

Direct: (201) 807-5801  
Fax: (201) 641-5356



# BERGEN COUNTY UTILITIES AUTHORITY

Box 9, Foot of Mehrhof Road, Little Ferry, New Jersey 07643

ROBERT E. LAUX  
Executive Director

PAUL A. JULIANO  
DAVID J. LORENZO  
RICHARD D. SCHOOLER  
GEORGE P. ZILOCCHI

ANDREW "CHUCK" VACCARO, Chairman  
RONALD PHILLIPS, Vice Chairman  
CATHERINE T. BENTZ  
JAMES L. CASSELLA.  
LOUIS J. DeLISIO

## Via Hand - Delivery

December 20, 2013

The Honorable Kathleen A. Donovan  
Bergen County Executive  
One Bergen County Plaza  
Hackensack, New Jersey 07601

Dear County Executive Donovan:

Pursuant to N.J.S.A. 40:14B-14(b) enclosed please find minutes and certification of the BCUA acting Secretary regarding the Regular Meeting of the Commissioners of The Bergen County Utilities Authority held on December 19, 2013 and action, consistent with the applicable provisions of the aforementioned legislation.

Very truly yours,

  
Robert E. Laux  
Executive Director

RLjo

Enclosure

C: All Commissioners

**BERGEN COUNTY UTILITIES AUTHORITY  
MINUTES OF THE REGULAR MEETING  
DECEMBER 19, 2013**

**In the matter of the 419<sup>TH</sup> Regular Meeting of  
The Bergen County Utilities Authority**

1. The **proof of meeting notice** calling the December 19, 2013 meeting was read into the record by Richard Wierer, Acting Secretary.

2. Roll Call:

**COMMISSIONERS PRESENT:**

Andrew "Chuck" Vaccaro, Chairman  
Ronald Phillips, Vice Chairman  
Catherine T. Bentz, Commissioner  
James L. Cassella, Commissioner  
Louis J. DeLisio, Commissioner  
Paul A. Juliano, Commissioner  
Richard D. Schooler, Commissioner  
George P. Zilocchi, Commissioner

**ALSO PRESENT:** Robert E. Laux, Executive Director  
Richard D. Wierer, Deputy Executive Director  
Authority Staff and Professional Consultants

3. Chairman Vaccaro led the Commissioners and others present in the salute to the flag.

4. Motion that the Minutes covering the November 26, 2013 Work Session be approved was moved by Commissioner Schooler and seconded by Commissioner Cassella and was carried.

5. Chairman Vaccaro opened the meeting to the public and asked if anyone present wished to be heard. Hearing no further response, the meeting was closed to the public.

6. FINANCE AND LEGAL COMMITTEE;

Resolution 13-1-049 – Approve bills and the claims supported by vouchers totaling \$ 3,715,322.97 and authorize the Chief Financial Officer to issue the necessary checks therefor, and to charge the accounts indicated, all as more fully set forth on the Chief Financial Officer's check list. Motion to adopt the resolution was made by Commissioner Cassella and Seconded by

Commissioner DeLisio. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 13-1-050 – Resolution designating the “Official” newspapers for 2014. Motion to adopt the resolution was made by Commissioner Cassella and Seconded by Commissioner DeLisio. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 13-1-051 – Resolution approving five cent (\$0.05) charge to cover expenses for Notices of Meeting Schedule. Motion to adopt the resolution was made by Commissioner Cassella and Seconded by Commissioner DeLisio. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 13-1-052 – Approve Amendment to the 2014 Introduced Budget – Water Pollution Control operations. Motion to adopt the resolution was made by Commissioner Cassella and Seconded by Commissioner DeLisio. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 13-1-053 – Approve Adoption of the 2014 Solid Waste Management Budget. Motion to adopt the resolution was made by Commissioner Cassella and Seconded by Commissioner DeLisio. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 13-1-054 – Approve Adoption of the 2014 Water Pollution Control Budget. Motion to adopt the resolution was made by Commissioner Cassella and Seconded by Commissioner DeLisio. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 13-1-055 – Ratify and Approve Financial Actions directed by Wallace Nowosielecki, Treasurer & Chief Financial Officer, during the month of November 2013. Motion to adopt the resolution was made by Commissioner Cassella and Seconded by Commissioner DeLisio. A roll call was taken and the resolution was adopted as reflected in these minutes.

7. CONSTRUCTION & ENGINEERING COMMITTEE:

Resolution 13-2-075 - Approve Assignment of Contract 13-04 from ADS to Covanta 4Recovery, LP. Motion to adopt the resolution was made by Commissioner Phillips and Seconded by Commissioner DeLisio. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 13-2-076 - Award Contract C -186 to Northeastern Interior Services, LLC for the Administration Building Lower Level Hurricane Sandy Damage Restoration. Motion to adopt the resolution was made by Commissioner Phillips and Seconded by Commissioner DeLisio. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 13-2-077 - Award Contract 13-01 to J. Fletcher Creamer & Son, Inc. for the Annual Buried Infrastructure On Call Sewer Repair/Replacement Work (One Year with Two (2) One (1) Year Options. Motion to adopt the resolution was made by Commissioner Phillips and Seconded by Commissioner DeLisio. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 13-2-078 - Authorize execution of Purchase Order to Dell Inc. for Annual Microsoft Enterprise License. Motion to adopt the resolution was made by Commissioner Phillips and Seconded by Commissioner DeLisio. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 13-2-079 - Authorize execution of Purchase Order(s) to NACR to Furnish, Deliver and Install Avaya Phone System. Motion to adopt the resolution was made by Commissioner Phillips and Seconded by Commissioner DeLisio. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 13-2-080 - Authorize Online Auction of Various Excess Personal Property through Govdeals.com auction service. Motion to adopt the resolution was made by Commissioner Phillips and Seconded by Commissioner DeLisio. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 13-2-081 - Approve Professional Services Agreement with Neglia Engineering Associates for Engineering Services related to Hurricane Sandy Restoration Projects. Motion to adopt the resolution was made by Commissioner Phillips and Seconded by Commissioner DeLisio. A roll call was taken and the resolution was adopted as reflected in these minutes.

8. PERSONNEL & ADMINISTRATION COMMITTEE

Resolution 13-3-004 - Approve Renewal of Third Party Administration Service Agreement with IDA for the BCUA Self Insurance Health Benefits for a one (1) year term. Motion to adopt the resolution was made by Commissioner DeLisio and Seconded by Commissioner Juliano. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 13-3-005 - Approve Renewal of Cafeteria Plan Section 125 Flexible Spending Account Administration Service Agreement with IDA for a one (1) year term. Motion to adopt the resolution was made by Commissioner DeLisio and Seconded by Commissioner Juliano. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 13-3-006 - Approve renewal of Third Party Administration Service Agreement with Delta Dental of New Jersey, Inc. for a one (1) year term. Motion to adopt the resolution was made by Commissioner DeLisio and Seconded by Commissioner Juliano. A roll call was taken and the resolution was adopted as reflected in these minutes.

9. STRATEGIC PLANNING COMMITTEE

Resolution 13-6-006 – Recommend Conditional Approval of Application for Solid Waste Management Plan Amendment by Prospect Heights Care Center, Hackensack, NJ. Motion to adopt the resolution was made by Commissioner Schooler and Seconded by Commissioner Juliano. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 13-6-007 - Authorize Execution of an Agreement with PSE&G Power, L.L.C. for the use of Treated Effluent. Motion to adopt the resolution was made by Commissioner Schooler and Seconded by Commissioner Juliano. A roll call was taken and the resolution was adopted as reflected in these minutes.

10. Chairman Vaccaro announced a short recess to allow time for the Acting Secretary to prepare minutes of this Regular Meeting.

11. Chairman Vaccaro announced the Regular Meeting would reconvene.

12. The Acting Secretary then distributed proposed minutes of the December 19, 2013 Regular Meeting for review by the Commissioners.

**BERGEN COUNTY UTILITIES AUTHORITY**

**Minutes of the Regular Meeting**

**December 19, 2013**

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13. Move to approve the Minutes of the Regular Meeting of December 19, 2013 as distributed by the Acting Secretary, such minutes to include this motion approving the minutes, without the requirement of further review or approval at a subsequent Regular Meeting. Motion to adopt the Minutes of the Regular Meeting of December 26, 2013 was made by Commissioner Vaccaro and second by Commissioner Schooler and was unanimously carried.

