisa Russo
Township Clerk