

**REQUEST FOR PROPOSALS
TO PROVIDE SITE INVESTIGATION SERVICES FOR
399 ORANGE ROAD
(FORMER SOUTH END PYRAMID GASOLINE STATION)**

Prepared by the
TOWNSHIP OF MONTCLAIR
New Jersey

March 29, 2011

PART I.
INSTRUCTIONS TO PROPOSERS

1.0 PURPOSE

The purpose of this Request for Proposals is to obtain the services of a qualified professional to provide site investigation services associated with implementing the Site Investigation Work Plan approved by the NJDEP for the former South End Pyramid gasoline station at 399 Orange Road in Montclair Township. A copy of the approved Site Investigation Work Plan is attached hereto as Attachment C.

2.0 BACKGROUND INFORMATION

The Township of Montclair requests proposals from environmental consultants who have the professional skills required to conduct a Site Investigation as outlined in the Site Investigation Work Plan approved by the New Jersey Department of Environmental Protection. This Site Investigation is grant-funded through the NJ Hazardous Discharge Site Remediation Fund (HDSRF) program.

The subject property address is 399 Orange Road. It contains 5,284 square feet located at the intersection of Orange Road and Pleasant Way and is designated as Lot 57 in Block 3904. The former occupant was the South End Pyramid Service Station; the site has been inactive for several years.

The Township seeks an environmental consultant with experience in conducting site investigations as well as experience with the New Jersey Hazardous Discharge Site Remediation Fund.

3.0 DUTIES AND RESPONSIBILITIES

The duties and responsibilities of the contracting party shall be to perform the services described in the Site Investigation Work Plan attached hereto as Attachment C.

4.0 COMPENSATION

The contracting party shall be paid a fixed sum, as proposed by the proposer and accepted by the Township.

5.0 PROCEDURE FOR RESPONDING TO REQUEST FOR PROPOSALS

The original and four (4) copies of responses to this Request for Proposals must be delivered to the Township Purchasing Agent, Township of Montclair, 205 Claremont Avenue, 3rd Floor, Montclair, New Jersey 07042 no later than **4:00 p.m. on April 15, 2011**. All proposals shall be provided in a sealed envelope with the title "RFP— 399 ORANGE ROAD SITE INVESTIGATION" clearly marked on the envelope. Late submissions will not be accepted. It is recommended that all proposals be hand-delivered. The Township assumes no responsibility for delays in any form of carrier, mail or delivery service causing the proposal to be received after the above-referenced due date and time. Submissions by

e-mail, fax or telephone are not permitted. All proposals will become the property of the Township of Montclair and will not be returned.

6.0 QUESTIONS/INQUIRIES REGARDING REQUEST FOR PROPOSALS

Any request or inquiry regarding this Request for Proposals must be made by fax or e-mail to the Township Planning Director, 973-509-4953, FAX 973-509-4943, italley@montclairnjusa.org.

7.0 ADDENDA/SUPPLEMENTS TO REQUEST FOR PROPOSALS

If it becomes necessary to revise any part of this Request for Proposals or if additional information is required to enable an exact interpretation of provisions of this Request for Proposals, revisions will be provided to all individuals/firms who received or requested this Request for Proposals.

8.0 SELECTION PROCESS - EVALUATION CRITERIA

All proposals submitted in response to this Request for Proposals will be evaluated by the Township Manager in accordance with the evaluation criteria and methodology described in this Request. The Township Manager shall prepare a report to the Township Council evaluating the proposals and recommending the award of a contract. The Township Council shall make the final decision regarding the award of a contract.

8.1 MANDATORY REQUIREMENTS

The following requirements are mandatory. The failure to comply with any of these requirements may result in the Township rejecting the proposal and disqualifying the proposer from further consideration.

- A. All proposers must have a minimum of three (3) years experience in conducting site investigations.
- B. All proposals must describe the proposer's familiarity with NJDEP regulations and demonstrate that the proposer has obtained all required NJDEP technical training.
- C. All proposers must demonstrate direct experience in undertaking projects funded through the NJ Hazardous Discharge and Site Remediation Fund (HDSRF) program.

8.2 EVALUATION CRITERIA

Proposals meeting the requirements of this Request will be evaluated according to the following criteria and Attachment B attached hereto:

- A. Qualifications/Experience including experience with HDSRF projects.
- B. Professional Record/Reputation
- C. Operational Capacity

The points stated above for each category identified shall be the maximum amount awarded for each category. References provided by proposers may be contacted by the Township.

9.0 MISCELLANEOUS REQUIREMENTS

9.1. The Township of Montclair will not be responsible for any expenses incurred in preparing and submitting a proposal. All proposals shall provide a straightforward, concise delineation of the proposer's capabilities to satisfy the requirements of this Request of Proposals with an emphasis should be on completeness and clarity of content.

9.2. The contents of the proposal submitted by the successful individual will become part of the Township Council resolution awarding this contract and subject to public inspection as may be permitted by the laws of the State of New Jersey.

9.3. Proposals shall be signed in ink by the party submitting the proposal.

9.4. The Township reserves the right, without prior notice, to supplement, amend or otherwise modify this request for proposals and to request additional information. No proposal shall be deemed accepted until adoption of a resolution by the Township Council.

9.5. All proposals shall remain firm for at least sixty (60) days.

PART II

PROPOSAL REQUIREMENTS

Proposers are required to submit proposals according to the specifications and requirements described in this RFP.

10. FORMAT

To assure consistency, proposals must conform to the following format. All sections must be addressed and specifically referenced in the proposal:

Cover Letter

Table of Contents

Section A - Proposal - see Attachment B.

Section B - Resume

Section C - Qualifications and Experience

Section D - Professional Record and Reputation

Section E - Operational Capacity

Section F – Cost proposal

Section G - Other Information not requested elsewhere in the RFP and deemed necessary by the proposer.

Section H - List of References (minimum of three)

Section I – Required forms and certificates.

12.0 EXPLANATION OF PROPOSAL CONTENT

The first page of your proposal following the cover letter and table of contents must be the identification page attached hereto as Attachment A or one that has the same information in a similar format. The following information explains what is expected in each of the major sections:

SECTION A – PROPOSAL. A proposal presenting the scope of services to be provided, as outlined in the Site Investigation Work Plan, must be provided. The proposal must also include the preparation of a Health and Safety Plan.

SECTION B – RESUME. Provide a resume or resumes of individuals who will be assigned to this work, including office address and any special training or expertise.

SECTION C - QUALIFICATIONS AND EXPERIENCE. The proposer must provide information about its experience and qualification to perform the specified services required by the Township. The proposer shall describe the experience and capability of the organization and describe the education, capabilities and experience of the organization's employees and the capabilities and experience of the organization's principals. This section must detail the proposer's experience in completing projects funded through the HDSRF program.

SECTION D - PROFESSIONAL RECORD AND REPUTATION. The proposer should disclose and discuss any municipalities or other governmental entities, agencies, boards or commissions for whom the proposer currently provides services or has provided services in the past, and any acknowledgments, awards or commendations received in recognition of the proposer's services or contributions to the community or agency served.

SECTION E - OPERATIONAL CAPACITY. Discuss the proposer's employees and other staff and its administrative capabilities to perform the duties and responsibilities described in this Request.

SECTION F – COST PROPOSAL. The proposer should include a detailed cost proposal covering the items included in the site investigation work plan, including a Health and Safety Plan.

SECTION G - OTHER INFORMATION. This section is for any other pertinent information not required elsewhere in this Request which the proposer wishes to provide.

SECTION H - PROFESSIONAL REFERENCES. The proposer must provide at least three (3) professional references, one of whom shall be, if available, an elected or appointed governmental official.

SECTION I – REQUIRED FORMS AND CERTIFICATIONS. Any contract entered into with

the Township of Montclair must be in accordance with and is subject to compliance with all relevant State and Federal laws including the New Jersey Local Public Contracts Law. All proposals must include a Business Registration Certificate, a completed Business Entity Disclosure Certificate, Political Contribution Disclosure Certificate and Affirmative Action Disclosure form. Copies of these forms are provided in Attachment D.

ATTACHMENTS

ATTACHMENT A: IDENTIFICATION PAGE

- A. Name of Proposer:
- B. Primary Location: [Street]
[City, State, Zip]
[County]
[Telephone]
[Fax]
[E-mail]

ATTACHMENT B:

Proposal Evaluation Criteria and Weighting

Proposals submitted under this RFP will be evaluated under competitive contracting procedures of the New Jersey Local Public Contracts Law and Regulations. Contracts will be awarded to the vendor receiving the highest evaluation by the Township under the scoring system set forth below, with the maximum total score being 100 points.

1. General and Technical Criteria (30 points)

- a. Relevant experience in management and administration of site investigations.
- b. History of reliability and timely delivery of services.
- c. Clear understanding of the scope of work, operating guidelines and principles, and related objectives.
- d. Experience of staff and other personnel in performing similar work and, if applicable, experience of subcontractors.
- e. Records of utilization of business capabilities or initiatives that involve women, the disabled, and small and/or minority-owned business establishments.
- f. Cultural sensitivity in hiring and training staff.

2. Financial and Organizational Criteria (30 points)

- a. Qualification and experience of personnel who will be involved in performing the contract services. (All proposals must include resumes of staff and other members of the vendor's organization).
- b. Does the vendor have sufficient financial resources to meet the obligations of this contract throughout the life of the contract?
- c. Has the vendor provided a realistic budget and financial forecast?

3. Ability to Commit Resources and Personnel (20 points)

- a. What personnel and resources does the vendor have available to service this contract? Is this availability documented?
- b. To what extent does the vendor rely on in-house resources versus

contracted resources? Does the vendor have a good working relationship with outside contractors?