14. Upon motion duly made, seconded and unanimously carried, the meeting was adjourned.

<b>Resolution #</b>	<b>13-1-049</b>	<b>13-1-050</b>	<b>13-1-051</b>	<b>13-1-052</b>	<b>13-1-053</b>	<b>13-1-054</b>	<b>13-1-055</b>
Chairman Vaccaro	Y	Y	Y	Y	Y	Y	Y
Comm. Phillips	Y	Y	Y	Y	Y	Y	Y
Comm. Bentz	Y	Y	Y	Y	Y	Y	Y
Comm. Cassella	Y	Y	Y	Y	Y	Y	Y
Comm. DeLisio	Y	Y	Y	Y	Y	Y	Y
Comm. Juliano	A	Y	Y	Y	Y	Y	Y
Comm. Lorenzo	-	-	-	-	-	-	-
Comm. Schooler	Y	Y	Y	Y	Y	Y	Y
Comm. Zilocchi	Y	Y	Y	Y	Y	Y	Y

<b>Resolution #</b>	<b>13-2-075</b>	<b>13-2-076</b>	<b>13-2-077</b>	<b>13-2-078</b>	<b>13-2-079</b>	<b>13-2-080</b>	<b>13-2-081</b>
Chairman Vaccaro	Y	Y	Y	Y	Y	Y	Y
Comm. Phillips	Y	Y	Y	Y	Y	Y	Y
Comm. Bentz	Y	Y	Y	Y	Y	Y	Y
Comm. Cassella	Y	Y	Y	Y	Y	Y	Y
Comm. DeLisio	Y	Y	Y	Y	Y	Y	Y
Comm. Juliano	Y	Y	Y	Y	Y	Y	Y
Comm. Lorenzo	-	-	-	-	-	-	-
Comm. Schooler	Y	Y	Y	Y	Y	Y	Y
Comm. Zilocchi	Y	Y	Y	Y	Y	Y	Y

<b>Resolution #</b>	<b>13-3-004</b>	<b>13-3-005</b>	<b>13-3-006</b>
Chairman Vaccaro	Y	Y	Y
Comm. Phillips	Y	Y	Y
Comm. Bentz	Y	Y	Y
Comm. Cassella	Y	Y	Y
Comm. DeLisio	Y	Y	Y
Comm. Juliano	Y	Y	Y
Comm. Lorenzo	-	-	-
Comm. Schooler	Y	Y	Y
Comm. Zilocchi	Y	Y	Y

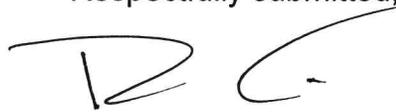
BERGEN COUNTY UTILITIES AUTHORITY  
Minutes of the Regular Meeting  
December 19, 2013

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Resolution #	13-6-006	13-6-007
Chairman Vaccaro	Y	Y
Comm. Phillips	Y	Y
Comm. Bentz	Y	Y
Comm. Cassella	Y	Y
Comm. DeLisio	Y	Y
Comm. Juliano	Y	Y
Comm. Lorenzo	-	-
Comm. Schooler	Y	Y
Comm. Zilocchi	Y	Y

Y = Yes  
R = Recuse  
A = Abstain  
N = No  
- = Absent

Respectfully submitted,



Richard Wierer  
Acting Secretary

December 19, 2013

**BERGEN COUNTY UTILITIES AUTHORITY  
RESOLUTION**

**WHEREAS**, the New Jersey Open Public Meetings Act (N.J.S.A. 10:4-6 et seq.) requires that public bodies, such as the Authority, designate two newspapers as being the official newspapers of the Authority, which newspapers have the greatest likelihood of informing the public within the Authority's jurisdiction of its meetings, for the purpose of receiving adequate notice as defined and prescribed by N.J.S.A. 10:4-8(d); and

**WHEREAS**, The Record and The North Jersey Herald News constitute qualified newspapers to serve as legal or "Official" newspapers within the meaning of N.J.S.A. 35:1-2; and

**NOW THEREFORE BE IT RESOLVED** by the Commissioners of The Bergen County Utilities Authority that The Record and The North Jersey Herald News be and are hereby designated by the Authority as authorized to receive notices required by N.J.S.A. 10:4-8(d);

**BE IT FURTHER RESOLVED** by the Commissioners of The Bergen County Utilities Authority that, effective for the year commencing January 1, 2014 The Record and The North Jersey Herald News shall be and are hereby designated as the Authority's official newspapers; and

**BE IT FURTHER RESOLVED** that the formal action(s) of The Commissioners of the Bergen County Utilities Authority embodied herein are expressly contingent upon and subject to N.J.S.A. 40:14B-14(b).

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of December 19, 2013.



Richard Wierer  
Acting Secretary

**Dated: December 19, 2013**

**BERGEN COUNTY UTILITIES AUTHORITY  
RESOLUTION**

**WHEREAS**, the Open Public Meetings Act (N.J.S.A. 10:4-6 et seq., the ("Act")) became law on January 19, 1976; and

**WHEREAS**, N.J.S.A. 10:4-19 provides that any person may request that The Bergen County Utilities Authority mail copies of any regular meeting schedule revision and any advance written notice of any regular, special or rescheduled meeting or provide advance written notice, pursuant to Section 3(d) of the Act; and

**WHEREAS**, the Act allows The Bergen County Utilities Authority to require prepayment by such person of a reasonable sum to cover the costs of providing such notice; and

**WHEREAS**, the Act further provides that the resolution establishing the charge to cover the costs of reproduction and mailing the notices sought by the news media may be mailed to the news media free of charge;

**NOW, THEREFORE, BE IT RESOLVED** that, for one year commencing January 1, 2014, The Bergen County Utilities Authority hereby establishes that to all other persons other than The Record and The North Jersey Herald and News, the reasonable charge for notices requested pursuant to N.J.S.A. 10:4-19 shall be five cents (\$.05) per notice to cover the costs of reproduction and mailing; and

**BE IT FURTHER RESOLVED** that the formal action(s) of The Commissioners of the Bergen County Utilities Authority embodied herein are expressly contingent upon and subject to N.J.S.A. 40:14B-14(b).

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of December 19, 2013.



Richard Wierer  
Acting Secretary

**Dated: December 19, 2013**

**BERGEN COUNTY UTILITIES AUTHORITY  
RESOLUTION**

**Resolution to Amend 2014 Introduced Budget – Water Pollution Control Operations**

**WHEREAS**, N.J.A.C. 5:31-2.8 provides that amendments to the budget are permitted for decreases in revenues with corresponding decreases in budgeted costs; and

**WHEREAS**, the annual Water Pollution Control Budget for the Bergen County Utilities Authority for the fiscal year beginning January 1, 2014 and ending December 31, 2014 was introduced on the 24<sup>th</sup> of October, 2013, and

**WHEREAS**, it is desired to amend said introduced annual Water Pollution Control Budget to reduce service charges by \$170,000, with a concurrent increase in revenues from connection fees of \$45,000 and an increase to other operating revenues of \$125,000.

**NOW, THEREFORE BE IT RESOLVED**, by the Governing Body of the Bergen County Utilities Authority that the following amendments to the introduced annual Water Pollution Control Budget for the fiscal year 2014 be made:

<u>WATER POLLUTION CONTROL OPERATIONS</u>	<u>From</u>	<u>To</u>
Operating Revenues:		
Services Charges	\$67,257,613	\$67,087,613
Connection Fees	\$650,000	\$695,000
Other Operating Revenues		
IPP Permits	\$250,000	\$285,000
Miscellaneous	\$250,000	\$340,000
Total Other Operating Revenues	\$2,565,000	\$2,690,000
Total Operating Revenues	\$70,752,613	\$70,752,613

**BE IT FURTHER RESOLVED**, that two certified copies of this resolution be filed forthwith in the Office of the Director of the Division of Local Government Services for certification of the fiscal year 2014 annual Water Pollution Control Budget so amended.

It is hereby certified that this is a true copy of a resolution amending the budget, adopted by the governing body on the 19<sup>th</sup> day of December, 2013.



\_\_\_\_\_  
(Secretary's Signature)

12-19-13

(date)

<u>Governing Body</u> <u>Member:</u>	<u>Recorded Vote</u>			
	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Andrew "Chuck" Vaccaro, Chair	X			
Ronald Phillips, Vice Chair	X			
Catherine T. Bentz, Commissioner	X			
James L. Cassella, Commissioner	X			
Louis J. DeLisio, Commissioner	X			
Paul A. Juliano, Commissioner	X			
David J. Lorenzo, Commissioner				X
Richard D. Schooler, Commissioner	X			
George P. Zilocchi, Commissioner	X			

**BERGEN COUNTY UTILITIES AUTHORITY  
RESOLUTION**

**WHEREAS**, the Solid Waste Division's Annual Budget and Capital Budget/Program for The Bergen County Utilities Authority's Solid Waste Division for the fiscal year beginning January 1, 2014 and ending December 31, 2014 has been presented for adoption to the Commissioners of The Bergen County Utilities Authority at its public meeting of December 19, 2013; and

**WHEREAS**, the Solid Waste Division's Annual Budget and Capital Budget, as presented for adoption, reflects each item of revenue and appropriation in the same amount and title as set forth in the introduced and approved budget, including all amendments thereto, if any, which have been approved by the Director of the Division of Local Government Services; and

**WHEREAS**, the Solid Waste Division's Annual Budget, as presented for adoption, reflects Total Revenues of \$6,719,950, total Appropriations, including any Accumulative Deficit, if any, of \$8,100,701 and total Unreserved Retained Earnings utilized of \$1,380,751. and

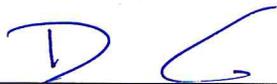
**WHEREAS**, the Solid Waste Division's Capital Budget, as presented for adoption, reflects Total Capital Appropriations of \$0.00 and Total Unreserved Retained Earnings planned to be utilized of \$0.00;

**NOW, THEREFORE, BE IT RESOLVED** by the Commissioners of The Bergen County Utilities Authority, at its public meeting held on December 19, 2013, that the Solid Waste Division's Annual Budget and Capital Budget/Program for The Bergen County Utilities Authority for the fiscal year period beginning January 1, 2014 and ending December 31, 2014 is hereby adopted and shall constitute the appropriations for the purposes stated; and

**BE IT FURTHER RESOLVED** that the Solid Waste Division's Annual Budget and Capital Budget/Program, as presented for adoption, reflects each item of revenue and appropriation in the same amount and title as set forth in the introduced and approved budget, including all amendments thereto, if any, which have been approved by the Director of the Division of Local Government Services; and

**BE IT FURTHER RESOLVED** that the formal action(s) of the Commissioners of The Bergen County Utilities Authority embodied herein are expressly contingent upon and subject to N.J.S.A. 40:14B-14(b).

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of December 19, 2013.

