

LFN 2012-29

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Local Finance Notice

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Distribution

Municipal Clerks
County Clerks
Chief Financial Officers
All Local Contracting Units

Hurricane Sandy-7

Local Finance Notice 2012-22 (October 29, 2012) outlined procedures for adopting emergency appropriations and financing same, and briefly reminded local units of their emergency procurement powers. This notice provides further clarification of these procedures.

Emergency Appropriations/Financing Update

If your municipal budget has been adopted, N.J.S.A. 40A:4-54 provides that the municipality may adopt a resolution authorizing a special emergency appropriation to cover the cost of the extraordinary expense for the repair, reconstruction of streets, roads or bridges, or other public property damaged by flood or hurricane where such expense was not foreseen at the time of the adoption of the budget. N.J.S.A. 40A:4-55 sets forth the procedure to use special emergency notes to fund the emergency and further provides that at least 1/5 of all such notes shall mature and be paid in each year.

The Director of the Division of Local Government Services will consider all costs related to the repair, reconstruction of streets, roads or bridges and other public property that restores access to the municipality as allowable "costs of extraordinary expense." Costs incurred by a local unit's Department of Public Works for clearing debris and sand likewise will qualify under 40A:4-54. Emergency management and public safety costs reasonably connected with action directed to keeping roads and public property safe will also be allowed under this provision.

If a major capital improvement is necessary as a consequence of Hurricane Sandy, the emergency provision allows the immediate expenditure of funds. The emergency (deferred charge) can then be funded by passage of a bond ordinance that spreads payment over the life of the improvement. The Local Finance Board will approve requests to waive the down payment requirement for these emergency improvements. Local units must file applications to the Board; however, the applications will be included for approval on the Board's consent agenda.

Because Governor Chris Christie declared a State of Emergency in response to Hurricane Sandy, local units may exclude from the 2010 levy cap and 1977 appropriation cap all costs reasonably connected with this event.

Emergency Procurement Update

*** N.J.S.A. 40A:11-6 (and 18A:18A-7) sets forth the authority for emergency procurement powers in limited situations. 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. ***

FEMA

Please note that FEMA will require you to follow the procurement procedures contained in your approved Emergency Operation Plan (EOP) in order to be reimbursed. If your emergency operations team does not include a procurement professional (e.g., purchasing agent, CFO, etc.), you should consider including a procurement professional in purchasing decisions so that all purchases are properly reviewed for compliance with law and are documented for purposes of FEMA reimbursement and future audit.

“Pay-to-Play”

Typically, an emergency procurement report must be filed within 30 days when public agencies experience an emergency that justifies the immediate delivery of goods or services and in doing so, are unable to comply with the “Pay-to-Play” provisions of N.J.S.A. 19:44A-20.4, et seq. (see N.J.S.A. 19:44A-20.12). However, because Governor Chris Christie formally declared a State of Emergency, you are not required to file an emergency procurement report with the Division of Local Government Services.

Emergency State Contracts

The NJ Division of Purchase and Property in the Department of Treasury has issued new State Contracts in response to the emergency. For more information, please visit: www.state.nj.us/treasury/purchase. The Department of Treasury has also created a unified Hurricane Sandy Information web page: <http://www.state.nj.us/treasury/news-sandy.shtml>

Appendix A of this notice is a compiled list of storm response related State Contracts for your easy reference.

Approved: Thomas H. Neff, Director.

Appendix A

Contracts procured by the Division of Purchase & Property which we hope to be of assistance to our towns, cities, counties and other local partners. Please note that contracts DPP procured or amended during and after Hurricane Sandy to provide DPP's partners with relief are marked with an asterisk(*).