4. Cost Criteria (20 points)

- a. The total financial cost to the Township as compared to other proposals and in conjunction with fees charged to users.
- b. Is the proposed fee and its component charges, etc. adequately explained or documented?

ATTACHMENT C:
Site Investigation Work Plan

SITE INVESTIGATION WORKPLAN

**FORMER SOUTHEND PYRAMID SITE
399 ORANGE ROAD
BLOCK 3904; LOT 57
MONTCLAIR, NEW JERSEY 07042**

NJDEP BUST CASE NO. 00-12-04-1517-57

Prepared for:

**Joseph Hartnett, Manager
Township of Montclair
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Montclair, NJ 08042**

Prepared by:

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January 2009

SITE INVESTIGATION WORKPLAN
FORMER SOUTHEND PYRAMID SITE
399 ORANGE ROAD
BLOCK 3904; LOT 57
MONTCLAIR, NEW JERSEY 07042

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SITE INVESTIGATION WORKPLAN
FORMER SOUTHEND PYRAMID SITE
399 ORANGE ROAD
BLOCK 3904; LOT 57
MONTCLAIR, NEW JERSEY 07042

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SITE INVESTIGATION WORKPLAN
FORMER SOUTHEND PYRAMID SITE
399 ORANGE ROAD
BLOCK 3904; LOT 57
MONTCLAIR, NEW JERSEY 07042

1.0 INTRODUCTION

Viridian® Inc., Environmental Consultants, Inc. (Viridian) has prepared this *Site Investigation Workplan (SIW)* for the former Southend Pyramid Service Station (Southend) facility, located at 399 Orange Road in Montclair, Essex County (Figure 1) on behalf of the Township of Montclair, the property owner. Montclair has entered into a Memorandum of Agreement (MOA) with the NJDEP (the Department) to conduct site remediation activities in preparation for redevelopment of the property. The Township has obtained a grant from the NJDEP's *Hazardous Discharge Site Remediation Program (HDSRF)* to conduct a Preliminary Assessment and Site Investigation.

There is one building on the site; a 30 foot by 45 foot masonry-on-slab building (Figure 2) built in the mid-1960s. It was always used as a gasoline filling station and automobile service facility until cessation of activities in 2000. The facility included two 5,000-gallon gasoline USTs and one 550-gallon waste oil UST (registered NJDEP UST Facility ID #328809). The facility also used one aboveground storage tank (AST) of unknown capacity within the service bay area for waste oil and one additional AST of unknown capacity for on-site heating oil use.

In December 2000, two 5,000-gallon gasoline USTs, their associated piping and dispenser-island, and one 550-gallon waste oil UST were removed by P&D Environmental Services (P&D) under contract to the former owner. At that time, a discharge from one of the gasoline USTs was observed and the NJDEP was notified; Case No. 00-12-04-1517-57 was assigned. Remediation of soil was not undertaken at that time, but post UST removal soil samples were collected. The results indicated Volatile Organic Compounds (VOCs) in excess of the NJDEP's most stringent soil cleanup criteria (MSSCC), including benzene, ethylbenzene, xylenes, MTBE, and naphthalene beneath the former gasoline USTs at depths of 8.0-8.5 feet. Additionally, elevated MTBE was reported in soil beneath the former piping running from the dispenser island area at a depth of 1.5-2.0 feet.

Two samples collected beneath the waste oil UST contained Total Petroleum Hydrocarbons (TPHC) in excess of 100 ppm; however, due to holding times being exceeded, additional required analyses for Priority Pollutants (PP+40) were not conducted. P&D documented their results in a report entitled "*Remedial Investigation Report and Underground Storage Tank Removal*", dated August 20, 2001 and submitted it to the NJDEP. Results of P&D's sampling are summarized in Figure 3 of

this SIW and a copy of P&D's report is included as Appendix D in Viridian's January 2009 PAR.

The NJDEP responded to P&D's report in a letter dated November 20, 2001 (see Appendix I in Viridian's January 2009 PAR). The Department required additional soil remediation/delineation of the impacted soils, additional analyses beneath the former waste oil UST location, additional sampling beneath the former piping/pump island area, performance of a Baseline Ecological Evaluation (BEE), and a ground water investigation (including a receptor evaluation, should ground water contamination be confirmed).

In May 2004, P&D, under contract to a potential purchaser (399 Orange Road, LLC), conducted additional investigative activities. These activities included delineation of impacted soil in the vicinities of the former gasoline USTs and the dispenser-island, collection of samples beneath the former waste oil UST for the additional required analyses, and collection of a ground water sample. The analytical results did not identify any VOCs in excess of the MSSCC in the vicinity of the former gasoline USTs or piping/pump island, and delineation appeared to be completed with the exception of vertical delineation of MTBE beneath the former piping run. The sample from beneath the waste oil UST did not contain exceedances of PP Metals, PCBs or VOCs, but was still not analyzed for base neutral compounds (BNCs).

Bedrock was reported by P&D to be at a depth of 12.5 feet beneath the former gasoline UST area but ground water was not encountered. P&D also reported apparent perched ground water was encountered beneath the former waste oil UST at a depth of 7.8 feet; a ground water sample was collected from beneath the former waste oil UST from a temporary well installed for that purpose. Analytical results of the water sample showed no NJDEP Ground Water Quality Standards (GWQS) exceedances for either VOCs or BNCs. P&D summarized their activities in a letter report entitled "*Site Investigation Letter*" (Appendix E in Viridian's January 2009 PAR). Results of P&D's sampling are shown on Figure 3 of this SIW.

Subsequent site inspections by Atlantic Environmental Solutions, Inc. (AESI) on behalf of a another potential purchaser (Bittan McKay), identified the following areas of concern (AOCs) at the site and proposed remedial actions to address the AOCs: one (1) waste oil AST; one (1) heating oil AST; stained surface soils near the northwest corner of the building; one (1) intact hydraulic lift with two (2) subsurface cylinders; one (1) disassembled hydraulic lift with a subsurface concrete block holding area; and one (1) pit that was reported to be a waste oil separator (Appendix E).

Excavation of impacted soil in the area of the former gasoline USTs was authorized by the purchaser and occurred in late 2004. Additionally, the ASTs were removed, the stained soils excavated and the "intact" hydraulic lift and cylinders were removed. A report documenting the results of those efforts is not available, nor was one submitted to the NJDEP. A December 22, 2004 letter from AESI to their client, a copy of which is included in Appendix F of Viridian's PAR, summarized the results and stated that 161.65 tons of impacted soil were removed from beneath the former gasoline UST area. At its deepest, the excavation was 18 feet deep beneath the former tanks. Bedrock was reported by AESI to be at 20 feet. One post-remediation sample collected at 18 feet contained BTEX compounds that exceeded the MSSCC.

The excavation was backfilled, apparently with clean fill although no documentation is available. Post remediation results are not available. Similarly, results are not available for any activities that may have been undertaken inside the building to remove the hydraulic lift and stained soils. The oil collection pit is still present, so no remediation was undertaken in that area. No disassembled lift/concrete block holding area was observed in our inspections. The areas where soil remediation was undertaken are approximated on Figure 4 of this report.

2.0 PHYSICAL SETTING

2.1 Site Description

The subject site, a former gasoline filling and automobile service station, is located at 399 Orange Road (Block 3904, Lot 57), Montclair, Essex County, New Jersey (Figure 1). The property encompasses approximately 0.12 acres and has dimensions of 60 feet by 90 feet. There is one building on the site; a 30 foot by 45 foot masonry-on-slab building built in the mid-1960s (Figure 2).

The facility included two 5,000-gallon gasoline USTs and one 550-gallon waste oil UST (registered NJDEP UST Facility ID #328809). The facility also used one AST of unknown capacity within the service bay area for waste oil and one additional AST of unknown capacity for on-site heating oil use. The existing building contains two service bays; one of which is underlain by an oil collection trench; the other contained a hydraulic lift.

The area along Orange Road has mixed commercial/residential use; the properties immediately east and north are residential. The site is presently zoned for residential uses. It lies at an approximate elevation of 220 feet above mean sea level (msl) and slopes moderately south-southeast. A small creek lies about 600 to 650 feet to the east-southeast and crosses beneath Pleasant Way.

2.2 Site History

The former Southend facility has been inactive and owned by the Township of Montclair since December 13, 2002 when it was acquired through foreclosure due to unpaid property taxes. From 1986 through 2002, the property was owned and operated by Larry Edwards as Southend Pyramid Service or Larry's Service (Citgo). For an unknown length of time up to 1986 the property was operated by Larry Edwards but owned by Lourie Hannah.

Sanborn Insurance Maps show that prior to the present structure being constructed in the mid-1960s, the southern two-thirds of the site was occupied by a former gas station building and "ice house" (Appendix B in Viridian's January 2009 PAR). Additionally the present site now includes a narrow lot to the north (397 Orange Road) which was occupied by a store in the 1934 and 1951 maps. The 1907 Sanborn map shows the area as being undeveloped. The former gas station building shown in 1934 and 1951 maps was located about halfway between the present building and Orange Road. One

of the buildings, a former ice house, lies beneath the footprint of the current building. Two gasoline tanks (not previously documented) are shown as part of the earlier service station operation and may still be in place.

2.3 Geology

The site is located in the Piedmont physiographic province, which is characterized by a sequence of irregularly bedded Devonian-aged reddish sandstone and shale of the Passaic Formation that dip gently to the northwest. These older sequences are generally overlain by Pleistocene glacial sediments. Soils reportedly encountered by P&D during excavating activities were described as dark brown to gray silty, sandy fill or glacial material in the upper four feet, and reddish-brown very clayey, silty fine sand. Bedrock (not described) was encountered by AESI at a depth of 20 feet in the area of the removed gasoline USTs.