  
\_\_\_\_\_  
Richard Wierer  
Acting Secretary

**Dated: December 19, 2013**

**BERGEN COUNTY UTILITIES AUTHORITY  
RESOLUTION**

**WHEREAS**, the Annual Budget and Capital Budget/Program for The Bergen County Utilities Authority's Water Pollution Control System for the fiscal year beginning January 1, 2014 and ending December 31, 2014 has been presented for adoption by the Commissioners of The Bergen County Utilities Authority at its public meeting of December 19, 2013; and

**WHEREAS**, the Water Pollution Control System Annual Budget and Capital Budget, as presented for adoption, reflects each item of revenue and appropriation in the same amount and title as set forth in the introduced and approved budget, including all amendments thereto, if any, which have been approved by the Director of the Division of Local Government Services; and

**WHEREAS**, the Water Pollution Control System Annual Budget as presented for adoption reflects Total Revenues of \$70,752,613, total Appropriations, including any Accumulative Deficit, if any, of \$70,752,613, and total Unreserved Retained Earnings utilized of -0-; and

**WHEREAS**, the Water Pollution Control System Capital Budget as presented for adoption reflects Total Capital Appropriations of \$9,600,000. and Total Unreserved Retained Earnings planned to utilized of \$0.00;

**NOW, THEREFORE, BE IT RESOLVED** by the Commissioners of The Bergen County Utilities Authority, at its public meeting held on December 19, 2013, that the Water Pollution Control System Annual Budget and Capital Budget/Program for The Bergen County Utilities Authority for the fiscal year period beginning January 1, 2014 and ending December 31, 2014 is hereby adopted and shall constitute the appropriations for the purposes stated; and

**BE IT FURTHER RESOLVED** that the Water Pollution Control System Annual Budget and Capital Budget/Program, as presented for adoption, reflects each item of revenue and appropriation in the same amount and title as set forth in the introduced and approved budget, including all amendments thereto, if any, which have been approved by the Director of the Division of Local Government Services; and

**BE IT FURTHER RESOLVED** that the formal action(s) of the Commissioners of The Bergen County Utilities Authority embodied herein are expressly contingent upon and subject to N.J.S.A. 40:14B-14(b).

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of December 19, 2013.



Richard Wierer  
Acting Secretary

**Dated: December 19, 2013**

**BERGEN COUNTY UTILITIES AUTHORITY  
RESOLUTION**

**BE IT RESOLVED** by the Commissioners of the Bergen County Utilities Authority that the Financial Actions directed by Wallace Nowosielecki, Treasurer & Chief Financial Officer, during the month of November, 2013 be and are hereby ratified and approved.

1. The formal action(s) of the Commissioners of the Bergen County Utilities Authority embodied herein are expressly contingent upon and subject to the provisions of *N.J.S.A. 40:14B-14(b)*.

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of December 19, 2013.



Richard Wierer  
Acting Secretary

**Dated: December 19, 2013**

## BERGEN COUNTY UTILITIES AUTHORITY RESOLUTION

**WHEREAS**, upon advertisement and pursuant to specifications, the Bergen County Utilities Authority (the "Authority") previously solicited bid proposals for a contract for **Cooperative Marketing for Solid Waste Disposal** for a contract term of three (3) years with two (2) one (1) year options pursuant to and in accordance with the terms of Authority Contract No. 13-04; and

**WHEREAS**, the solicitation of bids was conducted in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

**WHEREAS**, the Authority received three (3) bid proposals for Authority Contract No. 13-04, in order from lowest to highest: (1) ADS Solid Waste of N.J., Inc. ("ADS"); (2) Interstate Waste Services ("IWS"); and (3) Waste Management of N.J., Inc. ("WM"); and

**WHEREAS**, on April 25, 2013, the Commissioners of the Authority adopted Resolution 13-2-035, determining **ADS** to be the lowest responsible bidder for **Cooperative Marketing for Solid Waste Disposal** and awarding Authority Contract No. 13-04 to **ADS** for a three (3) year term period with two (2) one (1) year options for a total unit cost of \$64.85 per ton including the \$3.00 recycling tax, pursuant to the contract and specifications contained in the solicitation of bids; and

**WHEREAS**, the awarding of Authority Contract No. 13-04 to **ADS** was required for the efficient operation of the Authority; and

**WHEREAS**, subsequent to the awarding of Authority Contract No. 13-04 by the Authority to **ADS**, the Authority was informed that **ADS** made the business decision to no longer conduct business in the State of New Jersey and in connection with that business decision **ADS** sold, among other things, its waste and recycling assets located in the State of New Jersey; and

**WHEREAS**, **ADS** has advised the Authority that **ADS** has entered into an Asset Purchase Agreement with **Covanta 4Recovery, L.P.**, a Delaware Limited Partnership ("**Covanta**") 445 South St., Morristown, NJ 07960, pursuant to which **ADS** wishes to transfer to **Covanta**, and **Covanta** agrees to accept from **ADS**, all of **ADS**' rights, title and interests in and to Authority Contract No. 13-04 and also pursuant to which **Covanta** agrees to assume all obligations of **ADS** under Authority Contract No. 13-04; and

**WHEREAS**, Article Fifteen Section 15.15 of Authority Contract No. 13-04 permits **ADS** to assign Authority Contract No. 13-04 only upon receiving the written consent of the Authority to that assignment; and

**WHEREAS**, the Authority continues to require the providing of the services of **Cooperative Marketing for Solid Waste Disposal** to the Authority pursuant to Authority Contract No. 13-04; and

**WHEREAS**, **Covanta** has advised the Authority that in accepting the assignment of Authority Contract No. 13-04 from **ADS**, **Covanta** is willing and agrees to assume and accept from **ADS** all of **ADS'** rights, title and interests in and to Authority Contract No. 13-04 and **Covanta** is also willing and agrees to assume and accept from **ADS** all of the obligations of **ADS** to the Authority and others under Authority Contract No. 13-04; and

**WHEREAS**, the Authority has determined that **Covanta** is competent, qualified and experienced to provide the services of **Cooperative Marketing for Solid Waste Disposal** to the Authority pursuant to Authority Contract No. 13-04; and

**WHEREAS**, the Authority has determined that the providing of the services of **Cooperative Marketing for Solid Waste Disposal** to the Authority under Authority Contract No. 13-04 may continue by assignment of Authority Contract No. 13-04 by **ADS** to **Covanta** without the need to solicit bids in accordance with Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

**WHEREAS**, the Authority has determined that the assignment of Authority Contract No. 13-04 from **ADS** to **Covanta** is necessary for the continued efficient operation of the Authority; and

**WHEREAS**, the Authority's Chief Financial Officer has certified that funds are available for this purpose; and

**NOW THEREFORE, BE IT RESOLVED** by the Commissioners of the Bergen County Utilities Authority as follows:

1. Resolution 13-2-035 of the Commissioners of the Bergen County Utilities Authority is incorporated into this resolution as if fully set forth herein.
2. The Authority does hereby consent to the assignment of Authority Contract No. 13-04 from **ADS** to **Covanta A Recovery, LLP**.
3. The Chairman shall be and is hereby authorized to execute an agreement with **ADS** and **Covanta**, which agreement shall memorialize the assignment of Authority Contract No. 13-04 from **ADS** to **Covanta**.
4. All other terms of Authority Contract No. 13-04, including but not limited to the three (3) year term period of that contract and all financial terms set forth within that contract, shall remain in full force and effect without modification.

5. The Chief Financial Officer's Certification that the funds have been appropriated shall remain on file.

6. A copy of this Resolution, the Agreement executed pursuant to this Resolution and Contract No. 13-04, shall be placed on file and made available for public inspection in the Office of the Executive Director upon execution by ADS, Covanta and the Authority.

7. The formal action(s) of the Commissions of the Bergen County Utilities Authority embodied herein are expressly contingent upon and subject to the provisions of N.J.S.A. 40:14B-14(b).

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of December 19, 2013.



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RICHARD WIERER  
Acting Secretary

**DATED: December 19, 2013**

BERGEN COUNTY UTILITIES AUTHORITY  
CERTIFICATE OF FUNDS

RESOLUTION DATE: 12/19/2013  
RESOLUTION #: 13-2-075

THIS IS TO CERTIFY TO THE COMMISSIONERS OF THE BERGEN COUNTY UTILITIES  
AUTHORITY THAT THERE ARE:

FUNDS AVAILABLE	<u>FUNDS WILL BE CERTIFIED WHEN THE PURCHASE ORDERS ARE ISSUED</u>
FUNDS ARE NOT AVAILABLE	<u> </u>
BUDGET ACCOUNT	<u>S-640-80900-000</u>
VENDOR	<u>COVANTA 4 RECOVERY, L.P.</u>
CONTRACT NUMBER	<u>C 13-04</u>
REASON	<u>COOPERATIVE MARKETING FOR SOLID WASTE DISPOSAL</u>
AMOUNT	<u>\$64.85 PER TON FOR THE 1ST YEAR \$69.00 PER TON FOR THE 2ND YEAR \$70.95 PER TON FOR THE 3RD YEAR</u>
CONTRACT LENGTH	<u>JUNE 1, 2013 - MAY 31, 2016</u>

  
\_\_\_\_\_  
TREASURER/CFO

**BERGEN COUNTY UTILITIES AUTHORITY  
RESOLUTION**

**WHEREAS**, on prior occasion, upon advertisement and pursuant to specifications, the Authority solicited bid proposals for **Administration Building Lower Level Restoration** caused by damage from Hurricane Sandy, pursuant to and in accordance with **Contract No. C -186**; and

**WHEREAS**, the following bid proposals were received by the Authority on **December 12, 2013** for **Contract No. C -186**:

