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RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE MAYOR TO EXECUTE AND THE TOWNSHIP CLERK TO ATTEST TO A CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES WITH URBAN ENGINEERS, INC. FOR PRELIMINARY ENGINEERING REQUIRED FOR THE BUILD-18 GRANT AGREEMENT WITH THE FEDERAL HIGHWAY ADMINISTRATION OF THE USDOT FOR THE PROJECT KNOWN AS THE TOMS RIVER DOWNTOWN LOOP ROAD

JULY 27, 2021

WHEREAS, there exists a need for Professional Engineering Services for Local Preliminary Engineering, Final Design and Plans, Specifications and Estimates for the project known as the Toms River Downtown Loop Road in Toms River Township; and

WHEREAS, the project is funded by the BUILD-18 Grant pursuant to a Grant Agreement between the Township and the Federal Highway Administration (FHWA) executed on September 18, 2020; and

WHEREAS, the Ocean Township Engineer has solicited proposals for Professional Engineering Services; and

WHEREAS, on June 8, 2021 the Township of Toms River received four proposals for the Downtown Toms River Loop Project through the competitive contracting process in accordance with the NJSA 40A:11-4.1a which allows for price and other factors; and

WHEREAS, said proposals have been received and reviewed by the Purchasing Agent and the Consultant Selection Review Committee consisting of the Township Planner, Assistant Township Engineer and Assistant Township Planner, and before reviewing any proposals, each person on the committee reviewed the Ownership Disclosure Documents for each vendor and executed the statement certifying that there is no conflict of interest in accordance with the Local Government Ethics Law NJSA 40A:9-22.1 et seq; and

WHEREAS, Committee members reviewed the proposals both separately and together, and scored each vendor as follows:

	Total Score
Colliers Engineering & Design 331 Newnan Springs Rd, Suite 203 Red Bank, NJ 07701	221
French & Parello Assoc 1800 Route 34, Suite 101 Wall, NJ 07719	242
Traffic Planning & Design Inc 303 West Main St, Suite 330 Freehold, NJ 07728	237

D. Reynolds

Approved as to
Legal Form

Anthony Merlino
Assistant Township Attorney

Urban Engineers

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220 Lake Dr East, Suite 300
Cherry Hill, NJ 08002

WHEREAS, the scores were based upon the following observations:

Colliers Engineering & Design did not provide project schedule or hours, referenced no roundabout project experience, leads are municipal engineers rather than transportation engineers, included PS&E scope in proposal, reliant on NV5 for agency requirements and NEPA compliance, reference requirements for DOT approvals not applicable with Township as a direct recipient of FHWA funds, NV5 – BE, PCA (DBE), project experience focus on road widenings.

French & Parello Assoc. did not provide project schedule or hours, ROW acquisition deferred to FD, project profiles include only one Ocean County project and one Toms River street elevation, later completion date provided little cushion for completion of construction by FHWA grant deadline, (No DBE), BVE, GPI - (GSP EXIT 80-83 project experience)

Traffic Planning & Design, Inc. provided project schedule, but not estimate of hours, focused on LPE only, strong roundabout design and project experience, most of the firm’s experience is outside the area, DBE / ESBE, GEOD survey, ACT Eng, (Stantec) PCA, proposed completion of LPE in November 2022.

Urban Engineers proposed earlier start to NEPA, strong roundabout design and project experience, (DBE/ ESBE), GEOD (survey), submitted concept, Provided project schedule, but no estimate of hours, included FD and PS&E scope, Proposed March 2022 LPE completion date, PCA (DBE); and

WHEREAS, the Committee unanimously chose Urban Engineers, Cherry Hill, New Jersey, for the following reasons:

1. Best understanding of the overall project schedule. Proposed completion of LPE phase by March of 2022.
2. Best background knowledge of project area and scope based on their development of the LCD and their analysis of detours for the Huddy Park/Rt 166 bridge replacement project over the past five years.
3. Demonstrated design experience with roundabouts.
4. Familiarity with County road transportation/traffic projects as the County’s on-call transportation/traffic engineer.

WHEREAS, the Consultant Selection Review Committee has recommended that an agreement for Professional Engineering Services be awarded to Urban Engineers, Inc. on the basis of the quality of their proposal, prior experience in the project area and the cost of the same as revised per negotiation; and

WHEREAS, the solicitation and review of these proposals have been done in accordance with “Brooks” Law; and

WHEREAS, Urban Engineers, Inc. had the Number One highest ranked technical proposal; and

WHEREAS, Urban Engineers, Inc.'s fee proposal, in the amount not to exceed \$544,702.98, was within the budget established for this project; and

WHEREAS, the award of this Agreement is contingent upon FHWA concurrence and authorization to incur costs; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that a notice be published of an award of an Agreement for professional services; and

WHEREAS, the Township reserves the right to cancel this contract at any time during the contract term if said funds are not appropriated; and

WHEREAS, this Agreement shall remain in effect for the duration of the project, including modifications as approved by the FHWA; and

WHEREAS, this Agreement is awarded in compliance with the provisions of N.J.S.A. 40A:11-5(1)(a)(i) of the Local Public Contracts Law and N.J.S.A. 19:44A-20.4 et seq., the New Jersey "Pay to Play" Law.