2.4 Hydrogeology

An isolated zone of shallow, perched ground water was encountered by P&D at a depth of 7.8 feet beneath the waste oil UST; however it was not encountered beneath the gasoline USTs. Depth to ground water is likely greater than 20 feet beneath the site and within bedrock.

3.0 SUMMARY OF PREVIOUS ENVIRONMENTAL ACTIVITIES

3.1 UST Removals (December 2000)

In December 2000, two 5,000-gallon gasoline USTs, their associated piping and dispenser-island, and one 550-gallon waste oil UST were removed by P&D under contract to the former owner. At that time, a discharge from one of the gasoline USTs was observed and the NJDEP was notified; Case No. 00-12-04-1517-57 was assigned. Remediation of soil was not undertaken at that time, but post-UST removal soil samples were collected. The results indicated VOCs in excess of the NJDEP's MSSCC, including benzene, ethylbenzene, xylenes, MTBE and naphthalene beneath the former gasoline USTs at depths of 8.0-8.5 feet. Additionally, elevated MTBE was reported in soil beneath the former piping running from the dispenser island area at a depth of 1.5-2.0 feet.

Two samples collected beneath the waste oil UST contained TPHC in excess of 100 ppm; however, due to holding times being exceeded, additional required analyses for PP+40 were not conducted. P&D documented their results in a report entitled "*Remedial Investigation Report and Underground Storage Tank Removal*", dated August 20, 2001 and submitted it to the NJDEP. Results of P&D's sampling are shown in Figure 3 of this SIW and a copy of P&D's report is included as Appendix D in Viridian's January 2009 PAR.

The NJDEP responded to P&D's report in a letter dated November 20, 2001 (see Appendix I in Viridian's January 2009 PAR). The Department required additional soil remediation/delineation of the impacted soils, additional analyses beneath the former waste oil UST location, additional sampling beneath the former piping/pump island area, performance of a BEE, and a ground water investigation (including a receptor evaluation, should ground water contamination be confirmed).

3.2 Site Investigation (May 2004)

In May 2004, P&D, under contract to a potential purchaser (399 Orange Road, LLC), conducted additional investigative activities. These activities included delineation of impacted soil in the vicinities of the former gasoline USTs and the dispenser-island, collection of samples beneath the former waste oil UST for the additional required analyses, and collection of a ground water sample. The analytical results did not identify any VOCs in excess of the MSSCC in the vicinity of the former gasoline USTs or piping/pump island and delineation appeared to be completed with the exception of

vertical delineation of MTBE beneath the former piping run. The sample from beneath the waste oil UST did not contain exceedances of PP Metals, PCBs or VOCs, but was still not analyzed for BNCs.

Bedrock was reported by P&D to be at a depth of 12.5 feet beneath the former gasoline UST area, but ground water was not encountered. Apparent perched ground water was encountered beneath the former waste oil UST at a depth of 7.8 feet; a ground water sample was collected from a temporary well. Analytical results of the water sample showed no GWQC exceedances for either VOCs or BNCs. P&D summarized their activities in a letter report entitled "*Site Investigation Letter*" (Appendix E). Results of P&D's sampling are summarized on Figure 3 of this SIW.

3.3 Soil Remediation/Lift and AST Decommissioning (November 2004)

Subsequent site inspections by Atlantic Environmental Solutions, Inc. (AESI) on behalf of a another potential purchaser (Bittan McKay), identified the following AOCs at the site and proposed remedial actions to address the AOCs: one (1) waste oil AST; one (1) heating oil AST; stained surface soils near the northwest corner of the building; one (1) intact hydraulic lift with two (2) subsurface cylinders; one (1) disassembled hydraulic lift with a subsurface concrete block holding area; and one (1) pit that was reported to be a waste oil separator (Appendix E in Viridian's January 2009 PAR).

Excavation of impacted soil in the area of the former gasoline USTs was authorized by the purchaser and occurred in late 2004. Additionally, the ASTs were removed, the stained soils excavated and the "intact" hydraulic lift and cylinders were removed. Unfortunately a report documenting the results of those efforts is not available, nor was one submitted to the NJDEP. A December 22, 2004 letter from AESI to their client, a copy of which is included in Appendix F of Viridian's PAR, summarized the results and stated that 161.65 tons of impacted soil were removed from beneath the former gasoline UST area. At its deepest, the excavation was 18 feet deep beneath the former tanks. AESI reported bedrock was at 20 feet. One post-remediation sample collected at 18 feet contained BTEX compounds which exceeded the MSSCC.

The excavation was backfilled, apparently with clean fill although no documentation was available. Post remediation results are not available. Similarly, results are not available for any activities that may have been undertaken inside the building to remove the hydraulic lift and stained soils. The oil collection pit is still present, so no remediation was undertaken in that area. No disassembled lift/concrete block holding area was

observed. The areas where soil remediation was undertaken are approximated on Figure 4 of this report.

3.4 AOC Summary

Based on Viridian's review of previous reports and documents for the PAR, the following AOCs, shown on Figure 4, were identified. Descriptions of each AOC are provided below.

AOC A: Former Gasoline UST Excavation

This AOC includes two former 5,000-gallon gasoline USTs, a dispenser island and associated underground piping. As described above, several phases of activity were conducted in this area, including removal of more than 160 tons of impacted soil. Documentation of post-remediation samples and backfill source(s) are not available for the work done in 2004. A December 2004 letter from the most recent consultant, AESI, to their client indicated that a post remediation sample from a depth of 18 feet (2 feet above bedrock) contained gasoline-related compounds in excess of the NJDEP's MSSCC. Additional investigative activities are required to document compliance of past remedial efforts with soil cleanup criteria and clean fill certification requirements; to delineate soil that remains in excess of the MSSCC, and to conduct a ground water investigation that meets the NJDEP's *Technical Requirements for Site Remediation (TRSR)* at N.J.A.C. 7: 26E.

AOC B: Former Waste Oil UST Excavation

Results of post excavation soil samples have shown that there are no exceedances of the MSSCC for analyzed parameters; however the soil has not yet been tested for base neutral compounds (BNCs) per the *TRSR*.

AOC C: Old Gasoline USTs

Two gasoline USTs of unknown capacity are shown on the 1934 and 1951 Sanborn maps of the site. These USTs may still be present. It will be necessary to determine the presence or absence of the tanks, and if present, conduct an appropriate closure and site investigation of soil surrounding the tanks.

AOC D: Hydraulic Lift Excavation

There is a gravel-filled area where the hydraulic lift was located indicating that the lift was likely decommissioned and removed, and possibly some soil was removed as well. Since no documentation regarding post excavation sampling is available, soil sampling will be required to document compliance with the *TRSR*.

AOC E: Oil Collection Trench

AOC E is a concrete trench approximately 12 feet long by 2 feet wide by 5 feet deep containing oil at the base. The integrity of the concrete is unknown. A site investigation per the *TRSR* is required to determine whether or not a discharge may have occurred from this AOC.

AOC F: Floor Drains

There are two floor drains in the service area of the building. One is an active drain between the two service bays and the other is a concrete-filled inactive drain in the north service bay. The integrity of the concrete base of the drains is not known. A site investigation per the *TRSR* is required to determine whether or not a discharge may have occurred from this AOC.

AOC G: Former Waste Oil and Heating Oil ASTs

This AOC consists of two ASTs that were reported to have been at the site. The tanks have been removed; both were over concrete floors. No spills were noted in the general locations of their former locations. Viridian recommends no further action for AOC G.

AOC H: Stained Surface Soils

An area of stained surface soils was identified by AESI in 2004 at the northwest corner of the building. The staining is likely due to a former compressor in that location. AESI stated that the stained soil would be removed as part of the larger remedial activities at the site, and this appears to be the case; however no post-remediation documentation is available. Viridian recommends soil sampling from the location to determine compliance with the NJDEP soil cleanup criteria.

4.0 SITE INVESTIGATION WORKPLAN

Based on the results of investigations conducted to date at the site, and in accordance with the NJDEP's *Technical Requirements for Site Remediation* (TRSR) at N.J.A.C. 7:26E, Viridian has prepared this Site Investigation Workplan (SIW).

4.1 Soil

The recommended site investigation activities are listed by AOC, below. A sampling summary is shown on Table 1 and proposed sampling locations are shown on Figure 5.

AOC A: Former Gasoline UST Excavation

AESI stated, in a 2004 letter to their client (Appendix F in Viridian's January 2009 PAR), that the final excavation measured 30 feet by 20 feet at the surface and 20 feet by 10 feet at the base (18 feet bgs). They reported that the horizontal extent of the impacted soil had been remediated; however a sample from the base of the excavation contained gasoline constituents in excess of the NJDEP's MSSCC (impact to ground water). No documentation for the backfill was available.

Viridian proposes to use a backhoe to excavate to shallow depths to reveal the margins of the former excavation. Once completed, Viridian proposes the installation of eight borings for the collection of soil samples (two along each side, one along each end and two within the former excavation). A soil sample will be collected from a depth of 18 to 18.5 feet bgs in each boring; another at a depth of 8.0 to 8.5 feet (depth of former post excavation samples) in each of the six perimeter borings; and another from within the backfill material in the two interior borings.

Except for those collected from backfill material, all soil samples will be analyzed for VO+10, MTBE & TBA (additionally calibrated for naphthalene since it is present in post excavation samples in excess of the MSSCC). The two backfill samples will be analyzed for PP+40.

AOC B: Former Waste Oil UST Excavation

Viridian proposes the installation of a soil boring in the vicinity of former P&D 2004 boring B-3 with a soil sample collected at a depth of 9.5 to 10 feet (former invert depth). The sample will be analyzed for TPHC (Method OQA-QAM-025) and PP+40, since the previous results for that sample are not properly documented.

