



## **EMERGENCY DECLARATION**

Title: Municipal Complex – Remediation/Restoration  
Vendor: Electrical Power Systems  
Contract Type: Goods & Services  
Contract: Public Works  
Method of Procurement: Emergency Contract  
Declared by: Municipal Department Head – Steven Bloyed  
Declaration Date: September 1, 2024

Local Public Contracts Law N.J.S.A. 40A:11-6 et seq. / N.J.A.C. 5:34-6.1 et seq.

Any contract may be negotiated or awarded for a contracting unit without public advertising for bids and bidding therefor, notwithstanding that the contract price will exceed the bid threshold, when an emergency affecting the public health, safety, or welfare requires the immediate delivery of goods or the performance of services.

The official in charge of the agency wherein the emergency occurred, or such other officer or employee as may be authorized to act in place of that official, shall notify the purchasing agent of the need for the performance of a contract, the nature of the emergency, the time of its occurrence and the need for invoking this section. Such notification is reduced to writing and filed with the Purchasing Agent as soon as practicable as detailed herein below. The governing body of the contracting unit shall take such action as shall be required to provide for the payment of the contract price.

## **Summary:**

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. On Thursday, September 2, 2021, the Mayor for the Township declared a State of Emergency for the Township. The storm caused severe damage in North Brunswick to municipal facilities, infrastructure, and equipment, including the Municipal Complex. Many sections of the structure experienced damage by either flood, façade/window frame penetration and above from overburdened gutters and downspouts.

In September of 2021, the company Rapid Recovery was engaged under the Garden State Joint Insurance Fund to begin remediation efforts. Rapid Recovery as the primary contractor engaged subcontractors to work on various remediation and restoration efforts, including *Air Exchange* for Heating, Ventilation, Air Conditioning ("HVAC") work.

In October and November of 2021, Police, Court, Community Development, Parks & Recreation, Community Services and Administrative Departments operating out of the Municipal Complex were relocated to various temporary locations, including lease space along Livingston Avenue, other municipal facilities and rental trailers provided by the contractor and included under the insurance claim.

In December of 2021, pursuant to Resolution 332-12.21, Peter Campisano with USA Architects was engaged to assist municipal officials in working with representatives from Federal Emergency Management Agency ("FEMA") and claims representatives affiliated with the Garden State Joint Insurance fund ("JIF") towards developing an agreed project scope for the exterior restoration of the Municipal Complex.

In January of 2022, Peter Campisano with USA Architects met with elected and municipal officials to report on the preliminary findings and discuss repairs necessary to restore the exterior, inclusive of bringing the building to current construction code standards. All findings were shared with representatives managing the insurance claim and FEMA.

In April of 2022, Township officials met with the Municipal Risk Manager to establish weekly sessions with various representative for the Joint Insurance Fund, excess carrier and reinsurance party members. Municipal Officials continued to seek written approval and direction on outstanding remediation/restoration expenses.

In May of 2022, pursuant to Ordinance 22-13, a \$3,000,000 Bond Ordinance was adopted after second reading to enable the Township to continue

remediation/restoration efforts while under claim review, specifically to proceed with the replacement of the Municipal Complex roof and gutter system.

In May of 2022, in addition to having an *architect*, it was determined necessary to engage services of a *mechanical engineer* that was familiar with the HVAC system under prior engagement with Rapid Recovery. In June of 2022, pursuant to Resolution 189-6.22, M&E Engineers, Inc. was engaged to provide a review and recommendation for items to be ordered by Air Exchange with Trane associated with the replacement of two chillers and two basement air handlers.

In August of 2022, under the contracted work with Air Exchange under Rapid Recovery, a small space in the back first floor of the Police Department was isolated with a separate temporary heating, ventilation and air condition system and made available for identified police use.

In August of 2022, the State Fiscal Year budget was introduced with \$500,000 in the Capital Improvement Fund line item, towards a \$10,000,000 Bond Ordinance to enable the Township to continue remediation/restoration efforts for work that continued to be under review and/or was not acknowledged by the insurance adjuster as an eligible expense.

In September 2022, pursuant to Ordinance 22-23, \$10,000,000 Bond Ordinance was adopted after second reading to enable the Township to continue remediation/restoration efforts. Funding was available after the estoppel period in October of 2022. This include funds for the engagement of various professionals to review insurance claim report findings, make recommendations and assist with the claim process.

In October of 2022, the Township authorized the award of a competitive contract with Patriot Roofing for the Municipal Complex Roof and Gutter Replacement Project.

In October of 2022, due to the complexity of the claim for the Municipal Complex, it was determined necessary to contract for claims administration services to assist with the documentation and submission.

