

RESOLUTION FOR THE MINUTES

A Resolution for the Minutes to authorize masonry repairs at the Commission's headquarters building on a "public exigency" basis.

WHEREAS, the Commission's headquarters building located at 25 Cosey Road, West Trenton, New Jersey, was constructed in 1970 and is now over 50 years old; and

WHEREAS, during October 2022 DRBC staff observed leaks into the building's main conference room (the Goddard Room) through the building's northeast-facing windows; on the exterior brick wall, they noted rusted steel lintels, voids (missing mortar) between bricks, and cracks running vertically through a dozen courses of brick above one of the windows and through sixteen courses between two windows; and

WHEREAS, masonry contractor A. Pennacchi & Sons, Co. of Hamilton, New Jersey ("Pennacchi & Sons") performed an inspection on October 11, 2022, and advised that the wall is at risk of collapse and unlikely to withstand the cold temperatures and freeze-thaw cycles of the coming winter; and

WHEREAS, Pennacchi & Sons provided a two-part quote on the necessary repairs, including the sum of \$19,880 for stabilization and restoration of the exterior wall, and the sum of \$13,200 for repairs to the limestone posts and caulking and sealants in the front entrance, for a total cost of \$33,080; and

WHEREAS, Section 14.9 of the *Delaware River Basin Compact* provides in part that a contract for "the construction, reconstruction or improvement of any facility when the expenditure required exceeds ten thousand dollars . . . shall be advertised and let upon sealed bids to the lowest responsible bidder"; and further provides that the Commission "may . . . waive the provisions of this section requiring competitive bids whenever . . . (2) the public exigency requires the immediate delivery of the articles or performance of the service;" and

WHEREAS, as set forth in detail in the attached staff memo dated October 14, 2022, A. Pennacchi & Sons has provided services to multiple federal, state, and local entities in the region and has provided excellent references from two of them; and

WHEREAS, the management scenario for the Commission's fiscal year 2023 budget includes sufficient funds to cover the proposed repairs, even allowing for additional contingent costs equal to ten percent of the quoted amount; and

WHEREAS, the staff informed the DRBC Alternate Commissioners of this matter during a call on October 20, 2022, and elicited a sense of the group that the repairs should be undertaken without delay; now therefore,

BE IT RESOLVED by the Delaware River Basin Commission:

1. The Executive Director is hereby authorized and directed to issue a purchase order or orders to A. Pennacchi & Sons, Co. for the repairs described above.
2. In accordance with Section 14.9(2) of the Compact, the competitive bidding requirements of that section are waived in view of the exigent need for repairs to preserve the structural integrity of the northeast wall of the DRBC headquarters building and ensure the safety of the building's occupants and visitors.
3. This authorization is retroactive to October 14, 2022.

ADOPTED: December 7, 2022

ATTACHMENT

**DRBC Staff Memo dated October 14, 2022,
including A. Pennacchi & Sons Price Quote of October 11, 2022
for Masonry Repairs to the
West Trenton Headquarters Building**

Delaware River Basin Commission

Memorandum

To: Steve Tambini, Executive Director, DRBC

CC: DRBC Commissioners

FROM: Elba Deck, Director of Finance and Administration; Pam Bush, Assistant General Counsel

Date: October 14, 2022

Subject: Urgent Need for Restoration and Stabilization of Exterior Front Wall

The Commission's headquarters building located at 25 Cosey Road, West Trenton, New Jersey, was constructed in 1970 and is now over 50 years old.

In October 2022, staff observed leaks through the building's northeast facing windows into the Goddard Conference Room. On the exterior brick wall, which is load bearing, they observed rusted steel lintels, missing mortar, and cracks running vertically through a dozen courses of brick above one of the windows and through sixteen courses between two windows (see photos below).

Masonry contractor A. Pennacchi & Sons of Hamilton, New Jersey performed an inspection on October 11, 2022. The firm's representative informed staff that the wall is at risk of collapse and unlikely to withstand the cold temperatures and freeze-thaw cycles of the coming winter.

The firm promptly submitted a two-part proposal for repairs (copies attached), including the sum of \$19,880 for stabilization and restoration of the exterior wall, and the sum of \$13,200 for repairs to the limestone posts, caulking and sealants in the front entrance. The total cost of the necessary repairs is \$33,080.