AOC C: Old Gasoline USTs

Two gasoline USTs of unknown capacity are shown on the 1934 and 1951 Sanborn maps of the site and may still be present. Viridian proposes to use a backhoe to locate and expose the tops of the tanks, if present. If present, the USTs will be covered and soil borings will be advanced into the surrounding soil to collect soil samples. A maximum of eight borings are proposed, one on each side of each of the tanks. Depths

will be determined after the tanks have been exposed and an invert depth approximated. One soil sample will be collected from each boring to be analyzed for VO+10 and lead.

If the tanks are not present, one boring will be installed in the approximate former location of each tank. Soils will be screened during logging and a sample will be collected from each, biased toward the highest contamination based on screening. If screening results are negative, samples will be collected from depths of 9.5 to 10 feet bgs.

AOC D: Hydraulic Lift Excavation

No post excavation samples are available from the former hydraulic lift excavation. Viridian proposes to use a backhoe to excavate the backfill from the excavation. Once completed and the former excavation walls revealed, one soil sample will be collected from the base of each sidewall (or biased toward areas showing evidence of impact) and one from the base of the excavation. Each sample will be analyzed for TPHC (Method OQA-QAM-025) with a contingency to analyze 25% of those samples containing 100 mg/kg or greater for polycyclic aromatic hydrocarbon (PAH) compounds. A sample will be collected from the backfill material and analyzed for PP+40 to document compliance with the NJDEP's clean fill requirements.

AOC E: Oil Collection Trench

Viridian recommends that the oil in the trench be pumped out and the pit cleaned of residue. The concrete should then be examined to determine the integrity of the pit. If cracks are found, two borings should be drilled on each side of the pit and soil samples collected to determine if a discharge has occurred. Borings will be advanced to depths of six feet with samples collected at depths of 5.0 to 5.5 feet bgs (the depth of the base of the trench). Samples will be analyzed for TPHC with a contingency to analyze 25% of all samples having detectable TPHC for PP+40 and lead.

AOC F: Floor Drains

Viridian recommends that the active drain be cleaned and the concrete walls and base be examined to determine the integrity of the drain. If cracks are found, Viridian proposes that one boring be drilled adjacent to the drain and soil samples collected to determine if discharge has occurred. Viridian recommends that two borings be drilled through the inactive drain to collect soil samples from beneath the drain to determine soil quality. All three samples will be analyzed for PP+40.

AOC G: Former Waste Oil and Heating Oil ASTs

No further action is proposed.

AOC H: Stained Surface Soils

Viridian recommends collection of two soil samples from the approximate area of former stained soils from depths of one to 1.5 feet bgs. The samples will be analyzed for TPHC with a contingency to analyze 25% (minimum one sample) of samples having 100 mg/kg or greater TPHC for VO+10, BN+15, PCBs and lead.

4.1.1 Baseline Ecological Evaluation

Pursuant to regulations at N.J.A.C. 7:26E-3.11, a baseline ecological evaluation will be conducted to determine whether or not any sensitive receptors have been impacted or are threatened.

4.1.2 Basis for Soil Remediation

The NJDEP adopted new soil Remediation Standard rules at N.J.A.C. 7:26D, effective June 2, 2008. Contaminant levels found in samples from the Southend site will be evaluated based on a comparison to the newly adopted standards.

4.2 Ground Water

Based on results of AESI's reported sample collected at a depth of 18 feet (two feet above bedrock), which contained gasoline constituents in excess of the NJDEP's Impact to Ground Water Cleanup Criteria (IGWSCC) and *TRSR* requirements at N.J.A.C. 7:26E-3.7, a ground water investigation is required. Viridian proposes to install one bedrock monitoring well into ground water (precise depth is not yet known). The monitoring well will be constructed in accordance with the NJDEP's *Field Sampling Procedures Manual (FSPM)* by a NJ-licensed well driller. The well will be located within the former UST excavation.

Two weeks after installation, a ground water sample will be collected from the well after appropriate purging has been conducted. The ground water sample will be transported to a laboratory for analysis of VO+10 with MTBE and TBA (also calibrated for naphthalene) and lead. Field and trip blanks will be collected.

If results indicate the presence of petroleum related constituents in excess of New Jersey's Ground Water Quality Standards (GWQS), installation of two additional monitoring wells will be required to determine ground water flow direction. In the event that the additional monitoring wells are required, Viridian proposes that all three wells be sampled subsequent to installation for analysis of the above parameters. All wells will be surveyed by a licensed NJ surveyor.

4.2.1 Well Search

If ground water contamination is confirmed, a well search in accordance with regulations at N.J.A.C. 7:26E-3.7(e)3, will be required to identify any potable wells

within 1,000 feet of the site. If potable wells are revealed, additional sampling may be required although it is not included in this SIW.

4.3 Schedule

Activity	Weeks from Start (SIW Approval)
Soil Borings/Sampling	8
Monitoring Well Installation	9
Ground Water Sampling	11
Obtain Results from Soil and Ground Water Sampling	15
Conduct Baseline Ecological Evaluation	17
Install Two Additional Monitoring Wells (if required)	17
Sample All Monitoring Wells (if required)	19
Obtain Well Search Results (if required)	27
Submit SIR (no ground water contamination)	20-22
Submit SIR (ground water contamination)	31-32

4.4 Principal Personnel

Name	Company	Phone No.	Responsibility/Authority
	Viridian		Overall Project Management – BUST Subsurface Evaluator
	Viridian		Subsurface Evaluator- Soil/Ground Water Sampling
	Viridian		Ground Water Sampling
	Viridian		Principal review
T.B.D.	T.B.D.		Soil Boring (Geoprobe) and Backhoe Contractor
T.B.D.	T.B.D.		Surveyor
T.B.D.	T.B.D.		Well Driller
T.B.D.	T.B.D.		Laboratory

4.5 Health and Safety Plan

The Site-specific Health and Safety Plan (HASP) for this site is included as Appendix A.

5.0 CERTIFICATION

Any person making a submission to the Department required by this chapter and pursuant to N.J.A.C. 7:26E, shall include the following signatures and notarized certification, for each technical submittal. Additionally, the certification shall indicate the case name and address, case number, type of documents submitted, e.g. Remedial Action Report, for each technical submittal.

TYPE OF DOCUMENT: Site Investigation Workplan

CASE NAME: Former Southend Pyramid Site

CASE ADDRESS: 399 Orange Road; Montclair, NJ 07042

CASE NUMBER: 00-12-04-1517-57

The following certification shall be signed by:

1. For a corporation, by a principal executive officer of at least the level of vice president;
2. For a partnership or sole proprietorship, by a general partner or the proprietor, respectively, or;
3. For a municipality, State, Federal or other public agency, by either a principal executive officer or ranking elected official.
4. For persons other than 1 through 3 above, by the person with legal responsibility for the site.

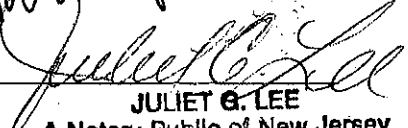
"I certify under penalty of law that I have personally examined and am familiar with the information submitted herein and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, to the best of my knowledge, I believe that the submitted information is true, accurate and complete. I am aware that there are significant civil penalties for knowingly submitting false, inaccurate or incomplete information and that I am committing a crime of the fourth degree if I make a written false statement which I do not believe to be true. I am also aware that if I knowingly direct or authorize the violation of any statute, I am personally liable for the penalties."

