275-26
October 13, 2026

R E S O L U T I O N

WHEREAS, on February 9, 2026, an inspection at the Short Hills Pump Station, located at 111 Old Short Hills Road, revealed an imminent health hazard due to only one pump being operational, and an imminent failure hazard of the only operational pump due to no emergency power being provided to the Short Hills Pump Station; and

WHEREAS, pursuant to N.J.S.A. 40A:11-6 and N.J.A.C. 5:34-6.1, in the case of emergencies that affect the public health, safety and welfare, any contract may be negotiated or awarded for the Township of West Orange without public advertising for bids; and

WHEREAS, pursuant to the Local Public Contracts Law, Emergency Contracts, N.J.S.A.

40A:11.6a the Municipal Engineer on February 13, 2026, notified the Purchasing Agent of the need to perform an emergency repair at the Short Hills Pump Station; and

WHEREAS, to expedite the work and to perform the emergency repair of the Short Hills Pump Station to protect public health and safety an emergency contract shall be issued to CFM Construction, Inc. (the "Contractor"), as they are familiar with the required improvements and are readily available to perform the emergency work; and

WHEREAS, the Contractor provided an estimate for the emergency services in the amount of $880,000.00; and

WHEREAS, no payments may be made in advance of services pursuant to N.J.S.A. 40A:5-16; and

WHEREAS, the Contractor submitted an invoice dated September 29, 2026 for the emergency repair work already completed, in the amount of $202,600.00; and

WHEREAS, the Contractor will continue to submit invoices for payment as the emergency repair work is completed; and

WHEREAS, the Municipal Engineer by letter dated June 23, 2026 recommends paying the costs of this emergency work; and

WHEREAS, the Township is fully compliant with the statutory requirements set forth in N.J.S.A. 40A:11-6; and

WHEREAS, sufficient funds exist for this work; and

WHEREAS, the Township Council concurs in the foregoing.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of West Orange that the Mayor is hereby authorized to execute an emergency contract, in a substantially similar form as attached hereto as "Exhibit A", subject to Township Attorney review, to compensate CFM Construction, Inc. for the emergency repair of Short Hills Pump Stations pursuant to N.J.S.A. 40A:11-6 and N.J.A.C. 5:34-6.1, in an amount not to exceed $880,000.00, as itemized bills and invoices are received in accordance with Section 5 "Payment," of the Agreement; and

BE IT FURTHER RESOLVED that this work is being performed pursuant to the provisions of the Local Public Contracts Law, Emergency Contracts, N.J.S.A. 40A:11-6 as the work is required to protect public health and welfare; and

BE IT FURTHER RESOLVED, that the Contractor's invoice dated September 28, 2026 in the amount of $202,600.00 shall be paid within 30 days; and

BE IT FURTHER RESOLVED, that the Contractor shall submit additional invoices as the emergency repair work is completed; and

BE IT FURTHER RESOLVED, that the Mayor, Township Clerk, and other appropriate Township officials are hereby authorized to take any and all required actions to carry out this contract as set forth herein; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer has certified that the funds are available in the budget in the amount of $880,000.00 for the payment of this emergency contract within thirty (30) days of the receipt and approval of itemized bills and vouchers.

Karen J. Carnevale, RMC
Municipal Clerk

Susan Scarpa, Council President

Adopted: October 13, 2026

I certify funds are available for this work from Account No.: **2026 Capital Account**
$880,000.00

John Ditinyak, Chief Financial Officer