Vendor	Total Amount Bid	Alternate
Northeastern Interior Services, LLC Paterson, NJ 07501	\$86,000.00	\$5,000.00
Maio Construction Co., Inc. Newton, NJ 07860	\$101,450.00	\$1,800.00
Molba Construction Little Ferry, NJ 07643	\$119,400.00	\$4,350.00
Billy Contracting & Restoration, Inc. Pine Brook, NJ 07058	\$120,200.00	\$3,500.00
Accurate Construction, Inc. Wayne, NJ 07470	\$124,500.00	\$6,000.00
Pharos Enterprises, LLC South Amboy, NJ 08879	\$132,000.00	\$3,900.00
Daskal, LLC Wallington, NJ 07057	\$136,000.00	\$2,500.00
SLS Construction, LLC Upper Saddle River, NJ 07458	\$145,800.00	\$6,000.00
Fine Wall Corp. Iselin, NJ 08830	\$146,400.00	\$2,700.00
Strama & Brothers Construction, LLC Montville, NJ 07045	\$168,450.00	\$6,000.00
DiCarolus Associates, Inc. Hackensack, NJ 07601	\$168,999.00	\$5,000.00
S2 Construction Elmwood Park, NJ 07407	\$205,000.00	\$8,000.00

**WHEREAS**, the Authority's **Chief Engineer/Director of Water Pollution Control and Engineering Consultant Neglia Engineering Associates** have reviewed the bid proposals and have recommended that **Northeastern Interior Services, LLC** be awarded **Contract No. C -186** in accordance with N.J.S.A. 40:11-4, as the lowest complying and responsible bidder; and

**WHEREAS**, on the basis of the foregoing, the Authority has determined that **Northeastern Interior Services, LLC** constitutes the lowest complying and responsible bidder for **Contract No. C -186**, in accordance with N.J.S.A. 40A:11-4; and

13-2-076

**WHEREAS**, publicly bid contracts are in compliance with the fair and open process pursuant to N.J.S.A. 19:44A-20.4 et seq.; and

**WHEREAS**, the award of this Contract is necessary for the efficient operation of the Authority; and

**WHEREAS**, the Authority's Chief Financial Officer has certified that funds are available for this purpose; and

**NOW, THEREFORE, BE IT RESOLVED** by the Commissioners of the Bergen County Utilities Authority as follows:

1. **Northeastern Interior Services, LLC** shall be and is hereby determined to be the lowest complying and responsible bidder for **Administration Building Lower Level Restoration**, constituting **Contract No. C -186** for a total of **\$86,000.00 (Alternate \$5,000.00)**.
2. The bid award shall exclude the \$5000.00 alternate bid. The Authority shall perform such alternate services using in-house labor;
3. The Chairman is hereby authorized to execute an agreement with **Northeastern Interior Services, LLC of 112 Mill Street, Paterson, NJ 07501** for **Administration Building Lower Level Restoration**, constituting **Contract No. C -186** for a total of **\$86,000.00**.
4. The bid security of all unsuccessful bidders shall be returned in accordance with N.J.S.A. 40A:11-1, et seq.
5. The Chief Financial Officer's Certification that funds are available shall be on file at the Authority and made a part hereof.
6. The Chief Financial Officer shall take appropriate action to obtain reimbursement from FEMA pursuant to Hurricane Sandy Disaster Relief programs.
7. The formal action(s) of the Commissioners of the Bergen County Utilities Authority embodied herein are expressly contingent upon and subject to the provisions of N.J.S.A. 40:14B-14b.

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of December 19, 2013.



Richard Wierer  
Acting Secretary

**Dated: December 19, 2013**

BERGEN COUNTY UTILITIES AUTHORITY  
CERTIFICATE OF FUNDS

RESOLUTION DATE: 12/19/2013  
RESOLUTION #: 13-2-076

THIS IS TO CERTIFY TO THE COMMISSIONERS OF THE BERGEN COUNTY UTILITIES  
AUTHORITY THAT THERE ARE:

FUNDS AVAILABLE X  
\_\_\_\_\_

FUNDS ARE NOT AVAILABLE  
\_\_\_\_\_

BUDGET ACCOUNT W-150-90900-000  
\_\_\_\_\_

VENDOR NORTHEASTERN INTERIOR SERVICES, LLC  
\_\_\_\_\_

CONTRACT NUMBER C186  
\_\_\_\_\_

REASON ADMINISTRATION BUILDING LOWER LEVEL  
RESTORATION  
\_\_\_\_\_

AMOUNT \$86,000.00  
\_\_\_\_\_

CONTRACT LENGTH  
\_\_\_\_\_

*Wallace Housiulech*

\_\_\_\_\_  
TREASURER/CFO

**BERGEN COUNTY UTILITIES AUTHORITY  
RESOLUTION**

**WHEREAS**, on prior occasion, upon advertisement and pursuant to specifications, the Authority solicited bid proposals for **Annual Buried Infrastructure On Call Sewer Repair/Replacement Work – One Year Contract with Two, One Year Options**, pursuant to and in accordance with **Contract No. 13-01**; and

**WHEREAS**, by way of Resolution 13-2-008 dated January 24, 2013, **J. Fletcher Creamer & Son, Inc.** was determined to be the lowest complying and responsible bidder for **Annual Buried Infrastructure On Call Sewer Repair/Replacement Work**, constituting **Contract No. 13-01** for a total contract price of \$149,690.00 per year; and for the optional year for a total contract price of \$149,690.00; and

**WHEREAS**, by way of Resolution dated January 24, 2013, the Chairman was authorized to execute an agreement with **J. Fletcher Creamer & Son, Inc.** for **Annual Buried Infrastructure On Call Sewer Repair/Replacement Work**, constituting **Contract No. 13-01** for a total of **\$149,690.00 per year** for the **initial one-year period**; and

**WHEREAS**, pursuant to the bid specifications of **Contract No. 13-01**, the Authority has the option to extend the contract for Annual Buried Infrastructure On Call Sewer Repair/Replacement Work with **J. Fletcher Creamer & Son, Inc.** for an additional **one year period** in the amount of **\$149,690.00 in year 2** of the contract; and

**WHEREAS**, pursuant to N.J.S.A. 40A:11-15(44) the Authority finds **J. Fletcher Creamer & Son, Inc.** has performed **Contract No. 13-01** for Annual Buried Infrastructure On Call Sewer Repair/Replacement Work in an effective and efficient manner; and

**WHEREAS**, exercising the Year Two Option of **Contract No. 13-01** to **J. Fletcher Creamer & Son, Inc.** for Annual Buried Infrastructure On Call Sewer Repair/Replacement Work is necessary for the efficient operation of the Authority; and

**WHEREAS**, the Chief Financial Officer of the Authority has certified that funds are available for this purpose; and

**NOW, THEREFORE, BE IT RESOLVED** by the Commissioners of the Bergen County Utilities Authority as follows:

1. The Executive Director shall be and he is hereby authorized to execute an agreement with **J. Fletcher Creamer & Son, Inc.** for **Annual Buried Infrastructure On Call Sewer Repair/Replacement Work**, pursuant to and in accordance with **Contract No. 13-01**, which exercises the One Year Option by the Authority to extend the contract for an additional **one year period** (from February 1, 2014 through January 31, 2015) in the amount of **\$149,690.00**.

2. The Chief Financial Officer's Certification that funds are available shall be on file at the Authority and made a part hereof.

13-2-077

3. The formal action(s) of the Commissioners of the Bergen County Utilities Authority embodied herein are expressly contingent upon and subject to the provisions of N.J.S.A. 40:14B-14(b).

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of December 19, 2013.



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Richard Wierer  
Acting Secretary

**Dated: December 19, 2013**

BERGEN COUNTY UTILITIES AUTHORITY  
CERTIFICATE OF FUNDS

RESOLUTION DATE: 12/19/2013  
RESOLUTION #: 13-2-077

THIS IS TO CERTIFY TO THE COMMISSIONERS OF THE BERGEN COUNTY UTILITIES  
AUTHORITY THAT THERE ARE:

FUNDS AVAILABLE	<u>FUNDS WILL BE CERTIFIED WHEN THE PURCHASE ORDERS ARE ISSUED</u>
FUNDS ARE NOT AVAILABLE	<u> </u>
BUDGET ACCOUNT	<u>W-220-52400-000</u>
VENDOR	<u>J. FLETCHER CREAMER &amp; SON, INC.</u>
CONTRACT NUMBER	<u> </u>
REASON	<u>ANNUAL BURIED INFRASTRUCTURE ON CALL SEWER REPAIR WORK</u>
AMOUNT	<u>\$149,690.00</u>
CONTRACT LENGTH	<u>FEBRUARY 1, 2014 - JANUARY 31, 2015</u>

  
TREASURER/CFO

**BERGEN COUNTY UTILITIES AUTHORITY  
RESOLUTION**

**WHEREAS**, there exists the need for **Annual Microsoft Enterprise License Agreement** in order to ensure the Authority's necessary and efficient operations; and

**WHEREAS**, the Local Public Contracts Law, at N.J.S.A. 40A:11-12, provides that contracting units may purchase goods and/or services pursuant to contracts authorized by the State of New Jersey without the necessity of public bidding therefore; and

**WHEREAS**, **Dell, Inc.** has been awarded New Jersey State Contract **SC- A77003 (Index M-0003)** for **Software License and Related Services**; and

**WHEREAS**, on November 26, 2013, **Dell, Inc.** provided the Authority with a quotation for **Annual Microsoft Enterprise License Agreement** under New Jersey State Contract **SC- A77003 (Index M-0003)**, in the amount of **\$33,590.10** for the Little Ferry and Edgewater sites; and

**WHEREAS**, the **Annual Microsoft Enterprise License Agreement** may be procured through State Contract **SC- A77003 (Index M-0003)** for a total cost of **\$33,590.10** for the Little Ferry and Edgewater sites as quoted by **Dell, Inc.**; and

**WHEREAS**, contracts awarded pursuant to authorization from the State of New Jersey are in compliance with the fair and open process pursuant to N.J.S.A. 19:44A-20.4 et seq.; and

**WHEREAS**, the Authority's Chief Financial Officer has certified that funds are available for this purpose; and

**WHEREAS**, the award of this Contract is necessary for the efficient operation of the Authority;

**NOW, THEREFORE, BE IT RESOLVED** by the Commissioners of the Bergen County Utilities Authority, as follows:

1. The Executive Director or his designee be and is hereby authorized to execute a purchase order, or purchase orders as may be required, for **Annual Microsoft Enterprise License Agreement** in the amount of **\$33,590.10** for the Little Ferry and Edgewater sites, as per the quotation of **Dell, Inc.**, dated November 26, 2013, and in accordance with the terms of, New Jersey State Contract **SC- A77003 (Index M-0003)**.