PRINTED NAME Joseph Hartnett

TITLE Township Manager

SIGNATURE 

DATE 1.22.09

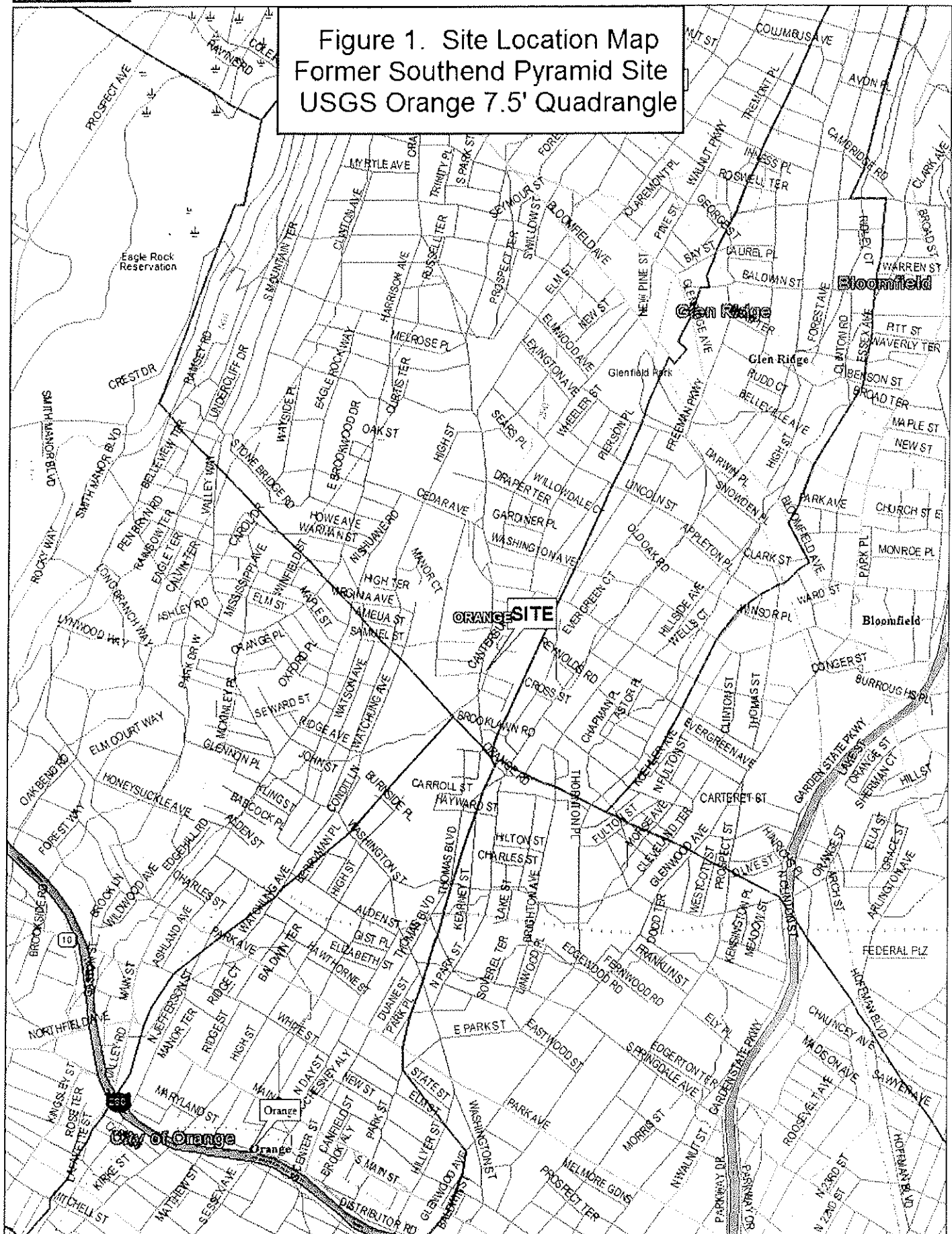
NOTARY SIGNATURE 

DATE 1/22/09

JULIET G. LEE
A Notary Public of New Jersey
My Commission Expires July 22, 2013

Figures

Figure 1. Site Location Map
Former Southend Pyramid Site
USGS Orange 7.5' Quadrangle

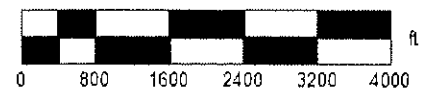


Data use subject to license

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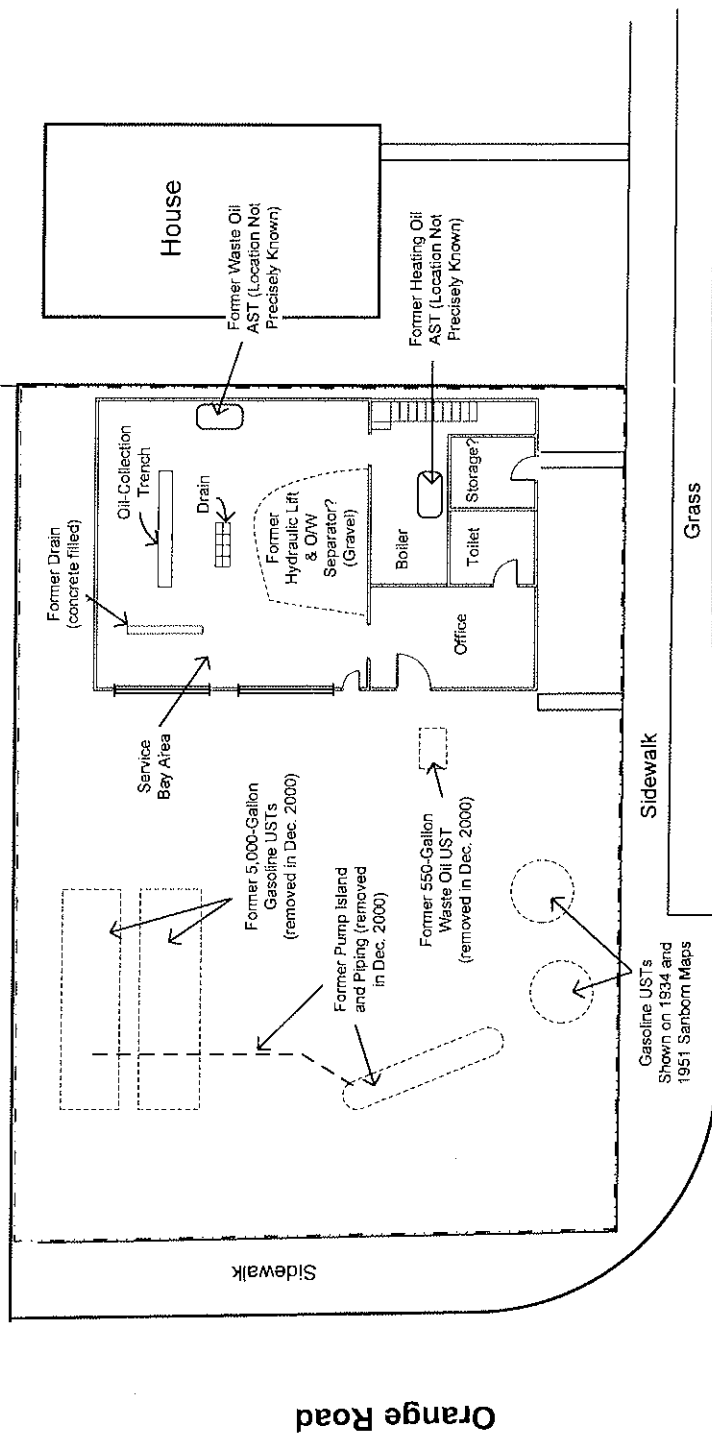
www.delorme.com

MN (13.0° W)



Data Zoom 13-0

Figure 2: Site Plan - Former Southend Pyramid Service Station
399 Orange Road; Montclair, NJ



Pleasant Way

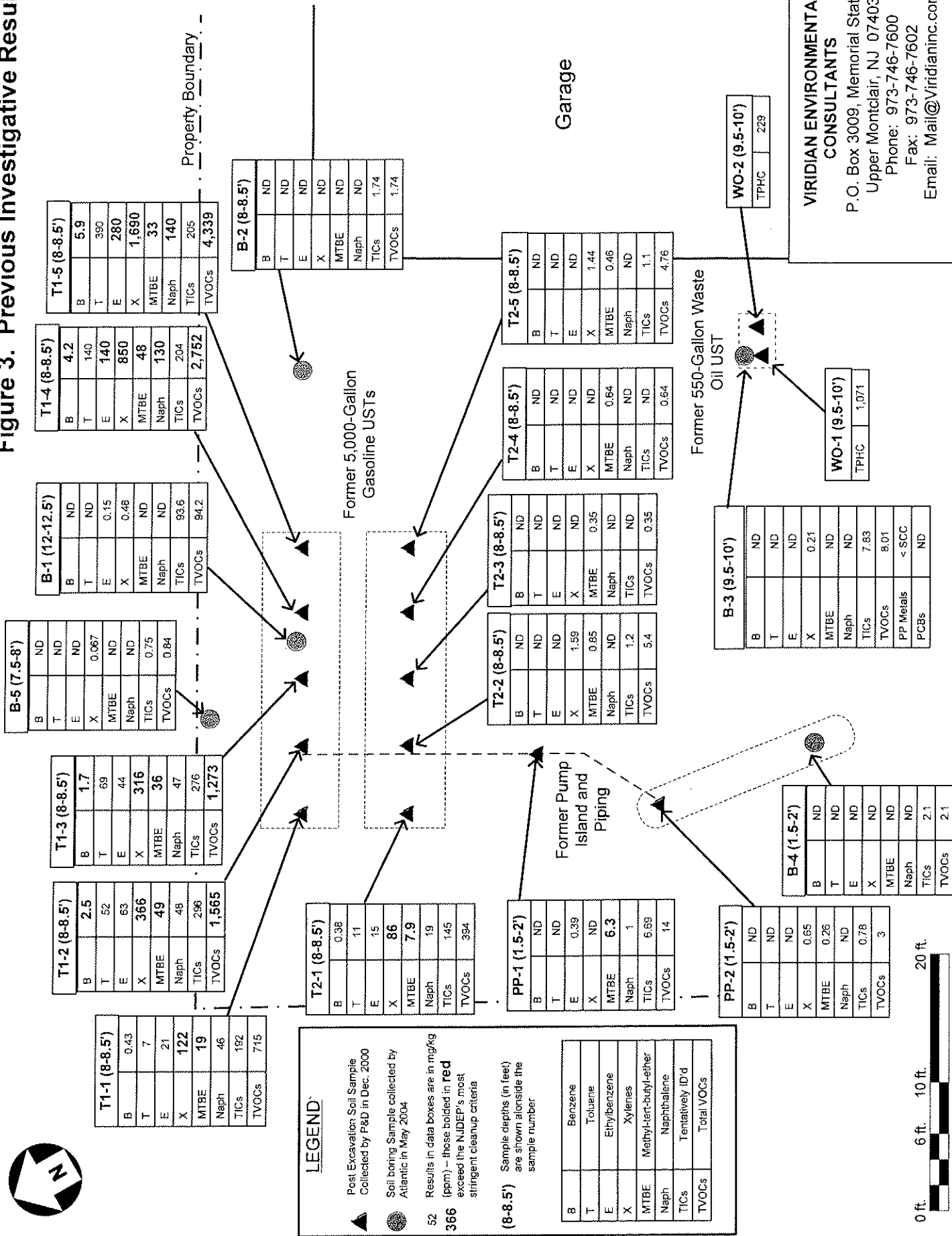


**VIRIDIAN ENVIRONMENTAL
CONSULTANTS**

P.O. Box 3009, Memorial Station
Upper Montclair, NJ 07403
Phone: 973-746-7600
Fax: 973-746-7602
Email: Mail@Viridianinc.com