Section 14.9—Purchasing of the *Delaware River Basin Compact* provides in part that a contract for “the construction, reconstruction or improvement of any facility when the expenditure required exceeds ten thousand dollars . . . shall be advertised and let upon sealed bids to the lowest responsible bidder.” However, the same section further provides:

The commission may suspend and waive the provisions of this section requiring competitive bids whenever: (1) the purchase is to be made from or the contract to be made with the federal or any state government or

any agency or political subdivision thereof or pursuant to any open end bulk purchase contract of any of them; (2) the public exigency requires the immediate delivery of the articles or performance of the service; (3) only one source of supply is available; . . . (5) the services to be provided are of a specialized or professional nature.

Because the condition of the exterior front wall poses a risk to the building's structural integrity and to the safety of its occupants, the public exigency in this instance warrants immediate performance of the needed repairs.

Although no open bulk purchase contract exists between A. Pennacchi & Sons and "the federal or any state government or an agency or subdivision thereof[,] the company has provided services to such federal, state, and local entities as the McGuire Air Force Base Annex Complex, New Jersey State Capitol Annex Building, Mercer County Port Commission, Trenton Parking Authority, City Hall of Trenton, Trenton Police Department, State of New Jersey Prison and Hamilton Township Library.

Staff contacted two references. Mr. Pedro Alvares, Engineer-in-Charge of maintenance operations at New Jersey State Prison, described A. Pennacchi & Sons as "excellent, on time, on budget, an expert in the field, and [he] would highly recommend them." John Morris, Engineer-in-Charge of maintenance at the State of New Jersey's Ann Klein Forensic Center, said A. Pennacchi & Sons was "a great vendor" and "great communicator," completed its work within budget, and went "above and beyond" by performing additional tasks on the firm's own initiative based on need, without an additional charge.

The cost of the repairs was included in the Commission's Fiscal Year 2023 Current Expense Budget, approved on June 8, 2022.

For the foregoing reasons, the staff recommends that a purchase order be issued promptly to A. Pennacchi & Sons, Co. for repairs of the front exterior wall and limestone entrance, and that the Commissioners be asked to approve a resolution at the quarterly business meeting in December, retroactively waiving the competitive bidding process in accordance with Section 14.9 of the Compact.

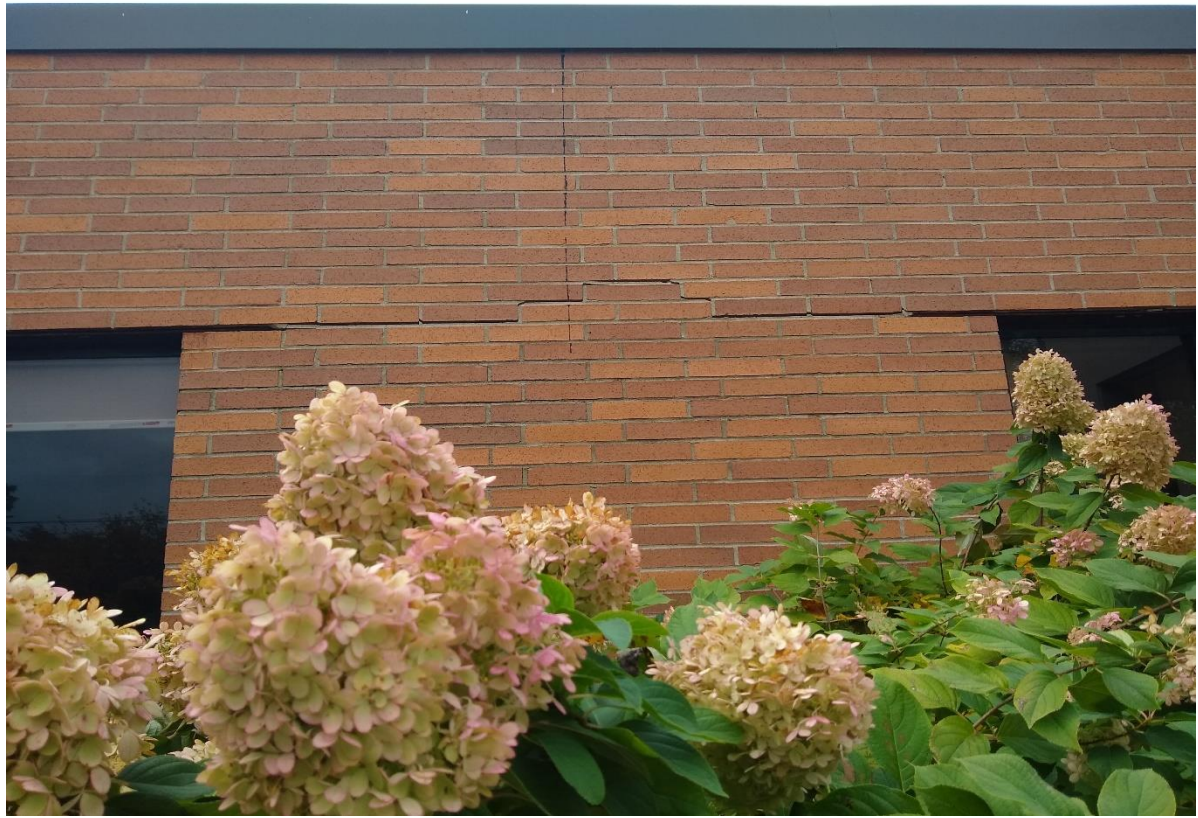
PHOTOGRAPHS (October 2022)