2. The Chief Financial Officer's Certification that funds are available shall be on file at the Authority and made a part hereof.

13-2-078

3. The formal action(s) of the Commissioners of the Bergen County Utilities Authority embodied herein are expressly contingent upon and subject to the provisions of N.J.S.A. 40:14B-14(b).

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of December 19, 2013.



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Richard Wierer  
Acting Secretary

**Dated: December 19, 2013**

BERGEN COUNTY UTILITIES AUTHORITY  
CERTIFICATE OF FUNDS

RESOLUTION DATE: 12/19/2013  
RESOLUTION #: 13-2-078

THIS IS TO CERTIFY TO THE COMMISSIONERS OF THE BERGEN COUNTY UTILITIES  
AUTHORITY THAT THERE ARE:

FUNDS AVAILABLE X  
\_\_\_\_\_

FUNDS ARE NOT AVAILABLE  
\_\_\_\_\_

BUDGET ACCOUNT A-620-56500-000  
\_\_\_\_\_

VENDOR DELL, INC.  
\_\_\_\_\_

CONTRACT NUMBER SC-A77003  
\_\_\_\_\_

REASON ANNUAL MICROSOFT ENTERPRISE  
LICENSE AGREEMENT  
\_\_\_\_\_

AMOUNT \$33,590.10  
\_\_\_\_\_

CONTRACT LENGTH  
\_\_\_\_\_

  
\_\_\_\_\_  
TREASURER/CFO

## BERGEN COUNTY UTILITIES AUTHORITY RESOLUTION

**WHEREAS**, there exists the need to **Furnish, Deliver and Install Avaya Phone System** in order to ensure the Authority's necessary and efficient operations; and

**WHEREAS**, the Local Public Contracts Law, at N.J.S.A. 40A:11-12, provides that contracting units may purchase goods and/or services pursuant to contracts authorized by the State of New Jersey without the necessity of public bidding therefore; and

**WHEREAS**, **NACR** has been awarded New Jersey State Contract **SC - A80802 (Index M-0003)** for **Telecommunications Equipment & Services**; and

**WHEREAS**, on December 11, 2013, **NACR** provided the Authority with a quotation to **Furnish, Deliver and Install Avaya Phone System** under New Jersey State Contract **SC - A80802 (Index T-1316)**, in the amount of **\$78,825.41** for the Little Ferry and Edgewater sites; and

**WHEREAS**, the **Furnish, Deliver and Install Avaya Phone System** may be procured through State Contract **SC - A80802 (Index T-1316)** for a total cost of **\$78,825.41** for the Little Ferry and Edgewater sites as quoted by **NACR**; and

**WHEREAS**, contracts awarded pursuant to authorization from the State of New Jersey are in compliance with the fair and open process pursuant to N.J.S.A. 19:44A-20.4 et seq.; and

**WHEREAS**, the Authority's Chief Financial Officer has certified that funds are available for this purpose; and

**WHEREAS**, the award of this Contract is necessary for the efficient operation of the Authority;

**NOW, THEREFORE, BE IT RESOLVED** by the Commissioners of the Bergen County Utilities Authority, as follows:

1. The Executive Director or his designee be and is hereby authorized to execute a purchase order, or purchase orders as may be required, to **Furnish, Deliver and Install Avaya Phone System** in the amount of **\$78,825.41** for the Little Ferry and Edgewater sites, as per the quotation of **NACR**, dated December 11, 2013, and in accordance with the terms of, New Jersey State Contract **SC - A80802 (Index T-1316)**.
2. The Chief Financial Officer's Certification that funds are available shall be on file at the Authority and made a part hereof.
3. The formal action(s) of the Commissioners of the Bergen County Utilities Authority embodied herein are expressly contingent upon and subject to the provisions of N.J.S.A. 40:14B-14(b).

13-2-079

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of December 19, 2013.

A handwritten signature in black ink, appearing to read 'R. Wierer', is written over a horizontal line.

Richard Wierer  
Acting Secretary

**Dated: December 19, 2013**

BERGEN COUNTY UTILITIES AUTHORITY  
CERTIFICATE OF FUNDS

RESOLUTION DATE: 12/19/2013  
RESOLUTION #: 13-2-079

THIS IS TO CERTIFY TO THE COMMISSIONERS OF THE BERGEN COUNTY UTILITIES  
AUTHORITY THAT THERE ARE:

FUNDS AVAILABLE X  
\_\_\_\_\_

FUNDS ARE NOT AVAILABLE  
\_\_\_\_\_

BUDGET ACCOUNT A-620-56300-000  
\_\_\_\_\_

VENDOR NACR  
\_\_\_\_\_

CONTRACT NUMBER SC-A80802  
\_\_\_\_\_

REASON FURNISH, DELIVER & INSTALL AVAYA  
PHONE SYSTEM  
\_\_\_\_\_

AMOUNT \$78,825.41  
\_\_\_\_\_

CONTRACT LENGTH  
\_\_\_\_\_

  
\_\_\_\_\_  
TREASURER/CFO

**BERGEN COUNTY UTILITIES AUTHORITY**

**RESOLUTION**

**WHEREAS**, the Authority has determined that surplus items including but not limited to, one Centrifuge, two Caterpillar Engines and two Blowers, are property no longer needed for public use; and

**WHEREAS**, the State of New Jersey permits the sale of surplus property no longer needed for public use through the use of online auction services, pursuant to the Local Unit Electronic Technology Pilot Program and Study Act, P.L. 2001, c.30; and

**WHEREAS**, the BCUA owns the personal property listed in **Schedule A**, attached hereto and incorporated herein, and desires to sell this property online.

**NOW, THEREFORE, BE IT RESOLVED** by the Commissioners of the Bergen County Utilities Authority, as follows:

1. The Executive Director or his designee be and is hereby authorized to execute a purchase order memorializing the Authority's entry into an agreement with GovDeals, Inc. for the online auction of Authority Excess Personal Property on GovDeals.com for the sale of excess personal property, upon terms and conditions as follows:

Online Auction Site: [www.govdeals.com](http://www.govdeals.com)

Length of Auction: 10 Days.

Start Date: Tuesday, January 14, 2014 (see schedule A)

End Date: Friday, January 24, 2014 (see schedule A)

Auction Fees: 7.5% of the winning bid amount, paid through proceeds of the sale.

Shipping: All shipping arrangements and shipping costs are the responsibility of the buyer. Item pickup on location: Foot of Empire Blvd, Moonachie, NJ 07074.

Possession: Within 10 business days (excluding holidays) of winning bid and at pickup location.

Other Terms: All items are being sold "as is, where is". Payment by the bidder must be submitted to the Bergen County Utilities Authority within 5 business days (excluding holidays) of winning the bid. Pickup of items auctioned must be made within 10 business days

(excluding holidays) of winning bid unless other arrangements have been made prior.

2. The formal action(s) of the Commissioners of the Bergen County Utilities Authority embodied herein are expressly contingent upon and subject to the provisions of N.J.S.A. 40:14B-14b.

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of December 19, 2013.

A handwritten signature in black ink, consisting of a large, stylized 'R' followed by a cursive 'W' and a horizontal line extending to the right.

Richard Wierer

Acting Secretary

**Dated: December 19, 2013**

**SCHEDULE A-RESOLUTION 13-2-080**  
**BCUA SURPLUS PROPERTY TO BE AUCTIONED ONLINE**

1. **Auction 1:** 2 Each Caterpillar G3608 Gas Petroleum Engines

**Bid Start: Tuesday January 14, 2014**

**Bid Stop: Friday January 24, 2014**

2. **Auction 2:** 2 Each Roots Dresser Gas Engine Process Air Blowers

**Bid Start: Tuesday January 14, 2014**

**Bid Stop: Friday January 24, 2014**

3. **Auction 3:** 1 Each Alfa/Sharples XM 76000 Centrifuge

**Bid Start: Tuesday January 14, 2014**

**Bid Stop: Friday January 24, 2014**

**BERGEN COUNTY UTILITIES AUTHORITY  
RESOLUTION**

**WHEREAS**, the Authority has previously procured the services of **Neglia Engineering Associates** ("NEA"), a licensed professional engineer, to serve as Site Work Engineering/Land Surveying Consultant to the Authority; and

**WHEREAS**, said services are recognized as "professional services" as same shall be rendered by person(s) authorized by law to practice a recognized profession, whose practice is regulated by law, and the performance of which services requires knowledge of an advanced type of learning acquired by a prolonged formal course of specialized instruction and study, pursuant to and in accordance with *N.J.S.A. 40A:11-2(6)*; and

**WHEREAS**, *N.J.S.A. 40A:11-1, et seq.* provides that a contract for professional engineering services may be awarded without competitive bidding as a "professional service"; and

**WHEREAS**, contracts are awarded by the Authority through a fair and open process, *N.J.S.A. 19:44A-20.4 et seq.* pursuant to a publicly advertised Request for Qualifications (RFQ); and

**WHEREAS**, on February 26, 2013, NEA was appointed to serve as Site Work Engineering/Land Surveying Consultant based on hourly rates and usage for an annual amount not to exceed \$100,000.00, without further action by the Board of Commissioners; and

**WHEREAS**, during the course of performing said services, the Authority recognized the need for additional services related to the Authority's Hurricane Sandy Recovery and Mitigation effort.