January 2009

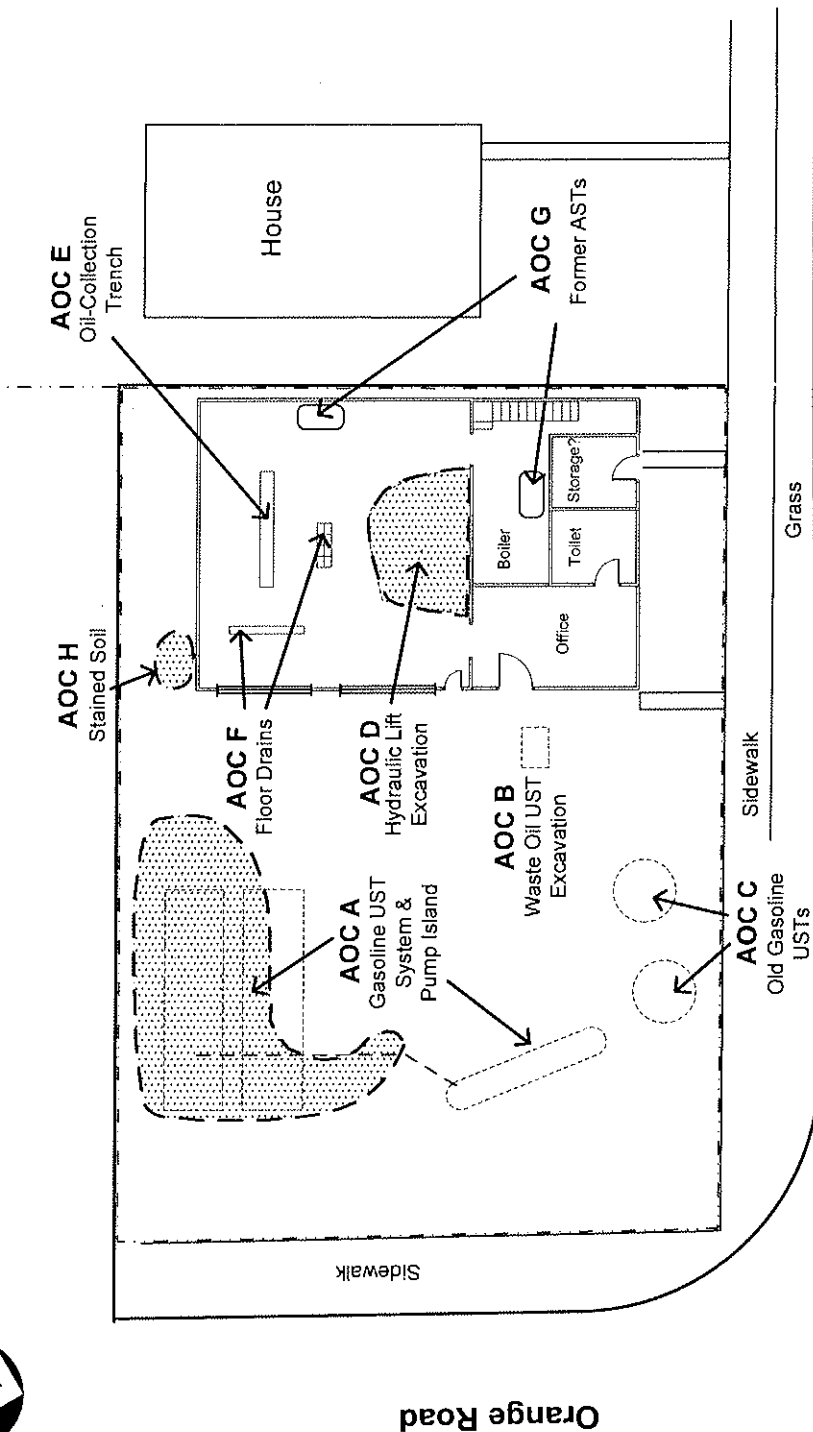
Figure 3. Previous Investigative Results



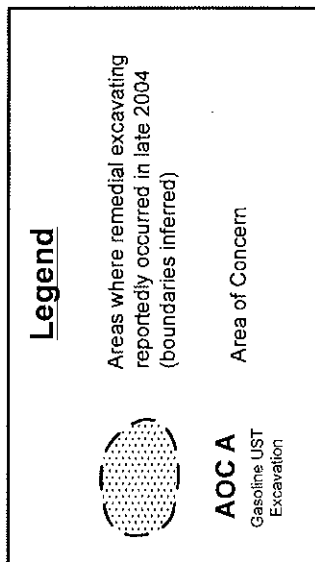
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January 2009

Figure 4: Site Plan with Areas of Concern (AOCs)
Former Southend Pyramid Service Station
399 Orange Road; Montclair, NJ



Pleasant Way

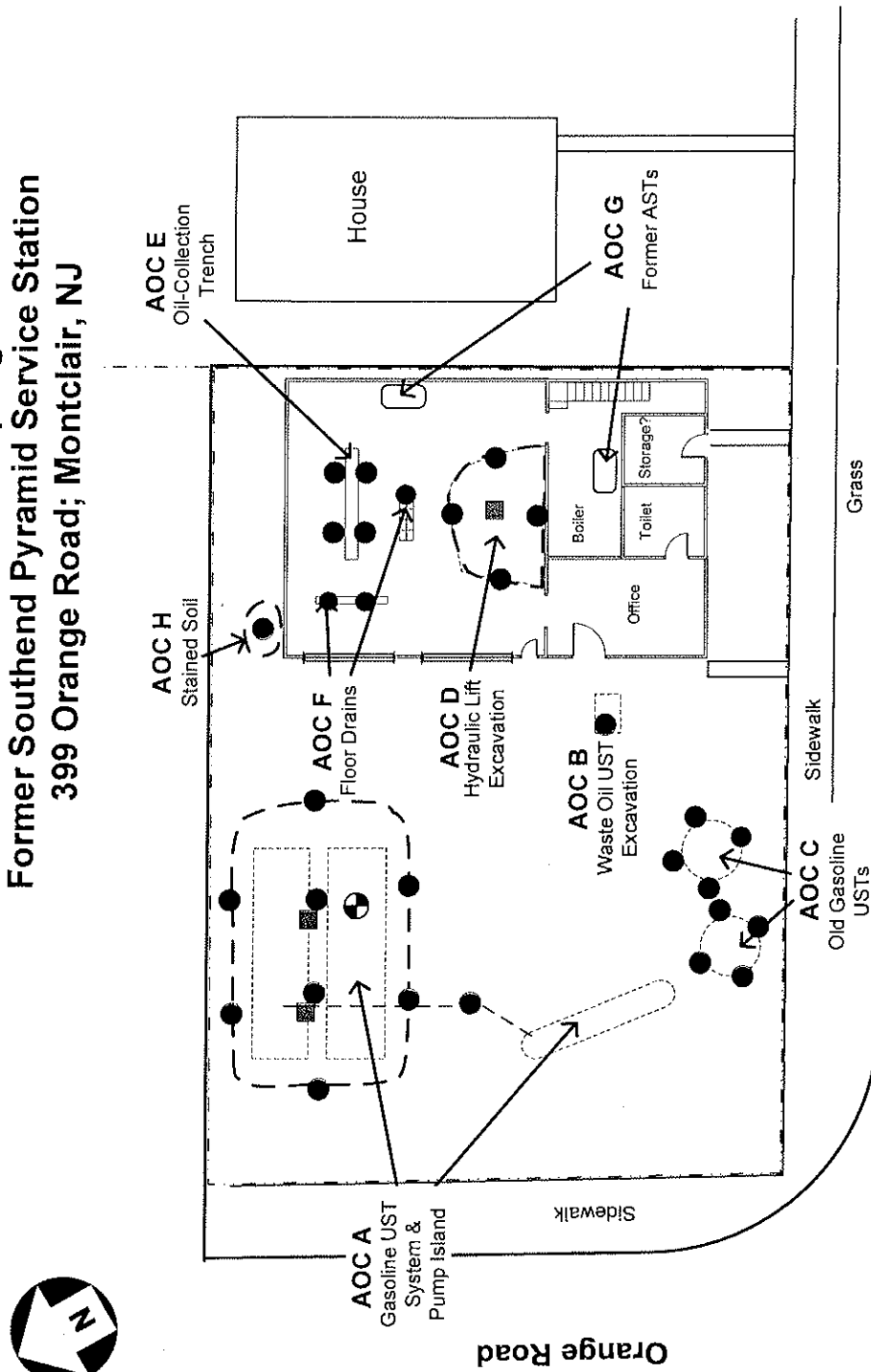


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January 2009



Figure 5: Proposed SI Sampling Locations
Former Southend Pyramid Service Station
399 Orange Road; Montclair, NJ



Legend

Areas where remedial excavating reportedly occurred in late 2004 (boundaries inferred)