NOW, THEREFORE, BE IT RESOLVED by the TOWNSHIP COUNCIL of the TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, as follows:

1. It hereby awards a contract to Urban Engineers, Inc. for the preliminary engineering required for the Build-18 Grant Agreement with the Federal Highway Administration of the USDOT for the project known as The Toms River Downtown Loop Road, in the total adjusted contract price of \$544,702.98.
2. The report prepared pursuant to subsection (d) of this section has been posted to the Township website more than 48 hours in advance of award of contract, and shall become part of the public record and shall reflect the final action of the governing body. Contracts shall be executed pursuant to section 14 of P.L.1971, c.198 (C.40A:11-14).
3. The clerk or secretary of the contracting unit shall publish a notice in the official newspaper of the contracting unit summarizing the award of a contract, which shall include, but not be limited to, the nature, duration, and amount of the contract, the name of the vendor and a statement that the resolution and contract are on file and available for public inspection in the Office of the Township Clerk or secretary of the municipality, county, local public authority or special district of the governing body.

4. The Mayor is hereby authorized to enter into and execute an Agreement attached hereto as Exhibit A, with **Urban Engineers, Inc.**, 220 Lake Drive, Suite 300, Cherry Hill, New Jersey 08002 for Professional Engineering Services, as more specifically set forth in that Agreement.

5. The award of this Contract is contingent upon and subject to FHWA approval. Should this approval not be granted, this Contract shall be null and void.

6. This Agreement is awarded as a professional service in accordance with N.J.S.A. 40A:11-5, as the services required in connection with this Agreement shall be provided by licensed New Jersey Professional Engineers, Land Surveyors and Planners, as defined therein.

7. Funds in the amount not to exceed \$544,702.98 are available in the following accounts:

Account No. X-99- -907-796	\$250,000.00
Account No. X-04-46-832-002	<u>\$294,702.98</u>
	Total: \$544,702.98

The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

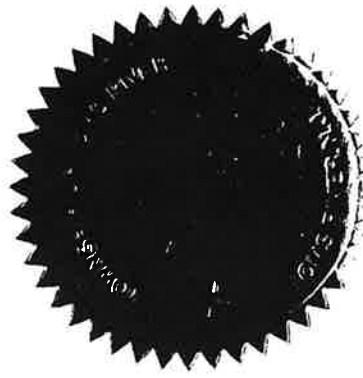
8. The contract number must be placed on all papers, documents, invoices and vouchers pertaining to said contract.

9. Copies of this Resolution, together with a copy of the Agreement, shall be maintained on file and available for public inspection in the Office of the Township Clerk during normal business hours.

10. A notice of this action shall be published once as required by law.

11. A certified copy of this Resolution shall be forwarded to Urban Engineers, Inc., and made available to the following:

- a) Mayor Maurice B. Hill, Jr.
- b) Township Administrator
- c) Township Deputy CFO
- d) Township Purchasing Agent
- e) Director of Law
- f) Assistant Township Attorney
- g) Township Engineer
- h) Township Planner



L-July 27, 2021-21

I, DESTINY REYNOLDS, DEPUTY MUNICIPAL CLERK OF THE TOWNSHIP OF TOMS RIVER, IN THE COUNTY OF OCEAN, HEREBY CERTIFY THAT THIS IS A TRUE AND EXACT COPY OF A RESOLUTION APPROVED BY THE TOWNSHIP COUNCIL AT THEIR REGULAR MEETING OF JULY 27, 2021.

Destiny Reynolds, Deputy Municipal Clerk

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, APPROVING THE SUBMITTAL OF A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE UNITED STATES DEPARTMENT OF TRANSPORTATION (USDOT) BETTER UTILIZING INVESTMENTS TO LEVERAGE DEVELOPMENT (BUILD) DISCRETIONARY GRANT PROGRAM

JUNE 12, 2018

WHEREAS, the United States Department of Transportation is accepting applications for the Better Utilizing Investments to Leverage Development (BUILD) Discretionary Grant Program; and

WHEREAS, this grant is intended to fund important and innovative projects that are difficult to fund through traditional channels; and

WHEREAS, the Township of Toms River carefully considers grant programs that assist the Township in achieving projects and programs that are priorities for the community; and

WHEREAS, the Township's 2016 Downtown Circulation Neighborhood Plan recommends the Herflicker Boulevard Loop to provide access and circulation to the Garden State Parkway; and

WHEREAS, the Herflicker Boulevard Loop would act as a resiliency measure to protect downtown Toms River from flooding by elevating the portion of the roadway between Irons Street and Highland Parkway; and

NOW, THEREFORE, BE IT RESOLVED that Township Council of the Township of Toms River, Ocean County, New Jersey, formally approves that grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to an application to the United States Department of Transportation on behalf of the Township of Toms River.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Toms River and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:

- a) Mayor Thomas F. Kelaher
- b) Township Council
- c) Business Administrator
- d) Chief Financial Officer
- e) Township Attorney
- f) Police Department
- g) Township Engineer
- h) Township Planner



- i) Ocean County Engineer
- j) U.S. Department of Transportation
- k) James M. Rutala
James M. Rutala Associates, Inc.
717 River Drive
Linwood, NJ 08221



1-June 12, 2018-13

I, DESTINY REYNOLDS, DEPUTY MUNICIPAL CLERK OF THE TOWNSHIP OF TOMS RIVER, IN THE COUNTY OF OCEAN, HEREBY CERTIFY THAT THIS IS A TRUE AND EXACT COPY OF A RESOLUTION APPROVED BY THE TOWNSHIP COUNCIL AT THEIR REGULAR MEETING OF JUNE 12, 2018.

A handwritten signature in black ink, appearing to read "D. Reynolds", is written over a horizontal line.

Destiny Reynolds, Deputy Municipal Clerk

Approved as to
Legal Form
A handwritten signature in black ink, appearing to read "Kenneth E. Fitzsimmons", is written over a horizontal line.
Kenneth E. Fitzsimmons
Township Attorney