**WHEREAS**, the Authority tasked NEA with assisting in compiling miscellaneous site work and land surveying information and documentation required for the FEMA Recovery and Mitigation Programs administered from the Presidentially declared disaster, Hurricane Sandy FEMA - DR - 4086NJ.

**WHEREAS**, the costs associated for the work are reimbursable in accordance with FEMA requirements;

**WHEREAS**, in performing the FEMA support and mitigation work through October 2013, NEA has reached the contracted capacity remaining in the 2013 site work engineering/land surveying services;

**WHEREAS**, NEA has submitted a proposal to provide additional engineering services dated November 18, 2013, which proposal has been reviewed by the Authority and is attached hereto; and

**WHEREAS**, the Director of Water Pollution Control Division/Chief Engineer has verified that the following scope of work is necessary to continue to pursue all available FEMA Disaster Assistance:

1. Continue assistance in regards to Federal Emergency Management Agency (FEMA) applications, cost estimates and contractor coordination
2. Prepare contract documents and provide construction management services for repairs to the following:
  - a. Fuel farm fire suppression system
  - b. Removal of the lagoon docks
  - c. Administration Building basement repairs
3. Any other miscellaneous site work and land surveying services related professional services as may be requested by the Director of Water Pollution Control Division/Chief Engineer; and

**WHEREAS**, the contract amount will not exceed \$137,000.00, on a time and material basis, reimbursement for which will be sought from FEMA; and

**WHEREAS**, the Authority has determined, based upon the foregoing, that it is necessary for its efficient operation to enter into a professional services agreement with NEA to perform Super-Storm Sandy site engineering and surveying for the Authority; and

**WHEREAS**, *N.J.S.A. 40A:11-1, et seq.* requires that the resolution awarding a contract for professional services and the contract itself be available for public inspection; and

**WHEREAS**, the Chief Financial Officer of the Authority has certified that funds are available for this purpose; and

**NOW, THEREFORE, BE IT RESOLVED** by the Commissioners of Authority as follows:

1. That **Neglia Engineering Associates** shall be and is hereby awarded a contract to perform **Super-Storm Sandy Site Work Engineering/Land Surveying Consultant** to Authority for a term until project completion, or until a successor is selected, or at the pleasure of the Authority, whichever shall first occur or be exercised, respectively.

2. The Chairman shall be and is hereby authorized to execute, an agreement, similar in form and substance to the agreement on file at the Authority offices, by and among the Authority and **Neglia Engineering Associates** memorializing the scope of services and hourly billing rates to be paid for such services as is acceptable to the Authority, as evidenced by the Chairman's signature thereon.

3. A copy of this resolution and the agreement retaining **Neglia Engineering Associates** as **Super-Storm Sandy Site Work Engineering/Land Surveying Consultant** shall be placed on file and made available for public inspection in the office of the Executive Director, upon execution by the Authority.

13-2-081

4. The total amount authorized to be paid pursuant to the contract herein awarded shall not exceed **\$137,000** without further action by the Board of Commissioners.

5. The Chief Financial Officer's Certification that funds are available shall be placed on file and made available for public inspection at the Authority and made a part hereof.

6. A notice of this contract award shall be published in the form prescribed by law.

7. The formal action(s) of the Commissioners of Authority embodied herein are expressly contingent upon and subject to the provisions of *N.J.S.A. 40:14B-14(b)*

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of December 19, 2013.



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Richard Wierer  
Acting Secretary

**Dated: December 19, 2013**

BERGEN COUNTY UTILITIES AUTHORITY  
CERTIFICATE OF FUNDS

RESOLUTION DATE: 12/19/2013  
RESOLUTION #: 13-2-081

THIS IS TO CERTIFY TO THE COMMISSIONERS OF THE BERGEN COUNTY UTILITIES  
AUTHORITY THAT THERE ARE:

FUNDS AVAILABLE X  
\_\_\_\_\_

FUNDS ARE NOT AVAILABLE  
\_\_\_\_\_

BUDGET ACCOUNT W-350-50400-000  
\_\_\_\_\_

VENDOR NEGLIA ENGINEERING ASSOCIATES  
\_\_\_\_\_

CONTRACT NUMBER  
\_\_\_\_\_

REASON SUPER-STORM SANDY SITE WORK  
ENGINEERING/LAND SURVEYING CONSULTANT  
\_\_\_\_\_

AMOUNT \$137,000.00  
\_\_\_\_\_

CONTRACT LENGTH  
\_\_\_\_\_

  
\_\_\_\_\_  
TREASURER/CFO

**BERGEN COUNTY UTILITIES AUTHORITY  
RESOLUTION**

**WHEREAS**, the Authority deems it beneficial to continue the self-insured health benefits program and to engage the services of a risk manager/third party administrator for the Authority's self-insured benefits program (the "Third-Party Administrator"); and

**WHEREAS**, Insurance Design Administrators ("IDA") has submitted a proposal received December 6, 2013 to provide third-party administration services on behalf of the Authority in furtherance of its self-insured benefits program, which proposal is on file at the Authority and made a part hereof; and

**WHEREAS**, the cost to perform the third-party administration services proposed by IDA, Option III, is based upon a monthly fee, per covered employee, as follows:

Medical	\$16.00 per month per employee
Prescription	\$ 2.50 per month per employee
Vision	\$ 1.00 per month per employee

**WHEREAS**, the Authority desires to appoint and retain IDA to serve as Third-Party Administrator for the Authority's self-insured health benefits program effective January 1, 2014, for a period of one (1) year or at the pleasure of the Authority, whichever shall first occur or be exercised, respectively; and

**WHEREAS**, the Authority proposes to enter into a contract memorializing the scope of services to be performed by IDA and the compensation to be paid for Third-Party Administrator; and

**WHEREAS**, the Authority Commissioners have determined that IDA is competent, qualified and experienced to serve as the Authority's Third-Party Administrator for its self-insured health benefits program; and

**WHEREAS**, the Authority Commissioners have determined on the basis of the foregoing, that it is necessary for its efficient operation to retain the services of IDA to continue to serve as Third-Party Administrator for the Authority's self-insured health benefits program; and

**WHEREAS**, said services are exempt from the requirements of public bidding pursuant to N.J.S.A. 40A:11-5 (1)(m); and

**WHEREAS**, pursuant to and in accordance with N.J.A.C. 5:34-2.3, the Authority's Executive Director has provided the Authority's Commissioners with a Certification, dated December 16, 2013, describing the nature of the work to be done, stating that it is not reasonably possible to draft specifications, and describing why the contract satisfies the Statutory and Administrative Code requirements for Extraordinary Unspecifiable Services pursuant to N.J.S.A. 40A:11-5 (1)(m); and

13-3-004

**WHEREAS**, under the fair and open process pursuant to N.J.S.A. 19:44A-20 et seq., IDA responded to the Authority's publicly advertised Request for Qualifications and was qualified as competent to provide third party administration for health benefits; and

**WHEREAS**, N.J.S.A. 40A:11-1 et seq. requires that the resolution authorizing the award of contracts for insurance consulting/Third-Party Administrator services without public bidding and the contract itself be available for public inspection; and

**WHEREAS**, the Chief Financial Officer of the Authority has certified that funds are available for this purpose;

**NOW, THEREFORE, BE IT RESOLVED** by the Commissioners of the Bergen County Utilities Authority, as follows:

1. IDA shall be and is hereby appointed to serve as Third-Party Administrator to The Bergen County Utilities Authority's self-insured health benefits program effective January 1, 2014, for a period of one (1) year or at the pleasure of the Authority, whichever shall first occur or be exercised, respectively.

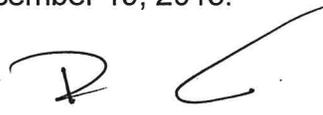
2. The Chairman shall be and is hereby authorized to execute an Agreement with IDA memorializing the scope of services and compensation to be paid, in such final form as is acceptable to the Authority, as evidenced by the Chairman's signature thereon.

3. A copy of this Resolution and the Agreement retaining IDA as Third-Party Administrator for the Authority's self-insured health benefits program shall be placed on file and made available for public inspection in the Office of the Executive Director, upon execution by the Authority.

4. A notice of this contract award shall be published in the form prescribed by law.

5. The formal action(s) of the Commissioners of the Bergen County Utilities Authority embodied herein are expressly contingent upon and subject to the provisions of N.J.S.A. 40:14B-14(b).

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of December 19, 2013.