Area of Concern

Proposed Soil Sample from Boring or Test Pit

Proposed Backfill Sample

Proposed Initial Monitoring Well Location



AOC A
Gasoline UST
Excavation



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January 2009

Tables

Table 1. Proposed Sampling Summary

Location	Medium	No. of Samples	Purpose	Sample Depth	Parameters	Sampling Method
AOC A	Soil	6	Confirmatory	12-12.5'	VO+10 w MTBE & TBA, lead	Geoprobe/Coring Device
AOC A	Soil	6	Conf./Delin.	18-18.5'	VO+10 w MTBE & TBA, lead	Geoprobe/Coring Device
AOC A	Backfill	2	Confirmatory	2-12'	TPHC, PP+40	Backhoe/trowels
AOC B	Soil	1	Confirmatory	9.5-10	TPHC, PP+40*	Geoprobe/Coring Device
AOC C	Soil	2 to 8	Initial Investigation	T.B.D.	VO+10, lead	Geoprobe/Coring Device
AOC D	Soil	5	Confirmatory	T.B.D.	TPHC, PAH*	Backhoe/trowels
AOC D	Backfill	1	Confirmatory	2-4'	TPHC, PP+40	Backhoe/trowels
AOC E	Soil	4	Initial Investigation	5-5.5'	TPHC, PP+40*	Geoprobe/Coring Device
AOC F	Soil	3	Initial Investigation	1.5-2'	TPHC, PP+40	Geoprobe/Coring Device
AOC H	Soil	2	Confirmatory	1-1.5'	TPHC, PP+40*	Geoprobe/Coring Device
MW-1	Ground Water	1	Initial Investigation	Water Table	VO+10 w MTBE & TBA, lead	Submersible Pump
MW-2 & MW-3	Ground Water	2	Initial Investigation	Water Table	VO+10 w MTBE & TBA, lead	Submersible Pump

* : Activation of BN+15, PCBs & PP Metals Analyses will be dependent upon TPHC results

ATTACHMENT D:
Forms and Certifications

BUSINESS REGISTRATION CERTIFICATE

A Business Registration Certificate serves two purposes:

- **For public contracting, as proof of valid business registration with the New Jersey Division of Revenue.** All contractors and subcontractors must provide this documentation when seeking to do business with the State of New Jersey, and other public agencies in this state.
- **To comply with Chapter 85, P.L. 2006, defined under N.J.S.A. 54A:7-1.2.** You must use the Business Registration Certificate if you are an unincorporated construction contractor performing work in New Jersey of you are a registered unincorporated contractor requesting proof of certification.

If you are a registered vendor but have not received the Business Registration Certificate in the mail, you may obtain a certificate online. Please note that this certificate is not required by all businesses in New Jersey, but only those doing business with the public sector.

You may check the online registration inquiry to determine if the business is already registered. If you have not registered but are required to have this certificate, you will need to complete Form NJ-REG. Representatives of the Division's Client Registration activity are available to assist in the registration process. 609-292-9292.

****The links for the Business Registration Certificate and the NJ-REG will be listed at the end of this document.****

Form NJ-REG:

In most cases, you may submit Form NJ-REG online. Exceptions and additional requirements include:

- Any business including an out-of-state business with a presence or nexus in New Jersey, operating as a **corporation, limited partnership, limited liability company or limited liability partnership** must first obtain legal authority to operate in the state prior to submitting Form NJ-REG. Generally, this is accomplished by filing a Certificate of Incorporation or Formation with the Division.
- **Out-of-state businesses** that believe they do not have state tax nexus will file a paper form NJ-REG in order to obtain a Business Registration

Certificate. Business entities that file form NJ-REG only will be subject to a nexus review, initiated and conducted by the Division of Taxation.

- **Individuals or Unincorporated Construction Contractors** with no business tax or employer obligations may register using Form NJ-REG-A instead of Form NJ-REG in order to obtain the Business Registration Certificate. Individuals who have created and are operating as a business entity (e.g.LLC) may not use Form REG-A.
- **Non-profit organizations** although required to register for tax purposes are not subject to the proof registration requirement when contracting with public agencies in this state.

Instructions on obtaining required forms:

To obtain a **Business Registration Certificate**: www.state.nj.us/treasury/revnue

1. Click on Business Formation & Registration
2. Click on Obtain a Certificate of Registration
3. Click on Obtain a Certificate Online (green print)
4. Fill out name and Tax Payer ID **or** Business Entity ID
5. Click "submit" and follow direction.

To register for **Form NJ-REG** online: www.nj.gov/treasury/revenue/taxreg.htm

NJ-REG paper forms & directions: www.nj.gov/treasury/revenue/revprint.htm

NJ-REG-A: www.nj.gov/treasury/revenue/pdfforms/reg-a.pdf

EXHIBIT A

MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE
N.J.S.A. 10:5-31 et seq. (P.L. 1975, C. 127)
N.J.A.C. 17:27

GOODS, PROFESSIONAL SERVICE AND GENERAL SERVICE CONTRACTS

During the performance of this contract, the contractor agrees as follows:

The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Except with respect to affectional or sexual orientation and gender identity or expression, the contractor will ensure that equal employment opportunity is afforded to such applicants in recruitment and employment, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Such equal employment opportunity shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause.

The contractor or subcontractor, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex.

The contractor or subcontractor will send to each labor union, with which it has a collective bargaining agreement, a notice, to be provided by the agency contracting officer, advising the labor union of the contractor's commitments under this chapter and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The contractor or subcontractor, where applicable, agrees to comply with any regulations promulgated by the Treasurer pursuant to N.J.S.A. 10:5-31 et seq., as amended and supplemented from time to time and the Americans with Disabilities Act.

The contractor or subcontractor agrees to make good faith efforts to meet targeted county employment goals established in accordance with N.J.A.C. 17:27-5.2.

The contractor or subcontractor agrees to inform in writing its appropriate recruitment agencies including, but not limited to, employment agencies, placement bureaus, colleges, universities, and labor unions, that it does not discriminate on the basis of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.

The contractor or subcontractor agrees to revise any of its testing procedures, if necessary, to assure that all personnel testing conforms with the principles of job-related testing, as established by the statutes and court decisions of the State of New Jersey and as established by applicable Federal law and applicable Federal court decisions.

In conforming with the targeted employment goals, the contractor or subcontractor agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.

The contractor shall submit to the public agency, after notification of award but prior to execution of a goods and services contract, one of the following three documents:

Letter of Federal Affirmative Action Plan Approval

Certificate of Employee Information Report

Employee Information Report Form AA302 (electronically provided by the Division and distributed to the public agency through the Division's website at www.state.nj.us/treasury/contract_compliance)

The contractor and its subcontractors shall furnish such reports or other documents to the Division of Public Contracts Equal Employment Opportunity Compliance as may be requested by the office from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Division of Public Contracts Equal Employment Opportunity Compliance for conducting a compliance investigation pursuant to Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.

**REQUIRED EVIDENCE
AFFIRMATIVE ACTION REGULATIONS
P.L. 1975, C. 127 (N.J.A.C. 17:27)**

If awarded a contract, all procurement and service contractors will be required to comply with the requirements of P.L. 1975, c. 127 (N.J.A.C. 17:27). Within seven (7) days after receipt of the notification of intent to award the contract or receipt of the contract, whichever is sooner, the contractor should present one of the following to the Purchasing Agent:

1. A photocopy of a valid letter from the U.S. Department of Labor that the contractor has an existing federally-approved or sanctions Affirmative Action Plan (good for one year from the date of the letter.)
OR
2. A photocopy of approved Certificate of Employee Information Report.
OR
3. An Affirmative Action Employee Information Report (Form AA302)
OR
4. All successful construction contractors must submit within three days of the signing of the contract an Initial Project Workforce Report (AA201) for any contract award that meets or exceeds the Public Agency bidding threshold.

NO FIRM MAY BE ISSUED A CONTRACT UNLESS IT COMPLIES WITH THE AFFIRMATIVE ACTION REGULATIONS OF P.L. 1975, c. 127.

The following questions must be answered by all bidders:

1. Do you have a federally-approved or sanctioned Affirmative Action Program?

YES _____ NO _____

If yes, please submit a copy of such approval.

2. Do you have a Certificate of Employee Information Report Approval?

YES _____ NO _____

If yes, please submit a copy of such certificate.

The undersigned contractor certifies that he is aware of the commitment to comply with the requirements of P.L. 1975, c. 127 and agrees to furnish the required documentation pursuant to the law.

COMPANY: _____

SIGNATURE: _____

TITLE: _____

Note: A contractor's bid must be rejected as non-responsive if a contractor fails to comply with requirements of P.L. 1975, c. 127, within the time frame.



**BUSINESS ENTITY DISCLOSURE CERTIFICATION
FOR NON-FAIR AND OPEN CONTRACTS
Required Pursuant To N.J.S.A. 19:44A-20.8
TOWNSHIP OF MONTCLAIR**

The following is statutory text related to the terms and citations used in the Business Entity Disclosure Certification form.

“Local Unit Pay-To-Play Law” (P.L. 2004, c.19, as amended by P.L. 2005, c.51)

19:44A-20.6 certain contributions deemed as contributions by business entity.

5. When a business entity is a natural person, a contribution by that person's spouse or child, residing therewith, shall be deemed to be a contribution by the business entity. When a business entity is other than a natural person, a contribution by any person or other business entity having an interest therein shall be deemed to be a contribution by the business entity.

19:44A-20.7 Definitions relative to certain campaign contributions.