Term Contract	Title	Vendor	Contract #	Commodity
G8025	ADA COMPLIANT SHOWER TRAILER	COMFORTS OF HOME SERVICE INC	80328	Shower Trailers
G2002	MEALS READY TO EAT (MRE)	INNOTECH PRODUCTS LTD	80042	Heater Meals
G8019	EMERGENCY COMMODITIES STOCKPIL	AQUA BLOX LLC	79643	Water, Bottled & Liter Boxes
S0002	BOTTLED WATER/COOLER RENTAL	NESTLE WATERS NORTH AMERICAN	77250	Bottled Water & Water Cooler Rental
T0002	BOTTLED WATER/COOLER RENTAL STATE OF NEW JERSEY (REBID)	DS WATERS OF AMERICA INC	74666	Bottled Water & Water Cooler Rental

Misc. Industrial, MRO and Shelter Supplies

M0002	INDUSTRIAL/MRO SUPPLIES & EQUIP	FASTENAL COMPANY	79873	Tools, Shelter Supplies, Cots, Blankets, etc.
	INDUSTRIAL/MRO SUPPLIES & EQUIP	MSC INDUSTRIAL SUPPLY CO INC	79874	Tools, Shelter Supplies, Cots, Blankets, etc.
	INDUSTRIAL/MRO SUPPLIES & EQUIP	W W GRAINGER INC	79875	Tools, Shelter Supplies, Cots, Blankets, etc.
M8001	*Building Supplies	Lowes Home Improvement Stores	82951	All items sold in walk-in stores

Generators

G4000	CERTIFIED MOBILE GENERATORS	GENERATOR JOE INC	81269	Commercial and Industrial Generators
T2710	EMERGENCY GENERATOR PURCHASE, REPAIR SERVICE, MAINT. &	WARSHAUER ELECTRICAL SUPPLY	76607	Commercial, Industrial Generators & Repair Services

	INSTALLATION (NJDOT)			
	EMERGENCY GENERATOR PURCHASE, REPAIR SERVICE, MAINT. & INSTALLATION (NJDOT)	SBP INDUSTRIES	76609	Commercial, Industrial Generators & Repair Services
	EMERGENCY GENERATOR PURCHASE, REPAIR SERVICE, MAINT. & INSTALLATION (NJDOT)	ON SITE ENERGY CO INC	76608	Commercial, Industrial Generators & Repair Services
	EMERGENCY GENERATOR PURCHASE, REPAIR SERVICE, MAINT. & INSTALLATION (NJDOT)	FM GENERATOR INC	76605	Commercial, Industrial Generators & Repair Services
T2732	MAINT/REPAIR & REPLACEMENT SVCS-PORTABLE COMMERCIAL MOBIL GENERATOR (STATEWIDE)	EMERGENCY EQUIPMENT SALES	78057	Commercial, Industrial Generators & Repair Services

Fuel Oil and Gasoline Suppliers - Note Fuel Oil Contractors may also be able to provide gasoline

T0077	FUEL OIL #2 - HEATING	PEDRONI FUEL	81391	Fuel
	FUEL OIL #2 - HEATING	FINCH FUEL OIL CO INC	81397	Fuel
	FUEL OIL #2 - HEATING	TAYLOR OIL CO INC	81392	Fuel
	FUEL OIL #2 - HEATING	ALLIED OIL LLC	81399	Fuel
	FUEL OIL #2 - HEATING	RIGGINS INC	81390	Fuel

	FUEL OIL #2 - HEATING	RACHLES MICHELE OIL CO INC	81398	Fuel
	FUEL OIL #2 - HEATING	NATIONAL TERMINAL INC	81396	Fuel
	FUEL OIL #2 - HEATING	SPRAGUE ENERGY CORP	81389	Fuel
	FUEL OIL #2 - HEATING	MAJOR PETROLEUM INDUSTRIES	81393	Fuel
	FUEL OIL #2 - HEATING	J SWANTON FUEL OIL CO INC	81394	Fuel
T0078	FUEL OIL NO. 4 & 6	HESS	74182	Fuel