Richard Wierer  
Acting Secretary

**DATED: December 19, 2013**

BERGEN COUNTY UTILITIES AUTHORITY  
CERTIFICATE OF FUNDS

RESOLUTION DATE: 12/19/2013  
RESOLUTION #: 13-3-004

THIS IS TO CERTIFY TO THE COMMISSIONERS OF THE BERGEN COUNTY UTILITIES  
AUTHORITY THAT THERE ARE:

FUNDS AVAILABLE X  
\_\_\_\_\_

FUNDS ARE NOT AVAILABLE  
\_\_\_\_\_

BUDGET ACCOUNT W-340-71000-000  
\_\_\_\_\_

VENDOR INSURANCE DESIGN ADMINISTRATORS  
\_\_\_\_\_

CONTRACT NUMBER  
\_\_\_\_\_

REASON RISK MANAGER/THIRD PARTY  
ADMINISTRATOR FOR THE AUTHORITY'S  
SELF INSURED BENEFITS PROGRAM  
\_\_\_\_\_

AMOUNT MEDICAL MONTHLY FEE: \$16.00/EMPLOYEE  
PRESCRIPTION MONTHLY FEE: \$2.50/EMPLOYEE  
VISION MONTHLY FEE: \$1.00/EMPLOYEE  
\_\_\_\_\_

CONTRACT LENGTH JANUARY 2014 - DECEMBER 2014  
\_\_\_\_\_

  
\_\_\_\_\_  
TREASURER/CFO

**CERTIFICATION FOR AN EXTRAORDINARY  
UNSPECIFIABLE SERVICES CONTRACT**

**TO: Members of the Board of Commissioners**

**FROM: Robert Laux**  
**Executive Director, Bergen County Utilities Authority**

**SUBJECT:**

This is a contract for the Provision of Consulting – Third Party Administration Services

This certification is submitted to request your approval of a resolution authorizing a contract to be executed as follows:

**Firm: Insurance Design Administrators (“Contractor”)**

**Duration: One Year**

**Purpose: To provide on behalf of the Authority Third Party Administration of if its self-insurance benefits program**

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This is to request an award of a contract without the receipt of formal bids as an Extraordinary Unspecifiable Service pursuant to N.J.S.A. 40A:11-5(1)(a)(ii) and N.J.A.C. 5:34-2.3(b).

I do hereby certify to the following:

**I. Provide a clear description of the nature of the work to be done.**

The contract will be for the provision of an insurance consulting services. As Executive Director, I am familiar with the nature of the work to be done under the contract which is to be performed by an entity with expertise, extensive training, and a proven reputation in the field of endeavor. It is critical to the efficient operations of the BCUA, that insurance consulting services for self-insured benefits be performed by an entity with expertise, extensive training and a proven reputation in the field of endeavor. There is a close relationship between the services rendered as Third Party Administrator (with respect to the Authority’s self-insured health benefits program) and the services to be rendered as Cafeteria Plan Administrator.

**II. Describe in detail why the contract meets the provisions of the statute and rules:**

This is a contract for extraordinary unspecifiable services as provided for under N.J.S.A. 40A:11-5, as such services are of such a qualitative nature that the performance of the services cannot be reasonably described by written specifications, and such services, being insurance consulting and administrative services, are automatically Extraordinary Unspecifiable Services, See Local Finance Notice AU 2002-2, and N.J.S.A. 40A:11-5(1)(m).

**III. The service(s) is of such a specialized and qualitative nature that the performance of the service(s) cannot be reasonably described by written specifications because:**

See II. Insurance consulting and administrative service contracts satisfy the criteria of Extraordinary Unspecifiable Services.

**IV. Describe the informal solicitation of quotations:**

Pursuant to the New Jersey Pay to Play Law, N.J.S.A 19:44A-20.5 et seq., a Request for Qualifications ("RFQ") for the Provision of Third Party Administrators services was duly advertised, and statements of qualifications were received. Only one vendor responded to the Request for Qualifications. Under the circumstances the solicitation of competitive quotations from more than one vendor is impracticable. A proposal from the Contractor for Third Party Administrators for Health Benefits services was requested, and the BCUA has determined the proposal of the Contractor to be fair and reasonable. It is my recommendation that an award for the Provision of Health Insurance Consultant be provided to the Contractor, price and other factors considered.

**I have reviewed the rules of the Division of Local Government Services pursuant to N.J.A.C. 5:34-2.1 et seq. and certify that the proposed contract may be considered an extraordinary unspicifiable service in accordance with the requirements thereof.**

Respectfully,



\_\_\_\_\_  
Robert Laux, Executive Director

December 19, 2013

*(Original to be retained by governing body's Clerk with the affirmed copy of the resolution; signed duplicate to be kept by appropriate official.)*

**Re: Resolution 13-3-004**

**THE BERGEN COUNTY UTILITIES AUTHORITY  
RESOLUTION**

**WHEREAS**, Resolution dated Feb. 24, 2011 the Authority adopted a Cafeteria Plan, which includes (a) a Premium Payment Plan effective as of January 1, 2011 and (b) a Health Flexible Spending Account effective July 1, 2011 (the "**Cafeteria Plan**") pursuant to N.J.S.A. 40A:10-23.5 and pursuant to Section 125 of the Internal Revenue Code (26 U.S.C § 125); and

**WHEREAS**, by prior Resolution, the Authority appointed Insurance Design Administrators ("IDA") as the third party administrator for the Authority's Cafeteria Plan (the "Cafeteria Plan Administrator") for a one year term through December 31, 2013 or at the pleasure of the Authority, whichever shall first occur or be exercised, respectively;

**WHEREAS**, the Authority is desirous of reappointing Insurance Design Administrators ("IDA") as the third party administrator for the Authority's Cafeteria Plan (the "Cafeteria Plan Administrator") for a one (1) year period of commencing on January 1, 2014 or at the pleasure of the Authority, whichever shall first occur or be exercised, respectively; and

**WHEREAS**, Insurance Design Administrators ("IDA") currently serves as the Third party administrator for the Authority's self-insured health benefits program (the "Third Party Administrator"); and

**WHEREAS**, the Authority Commissioners have determined that IDA is competent, qualified and experienced to continue to serve as the Cafeteria Plan Administrator for the Authority; and

**WHEREAS**, due to the relationship between the services rendered as Third Party Administrator (with respect to the Authority's self-insured health benefits program) and the services to be rendered as Cafeteria Plan Administrator, including access to covered members personal health information, and so the Authority anticipates that there will be savings and efficiencies resulting from utilizing the same consultant for both tasks; and

**WHEREAS**, IDA has submitted a proposal received December 6, 2013, which proposes to continue the administration services upon the same terms, conditions and fees as set forth the existing Agreement, (in accordance with the original Proposal dated as of Feb. 23, 2011) and as described in "Schedule F – FSA Administration Services" (the "Schedule") for the prices set forth therein with no increase in the monthly administrative fee; and

**WHEREAS**, the Authority has determined that the charges listed in the Schedule are reasonable and fair for the services to be provided as Cafeteria Plan Administrator; and

**WHEREAS**, the Authority Commissioners have determined, on the basis of the foregoing, that it is beneficial for its efficient operation to retain the services of IDA to serve as Cafeteria Plan Administrator, in addition to its services as Third Party Administrator; and

**WHEREAS**, the Authority desires to appoint and retain IDA to serve as its Cafeteria Plan Administrator for the Authority's Cafeteria Plan, effective **January 1, 2014** for a period of one (1) year or at the pleasure of the Authority, whichever shall first occur or be exercised, respectively; and

**WHEREAS**, the Authority proposes to enter into the Cafeteria Plan Agreement memorializing the scope of services to be performed by IDA and the compensation to be paid for its services as Cafeteria Plan Administrator in accordance with the Schedule but not to exceed the sum of \$16,000; and

**WHEREAS**, said services are exempt from the requirements of public bidding pursuant to N.J.S.A. 40A:11-5 (1)(m); and

**WHEREAS**, pursuant to and in accordance with N.J.A.C. 5:34-2.3, the Authority's Executive Director has provided the Authority's Commissioners with a Certification, dated December 16, 2013, describing the nature of the work to be done, stating that it is not reasonably possible to draft specifications, and describing why the contract satisfies the Statutory and Administrative Code requirements for Extraordinary Unspecifiable Services pursuant to N.J.S.A. 40A:11-5 (1)(m); and

**WHEREAS**, under the fair and open process pursuant to N.J.S.A. 19:44A-20 et seq., IDA responded to the Authority's publicly advertised Request for Qualifications and was previously qualified as competent to provide third party administration for health benefits; and

**WHEREAS**, N.J.S.A. 40A:11-1 et seq. requires that the resolution authorizing the award of contracts for insurance consulting/Cafeteria Plan Administrator services without public bidding and the contract itself be available for public inspection; and

**WHEREAS**, the Chief Financial Officer of the Authority has certified that funds are available for this purpose;

**NOW, THEREFORE, BE IT RESOLVED** by the Commissioners of the Bergen County Utilities Authority, as follows:

1. IDA shall be and is hereby appointed to serve as Cafeteria Plan Administrator to The Bergen County Utilities Authority effective January 1, 2014 for a period of one (1) year or at the pleasure of the Authority, whichever shall first occur or be exercised, respectively; and
2. The Chief Financial Officer's Certification that funds are available shall be maintained on file at the Authority and made a part hereof.
3. The Chairman shall be and is hereby authorized to execute a Cafeteria Plan Agreement with IDA memorializing the scope of services and compensation to be paid, in such final form as is acceptable to the Authority, as evidenced by the Chairman's signature thereon, all for a sum not to exceed \$16,000.
4. A copy of this Resolution and the Agreement retaining IDA as Cafeteria Plan Administrator shall be placed on file and made available for public inspection in the Office of the Executive Director, upon execution by the Authority.
5. A notice of this contract award shall be published in the form prescribed by law.

6. The formal action(s) of the Commissioners of the Bergen County Utilities Authority embodied herein are expressly contingent upon and subject to the provisions of N.J.S.A. 40:14B-14(b).

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of December 19, 2013.