6. As used in sections 2 through 12 of this act:

“business entity” means any natural or legal person, business corporation, professional services corporation, limited liability company, partnership, limited partnership, business trust, association or any other legal commercial entity organized under the laws of this State or of any other state or foreign jurisdiction;

“interest” means the ownership or control of more than 10% of the profits or assets of a business entity or 10% of the stock in the case of a business entity that is a corporation for profit, as appropriate;

Temporary and Executing

12. Nothing contained in this act shall be construed as affecting the eligibility of any business entity to perform a public contract because that entity made a contribution to any committee during the one-year period immediately preceding the effective date of this act.

~~~~~

**The New Jersey Campaign Contributions and Expenditures Reporting Act (N.J.S.A. 19:44A-1 et seq.)**

**19:44A-3 Definitions.** In pertinent part...

p. The term "political party committee" means the State committee of a political party, as organized pursuant to R.S.19:5-4, any county committee of a political party, as organized pursuant to R.S.19:5-3, or any municipal committee of a political party, as organized pursuant to R.S.19:5-2.

q. The term "candidate committee" means a committee established pursuant to subsection a. of section 9 of P.L.1973, c.83 (C.19:44A-9) for the purpose of receiving contributions and making expenditures.

r. the term "joint candidates committee" means a committee established pursuant to subsection a. of section 9 of P.L.1973, c.83 (C.19:44A-9) by at least two candidates for the same elective public offices in the same election in a legislative district, county, municipality or school district, but not more candidates than the total number of the same elective public offices to be filled in that election, for the purpose of receiving contributions and making expenditures. For the purpose of this subsection: ...; the offices of member of the board of chosen freeholders and county executive shall be deemed to be the same elective public offices in a county; and the offices of mayor and member of the municipal governing body shall be deemed to be the same elective public offices in a municipality.

**19:44A-8 and 16 Contributions, expenditures, reports, requirements.**

*While the provisions of this section are too extensive to reprint here, the following is deemed to be the pertinent part affecting amounts of contributions:*

“The \$300 limit established in this subsection shall remain as stated in this subsection without further adjustment by the commission in the manner prescribed by section 22 of P.L.1993, c.65 (C.19:44A-7.2)



**BUSINESS ENTITY DISCLOSURE CERTIFICATION**  
**FOR NON-FAIR AND OPEN CONTRACTS**  
Required Pursuant To N.J.S.A. 19:44A-20.8  
TOWNSHIP OF MONTCLAIR

**Part I – Vendor Affirmation**

The undersigned, being authorized and knowledgeable of the circumstances, does hereby certify that he has not made and will not make any reportable contributions pursuant to N.J.S.A. 19:44A-1 et seq. that, pursuant to P.L. 2004, c. 19 would bar the award of this contract in the one year period preceding the date of this certification to any of the following named candidate committee, joint candidates committee; or political party committee representing the elected officials of the Township of Montclair as defined pursuant to N.J.S.A. 19:44A-3(p), (q) and (r).

|                |                          |
|----------------|--------------------------|
| Jerry Fried    | Renee E. Baskerville, MD |
| Roger S. Terry |                          |
| Kathryn Weller |                          |
| Rich Murnick   |                          |
| Cary Africk    |                          |
| Nick Lewis     |                          |

**Part II – Ownership Disclosure Certification**

☐ I certify that the list below contains the names and home addresses of all owners holding 10% or more of the issued and outstanding stock of the undersigned.

**Check the box that represents the type of business entity:**

- ☐ Partnership      ☐ Corporation      ☐ Sole Proprietorship      ☐ Subchapter S Corporation  
☐ Limited Partnership      ☐ Limited Liability Corporation      ☐ Limited Liability Partnership

| Name of Stock or Shareholder | Home Address |
|------------------------------|--------------|
|                              |              |
|                              |              |
|                              |              |
|                              |              |
|                              |              |
|                              |              |
|                              |              |
|                              |              |
|                              |              |

**Part 3 – Signature and Attestation:**

The undersigned is fully aware that if I have misrepresented in whole or part this affirmation and certification, I and/or the business entity, will be liable for any penalty permitted under law.

Name of Business Entity: \_\_\_\_\_

Signed: \_\_\_\_\_ Title: \_\_\_\_\_

Print Name: \_\_\_\_\_ Date: \_\_\_\_\_

Subscribed and sworn before me this \_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

My Commission expires: \_\_\_\_\_

\_\_\_\_\_  
A Notary Public of the State of New Jersey

## C. 271 POLITICAL CONTRIBUTION DISCLOSURE FORM

### Contractor Instructions

Business entities (contractors) receiving contracts from a public agency that are NOT awarded pursuant to a "fair and open" process (defined at N.J.S.A. 19:44A-20.7) are subject to the provisions of P.L. 2005, c. 271, s.2 (N.J.S.A. 19:44A-20.26). This law provides that 10 days prior to the award of such a contract, the contractor shall disclose contributions to:

- any State, county, or municipal committee of a political party
- any legislative leadership committee\*
- any continuing political committee (a.k.a., political action committee)
- any candidate committee of a candidate for, or holder of, an elective office:
  - of the public entity awarding the contract
  - of that county in which that public entity is located
  - of another public entity within that county
  - or of a legislative district in which that public entity is located or, when the public entity is a county, of any legislative district which includes all or part of the county

The disclosure must list reportable contributions to any of the committees that exceed \$300 per election cycle that were made during the 12 months prior to award of the contract. See N.J.S.A. 19:44A-8 and 19:44A-16 for more details on reportable contributions.

N.J.S.A. 19:44A-20.26 itemizes the parties from whom contributions must be disclosed when a business entity is not a natural person. This includes the following:

- individuals with an "interest" ownership or control of more than 10% of the profits or assets of a business entity or 10% of the stock in the case of a business entity that is a corporation for profit
- all principals, partners, officers, or directors of the business entity or their spouses
- any subsidiaries directly or indirectly controlled by the business entity
- IRS Code Section 527 New Jersey based organizations, directly or indirectly controlled by the business entity and filing as continuing political committees, (PACs).

When the business entity is a natural person, "a contribution by that person's spouse or child, residing therewith, shall be deemed to be a contribution by the business entity." [N.J.S.A. 19:44A-20.26(b)] The contributor must be listed on the disclosure.

Any business entity that fails to comply with the disclosure provisions shall be subject to a fine imposed by ELEC in an amount to be determined by the Commission which may be based upon the amount that the business entity failed to report.

The enclosed list of agencies is provided to assist the contractor in identifying those public agencies whose elected official and/or candidate campaign committees are affected by the disclosure requirement. It is the contractor's responsibility to identify the specific committees to which contributions may have been made and need to be disclosed. The disclosed information may exceed the minimum requirement.

The enclosed form, a content-consistent facsimile, or an electronic data file containing the required details (along with a signed cover sheet) may be used as the contractor's submission and is disclosable to the public under the Open Public Records Act.

The contractor must also complete the attached Stockholder Disclosure Certification. This will assist the agency in meeting its obligations under the law. **NOTE: This section does not apply to Board of Education contracts.**

\* N.J.S.A. 19:44A-3(s): "The term "legislative leadership committee" means a committee established, authorized to be established, or designated by the President of the Senate, the Minority Leader of the Senate, the Speaker of the General Assembly or the Minority Leader of the General Assembly pursuant to section 16 of P.L.1993, c.65 (C.19:44A-10.1) for the purpose of receiving contributions and making expenditures."



## Continuation Page

## C. 271 POLITICAL CONTRIBUTION DISCLOSURE FORM

Required Pursuant To N.J.S.A. 19:44A-20.26

Page of

Vendor Name:

[illegible]☐ Check here if the information is continued on subsequent page(s)

**List of Agencies with Elected Officials Required for Political Contribution Disclosure**  
**N.J.S.A. 19:44A-20.26**

**County Name:**

State: Governor, and Legislative Leadership Committees

Legislative District #s:

State Senator and two members of the General Assembly per district.

**County:**

Freeholders

{County Executive}

County Clerk

Surrogate

Sheriff

**Municipalities (Mayor and members of governing body, regardless of title):**

Belleville Township

Bloomfield Township

Caldwell Borough

Cedar Grove Township

East Orange City

Essex Fells Township

Fairfield Township

Glen Ridge Borough

Irvington Township

Livingston Township

Maplewood Township

Millburn Township

Montclair Township

Newark City

North Caldwell Borough

Nutley Township

Orange City

Roseland Borough

South Orange Village

Verona Township

West Caldwell Township

West Orange Township

**Boards of Education (Members of the Board):**

Belleville Town

Bloomfield Township

Caldwell-West Caldwell

Cedar Grove Township

Essex Fells Borough

Fairfield Township

Glen Ridge Borough

Irvington Township

Livingston Township

Millburn Township

Newark City

North Caldwell Borough

Nutley Town

Roseland Borough

South Orange-Maplewood

Verona Borough

West Essex Regional

West Orange Town

**Fire Districts (Board of Fire Commissioners):**

None

**USERS SHOULD CREATE THEIR OWN FORM, OR DOWNLOAD  
FROM [WWW.NJ.GOV/DCA/LGS/P2P](http://WWW.NJ.GOV/DCA/LGS/P2P) A COUNTY-BASED,  
CUSTOMIZABLE FORM.**

## STOCKHOLDER DISCLOSURE CERTIFICATION

**Name of Business:**

☐ I certify that the list below contains the names and home addresses of all stockholders holding 10% or more of the issued and outstanding stock of the undersigned.

**OR**

☐ I certify that no one stockholder owns 10% or more of the issued and outstanding stock of the undersigned.

**Check the box that represents the type of business organization:**

☐ Partnership

☐ Corporation

☐ Sole Proprietorship

☐ Limited Partnership

☐ Limited Liability Corporation

☐ Limited Liability Partnership

☐ Subchapter S Corporation

**Sign and notarize the form below, and, if necessary, complete the stockholder list below.**

Stockholders:

|               |               |
|---------------|---------------|
| Name:         | Name:         |
| Home Address: | Home Address: |
| Name:         | Name:         |
| Home Address: | Home Address: |
| Name:         | Name:         |
| Home Address: | Home Address: |

|                                                                                           |                                          |
|-------------------------------------------------------------------------------------------|------------------------------------------|
| Subscribed and sworn before me this ____ day of _____, 2____.<br>_____<br>(Notary Public) | _____<br>(Affiant)                       |
| My Commission expires:                                                                    | _____<br>(Print name & title of affiant) |
|                                                                                           | _____<br>(Corporate Seal)                |