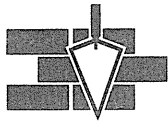
Top: Water stain on granite sill in Goddard room

Middle: Exterior northeast facing wall

Bottom: Exterior northeast facing wall showing vertical crack through 16 courses of brick







A.PENNACCHI & SONS, INC
Masonry Restoration Company
119 Buttonwood Street
HAMILTON, NEW JERSEY 08619
Trenton (609) 394-7354 • Hamilton (609) 584-0500
Fax (609) 584-0505
CONTRACTOR'S LIC. #13VH011384001

PROPOSAL SUBMITTED TO Delaware River Basin Commission		PHONE 609-883-9500	DATE October 11, 2022
STREET 25 State Police Dr. East		JOB NAME Masonry Restoration Services	
CITY, STATE and ZIP CODE West Trenton, NJ		JOB LOCATION Front Facade	
ARCHITECT 4 man crew	DATE OF PLANS Same	State October 2022	JOB PHONE

We Propose hereby to furnish material and labor complete in accordance with specifications below, for the sum of:

Nineteen Thousand, Eight-Hundred Eighty***** dollars (\$ **19,880.00**).

Payment to be made as follows:

payment due upon completion

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from specifications below involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workman's Compensation Insurance.

Authorized Signature _____

Note: This proposal may be withdrawn by us if not accepted within _____ days.

We hereby submit specifications and estimates for:

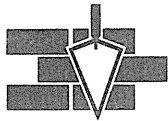
SCOPE OF WORK: EXTERIOR RESTORATION & STABILIZATION OF THE FRONT BRICK WALL FACADE.

- PHASE A) Replace the steel window angle lintels of the headers where needed to the front exterior. Install new steel lintels, prime and paint all the front lintels with Coronado Industrial Coating Paint- Color Tudor Brown. Caulk and seal the window lintel joints with Tremco Urethane. Caulk and seal the window perimeters of the front facade windows (12 windows)**
- PHASE B) Replace spalled brick work of the original brick work. Restore and brick point the stress cracks and openings of the front facade.**

Acceptance of Proposal The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date of Acceptance: _____ Signature _____

Signature _____



A.PENNACCHI & SONS, INC
Masonry Restoration Company
119 Buttonwood Street
HAMILTON, NEW JERSEY 08619
Trenton (609) 394-7354 • Hamilton (609) 584-0500
Fax (609) 584-0505
CONTRACTOR'S LIC. #13VH011384001

PROPOSAL SUBMITTED TO Delaware River Basin Commission		PHONE 760-937-2022 cell	DATE October 11, 2022
STREET 25 State Police Dr. East		JOB NAME Exterior Caulking Services & Front Steps	
CITY, STATE and ZIP CODE West Trenton, NJ		JOB LOCATION Front Exterior Entrance	
ARCHITECT 4 man crew	DATE OF PLANS Same	Start October 2022	JOB PHONE

We Propose hereby to furnish material and labor complete in accordance with specifications below, for the sum of:

Thirteen-Thousand, Two-Hundred***** dollars (\$ **13,200.00**).

Payment to be made as follows:

payment upon completion

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from specifications below involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workman's Compensation Insurance.

Authorized Signature _____

Note: This proposal may be withdrawn by us if not accepted within _____ days.

We hereby submit specifications and estimates for:

SCOPE OF WORK: LIMESTONE POSTS & ENTRANCE CAULKING AND SEALANTS OF THE LIMESTONE FRONT ENTRANCE.

Repair all limestone where spalling and deterioration is happening. Remove all decayed sealants of the limestone joints. Mask perimeter joints, install backer rod, caulk all joints with Tremco Urethane sealants. Color "Limestone Grey". Install a concave joint.

Restore and re-point the front bluestone steps, rout the stone joints and re-point all joints.

Acceptance of Proposal The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date of Acceptance: _____ Signature _____

Signature _____