		CORPORATION		
	FUEL OIL NO. 4 & 6	ISOBUNKERS LLC	74183	Fuel
T0083	GASOLINE, AUTOMOTIVE	PEDRONI FUEL	80910	Fuel

Tree Services

T0465	TREE TRIMMING, PRUNING & REMOVAL SERVICES	RICH TREE SERVICE INC	80902	Tree Removal / Trim Services
	TREE TRIMMING, PRUNING & REMOVAL SERVICES	PETERS TODD INC	80904	Tree Removal / Trim Services
	TREE TRIMMING, PRUNING & REMOVAL SERVICES	NELSON TREE SERVICE INC	80906	Tree Removal / Trim Services
	TREE TRIMMING, PRUNING & REMOVAL SERVICES	TUFF GREENS LLC	80903	Tree Removal / Trim Services
	TREE TRIMMING, PRUNING & REMOVAL SERVICES	ASPLUNDH TREE EXPERT CO	80905	Tree Removal / Trim Services
	TREE TRIMMING, PRUNING & REMOVAL SERVICES	BECKERS TREE SERVICE	80907	Tree Removal / Trim Services

Technical Assistance & Recovery Services

T2686	TECHNICAL ASSISTANT CONTRACTOR PUBLIC ASSISTANCE/FEMA PROGRAM SERVICES	OBRIENS RESPONSE MANAGEMENT	78189	Public Assistance & FEMA Program Services
	TECHNICAL ASSISTANT CONTRACTOR-PART "B" PUBLIC ASSISTANCE/FEMA PROGRAM SERVICES	LOUIS BERGER GROUP INC	80768	Public Assistance & FEMA Program Services

Rentals

G8033	*Equipment Rentals	Hertz Equipment Rentals	83005	Various Equipment for Rental
	*Equipment Rentals	Sunbelt Rentals	83006	Various Equipment for Rental
	*Equipment Rentals	United Rentals	83007	Various Equipment for Rental

Debris Removal

T2619	*NJDOT SOLID WASTE DISPOSAL/RECYCLING	Cemco Inc.	71702	Hazard waste pick-up and removal
T2435	*NJDEP EMERGENCY RESPONSE SERVICES TERM CONTRACT - STATEWIDE	CLEAN VENTURE INC	76496	Hazard waste pick-up and removal
	*NJDEP EMERGENCY RESPONSE SERVICES TERM CONTRACT - STATEWIDE	KENS MARINE SERVICE INC	76497	Hazard waste pick-up and removal
	*NJDEP EMERGENCY RESPONSE SERVICES TERM CONTRACT - STATEWIDE	ATLANTIC RESPONSE INC	76499	Hazard waste pick-up and removal

General Trash Hauling - need to check county/counties awarded each vendor

T2665	REFUSE HAULING SERVICES AND Container Rental - Statewide	CARNEVALE DISPOSAL CO INC	77544	General Trash Hauling Services and Container Rental
	REFUSE HAULING SERVICES AND Container Rental - Statewide	CENTRAL JERSEY WASTE & Recycling	77547	General Trash Hauling Services and Container Rental
	REFUSE HAULING SERVICES AND Container Rental - Statewide	GARY W GRAY TRUCKING INC	77542	General Trash Hauling Services and Container Rental
	REFUSE HAULING SERVICES AND Container Rental - Statewide	GRINNELL RECYCLING INC	77545	General Trash Hauling Services and Container Rental
	REFUSE HAULING SERVICES AND Container Rental - Statewide	INTEGRATED WASTE SYSTEMS INC	77548	General Trash Hauling Services and Container Rental
	REFUSE HAULING SERVICES AND Container Rental - Statewide	REPUBLIC SERVICES OF NJ LLC DBA Raritan Valley Disposal	77550	General Trash Hauling Services and Container Rental
	REFUSE HAULING SERVICES AND Container Rental - Statewide	TRI STATE CARTING INC	77546	General Trash Hauling Services and Container Rental

	REFUSE HAULING SERVICES AND Container Rental - Statewide	WASTE MANAGEMENT OF NEW JERSEY	77549	General Trash Hauling Services and Container Rental
	REFUSE HAULING SERVICES AND Container Rental - Statewide	WOOLSTON COMPANY Waste & Recycling Services	77543	General Trash Hauling Services and Container Rental