In December of 2022, with little progress from the weekly claim meetings, a meeting was held with Ron Gordon as Municipal Attorney, Justine Progebin as the Township Business Administrator, Latonya Brennan as the Municipal Risk Manager and representatives for the Garden State Municipal Joint Insurance Fund ("GSMJIF") including Wade Robinson, Jonathan Hall and Steve Daveggia. This meeting was part of a continued attempt by the Township to address areas of concern with little progression on the claim.

In December of 2022, pursuant to Resolution 349-12.22, Peter Campisano with USA Architects was engaged to assist with remediation and restoration efforts at the Municipal Complex including a continuation to work with representatives for FEMA and insurance.

In December of 2022, pursuant to Resolution 346-12.22, BDO USA, LLP was engaged to assist with claims administration services and to assist with the documentation and submission process.

In December of 2022, Air Exchange under Rapid Recovery notified municipal officials that the anticipated delivery date cooling units would be mid-October of 2023 and was unable to provide a timeline for heating elements, citing uncertainty with the condition of system components, leaving the Municipal Complex over a year with no climate control.

The infrastructure network for the municipality plays an essential role for the operation of the municipal departments. The network hub located within the Municipal Complex continued to be affected by the physical impacts of the climate variability. In December of 2022, pursuant to Resolution 340-12.22, with the system vulnerable to failure points, it was deemed necessary to Declare an Emergency and authorize contract(s) with capable vendor(s) on an emergent basis to secure the climate conditions within the Municipal Complex.

In December of 2022, pursuant to Resolution 350-12.22, T&M Associates was engaged to provide mechanical and related environmental engineering services associated with the temporary climate control, as well as review the proposed restoration work for the boilers, and review the order with Trane for the chillers and air handlers at the Municipal Complex.

In January of 2023, pursuant to Resolution 60-1.23, BDO USA, LLP was engaged to assist with coordination with Emergency Management officials at the State and FEMA, seeking reimbursement for expenses associated with restoration, as well as under the FEMA Public Assistance Program for mitigation efforts, providing for future resiliency against weather related events.

In January of 2023, representatives for BDO USA, LLP working with municipal officials, identified and met with engineering professionals to provide a proposal for a Building Envelope Moisture Intrusion Investigation needed to determine the scope of damage to the cavity of the exterior wall. This required working with an appointed environmental firm for an analysis of the sheathing within the façade. Following Hurricane Ida in September of 2021, Hillmann Consulting was engaged by Rapid Contracting to provide an independent report on air quality conditions,

moisture mapping of the interior walls and an assessment of HVAC duct work to be remediated.

In February of 2023, pursuant to Resolution 91-2.23, with said prior experience reporting on the Municipal Complex, Hillmann Consulting was engaged to provide the analysis and report on the environmental conditions within the facility, including the exterior façade.

In February of 2023, pursuant to Resolution 72-2.23, based on findings by the engineers with T&M Associates with regards to components of the HVAC system, additional work was determined to be required to develop a plan for the restoration of the three boilers and related piping as installed by the sub-contractor Air Exchange. In addition, with recommendations were made by the engineers to amend components of the chillers and air handlers as ordered by Air Exchange, resulting in a further delay to restore climate control to the facility.

On March 6, 2023, as a result of little progress from the December meeting with representative of the GSMJIF listed herein above, the Township Council took formal action and engaged a contractor directly (Servpro) to continue with remediation and restoration efforts at the Municipal Complex. Jonathan Hall with the GSMJIF was included on legal communication to share with representatives for the claim.

On March 6, 2023, pursuant to Resolution 98-3.23, Servpro Disaster Recovery Services was authorized on an emergent basis to provide a construction work scope and action plan and to replace Rapid Recovery (including sub-contractors) for temporary climate control and for the remediation and restoration of the facility. Given many unknown components, the proposal was based on an approved Time and Material Rate Schedule. This proposal included taking over the contracts for the rental trailers housing Township employees and for electric generation services powering the trailers.

On March 6, 2023, Rapid Recovery was noticed that as of March 7, 2023, they were to perform no additional work on the building associated with the claim. They were to reconcile the final invoicing for work performed to date and coordinate the transfer of items including the trailer rental, temporary heating measures, elevator equipment, electrical, and HVAC components ordered.

**Emergency Declaration Details:**

Resolution 196-6.24 authorized an emergency contract with Willscot Mobile Mini for temporary facilities for essential services including Public Safety and 9-1-1 Dispatch following the conclusion of Servpro Disaster Recover Service's contract at the end of June.

Electrical Power Systems has been providing the panels, breakers, and transformers to power the rental trailers. Without these electrical generation services, the rental trailers would be unusable and essential services like 9-1-1 dispatch would be offline. An interruption to these electric generation services, even on a temporary basis, would be detrimental to the safety and welfare of Township residents.