  
\_\_\_\_\_  
Richard Wierer  
Acting Secretary

**DATED: December 19, 2013**

BERGEN COUNTY UTILITIES AUTHORITY  
CERTIFICATE OF FUNDS

RESOLUTION DATE: 12/19/2013  
RESOLUTION #: 13-3-005

THIS IS TO CERTIFY TO THE COMMISSIONERS OF THE BERGEN COUNTY UTILITIES  
AUTHORITY THAT THERE ARE:

FUNDS AVAILABLE X  
\_\_\_\_\_

FUNDS ARE NOT AVAILABLE  
\_\_\_\_\_

BUDGET ACCOUNT W-340-71000-000  
\_\_\_\_\_

VENDOR INSURANCE DESIGN ADMINISTRATORS  
\_\_\_\_\_

CONTRACT NUMBER  
\_\_\_\_\_

REASON THIRD PARTY ADMINISTRATOR FOR THE AUTHORITY'S  
CAFETERIA PLAN  
\_\_\_\_\_

AMOUNT \$16,000.00  
\_\_\_\_\_

CONTRACT LENGTH JANUARY 2014 - DECEMBER 2014  
\_\_\_\_\_

  
\_\_\_\_\_  
TREASURER/CFO

**CERTIFICATION FOR AN EXTRAORDINARY  
UNSPECIFIABLE SERVICES CONTRACT**

**TO: Members of the Board of Commissioners**

**FROM: Robert Laux  
Executive Director, Bergen County Utilities Authority**

**SUBJECT: Third Party Administration Services Re: IRC Section 125 Cafeteria Plan**

This is a contract for the Third Party Administration Services in relation to the maintenance of the Authority's IRC Section 125 Cafeteria Plan.

This certification is submitted to request your approval of a resolution authorizing a contract to be executed as follows:

**Firm: Insurance Design Administrators/UHY Advisors ("Contractor")**

**Duration: One Year**

**Purpose: To provide and administer on behalf of the Authority an IRC Section 125 Cafeteria Plan in furtherance of its self-insured benefits program**

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This is to request an award of a contract without the receipt of formal bids as an Extraordinary Unspecifiable Service pursuant to N.J.S.A. 40A:11-5(1)(a)(ii) and N.J.A.C. 5:34-2.3(b).

I do hereby certify to the following:

**I. Provide a clear description of the nature of the work to be done.**

The contract will be for the provision of an insurance consulting services. As Executive Director, I am familiar with the nature of the work to be done under the contract which is to be performed by an entity with expertise, extensive training, and a proven reputation in the field of endeavor. It is critical to the efficient operations of the BCUA, that insurance consulting services for self-insured benefits be performed by an entity with expertise, extensive training and a proven reputation in the field of endeavor. There is a close relationship between the services rendered as Third Party Administrator (with respect to the Authority's self-insured health benefits program) and the services to be rendered as Cafeteria Plan Administrator.

**II. Describe in detail why the contract meets the provisions of the statute and rules:**

This is a contract for extraordinary unspecifiable services as provided for under N.J.S.A. 40A:11-5, as such services are of such a qualitative nature that the performance of the services cannot be reasonably described by written specifications, and such services, being insurance consulting and administrative services, are automatically Extraordinary Unspecifiable Services, See Local Finance Notice AU 2002-2, and N.J.S.A. 40A:11-5(1)(m).

**III. The service(s) is of such a specialized and qualitative nature that the performance of the service(s) cannot be reasonably described by written specifications because:**

See II. Insurance consulting and administrative service contracts satisfy the criteria of Extraordinary Unspecifiable Services.

**IV. Describe the informal solicitation of quotations:**

Under the circumstances the solicitation of competitive quotations from a vendor other than the Contractor is impracticable. There is a close relationship between the services already being rendered by the Contractor as the Third Party Administrator (with respect to the Authority's self-insured health benefits program) to the BCUA, and the services to be rendered as Cafeteria Plan Administrator. Under such circumstances, the retention of another vendor would result in increased costs and duplicative effort and work, as no other vendor is currently providing Third Party Administrator Services, and the current contract for such services with the Contractor expires in December 2013. Moreover, the Contractor, by virtue of its existing service contract, currently maintains access to member's health records protected by HIPAA laws. I have determined the proposal of the Contractor to be fair and reasonable. It is my recommendation that an award for the Provision of Cafeteria Plan Services be provided to the Contractor, price and other factors considered.

**I have reviewed the rules of the Division of Local Government Services pursuant to N.J.A.C. 5:34-2.1 et seq. and certify that the proposed contract may be considered an extraordinary unspecifiable service in accordance with the requirements thereof.**

Respectfully,



\_\_\_\_\_  
Robert Laux, Executive Director

December 19, 2013

*(Original to be retained by governing body's Clerk with the affirmed copy of the resolution; signed duplicate to be kept by appropriate official.)*

**Re: Resolution 13-3-005**

**BERGEN COUNTY UTILITIES AUTHORITY  
RESOLUTION**

**WHEREAS**, the Authority deems it beneficial to continue the self-insured dental benefits program and to engage the services of a third party administrator for the Authority's self-insured benefits program (the "Third-Party Administrator"); and

**WHEREAS**, Delta Dental of New Jersey, Inc. ("Delta") has submitted a proposal received November 18, 2013 to provide third-party administration services on behalf of the Authority in furtherance of its self-insured benefits program, which proposal is on file at the Authority and made a part hereof; and

**WHEREAS**, the cost to perform the third-party administration services proposed by Delta, is based upon a monthly fee, per covered employee, of \$8.62 per month per employee.

**WHEREAS**, the Authority desires to appoint and retain DELTA to serve as Third-Party Administrator for the Authority's self-insured dental benefits program effective January 1, 2014, for a period of one (1) year or at the pleasure of the Authority, whichever shall first occur or be exercised, respectively; and

**WHEREAS**, the Authority proposes to enter into a contract memorializing the scope of services to be performed by DELTA and the compensation to be paid for Third-Party Administrator; and

**WHEREAS**, the Authority Commissioners have determined that DELTA is competent, qualified and experienced to serve as the Authority's Third-Party Administrator for its dental benefits program; and

**WHEREAS**, the Authority Commissioners have determined on the basis of the foregoing, that it is necessary for its efficient operation to retain the services of DELTA to continue to serve as Third-Party Administrator for the Authority's self-insured dental benefits program; and

**WHEREAS**, said services are exempt from the requirements of public bidding pursuant to N.J.S.A. 40A:11-5 (1)(m); and

**WHEREAS**, pursuant to and in accordance with N.J.A.C. 5:34-2.3, the Authority's Executive Director has provided the Authority's Commissioners with a Certification, dated December 16, 2013, describing the nature of the work to be done, stating that it is not reasonably possible to draft specifications, and describing why the contract satisfies the Statutory and Administrative Code requirements for Extraordinary Unspecifiable Services pursuant to N.J.S.A. 40A:11-5 (1)(m); and

**WHEREAS**, under the fair and open process pursuant to N.J.S.A. 19:44A-20 et seq., DELTA responded to the Authority's publicly advertised Request for Qualifications and was qualified as competent to provide third party administration for dental benefits; and

13-3-006

**WHEREAS**, N.J.S.A. 40A:11-1 et seq. requires that the resolution authorizing the award of contracts for insurance consulting/Third-Party Administrator services without public bidding and the contract itself be available for public inspection; and

**WHEREAS**, the Chief Financial Officer of the Authority has certified that funds are available for this purpose;

**NOW, THEREFORE, BE IT RESOLVED** by the Commissioners of the Bergen County Utilities Authority, as follows:

1. DELTA shall be and is hereby appointed to serve as Third-Party Administrator to The Bergen County Utilities Authority's self-insured dental benefits program effective January 1, 2014, for a period of one (1) year or at the pleasure of the Authority, whichever shall first occur or be exercised, respectively.

2. The Chairman shall be and is hereby authorized to execute an Agreement with DELTA memorializing the scope of services and compensation to be paid, in such final form as is acceptable to the Authority, as evidenced by the Chairman's signature thereon.

3. A copy of this Resolution and the Agreement retaining DELTA as Third-Party Administrator shall be placed on file and made available for public inspection in the Office of the Executive Director, upon execution by the Authority.

4. A notice of this contract award shall be published in the form prescribed by law.

5. The formal action(s) of the Commissioners of the Bergen County Utilities Authority embodied herein are expressly contingent upon and subject to the provisions of N.J.S.A. 40:14B-14(b).

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of December 19, 2013.



Richard Wierer  
Acting Secretary

**DATED: December 19, 2013**

BERGEN COUNTY UTILITIES AUTHORITY  
CERTIFICATE OF FUNDS

RESOLUTION DATE: 12/19/2013  
RESOLUTION #: 13-3-006

THIS IS TO CERTIFY TO THE COMMISSIONERS OF THE BERGEN COUNTY UTILITIES  
AUTHORITY THAT THERE ARE:

FUNDS AVAILABLE X

FUNDS ARE NOT AVAILABLE \_\_\_\_\_

BUDGET ACCOUNT W-340-71100-000

VENDOR DELTA DENTAL OF NEW JERSEY, INC.

CONTRACT NUMBER \_\_\_\_\_

REASON THIRD PARTY ADMINISTRATOR FOR THE AUTHORITY'S  
SELF INSURED DENTAL BENEFITS PROGRAM

AMOUNT MONTHLY FEE OF \$8.62/EMPLOYEE

CONTRACT LENGTH JANUARY 2014 - DECEMBER 2014

  
TREASURER/CFO

**CERTIFICATION FOR AN EXTRAORDINARY  
UNSPECIFIABLE SERVICES CONTRACT**

**TO: Members of the Board of Commissioners**

**FROM: Robert Laux  
Executive Director, Bergen County Utilities Authority**

**SUBJECT: Third Party Administration Services Re: Self-insured Dental  
Benefits Program – Delta Dental of New Jersey, Inc.**

This is a contract for the Third Party Administration Services in relation to the maintenance of the Authority's Dental Benefits Plan.

This certification is submitted to request your approval of a resolution authorizing a contract to be executed as follows:

**Firm: Delta Dental of New Jersey, Inc. ("Contractor")**

**Duration: One Year**

**Purpose: To provide and administer on behalf of the Authority self-insured Dental benefits program**

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This is to request an award of a contract without the receipt of formal bids as an Extraordinary Unspecifiable Service pursuant to N.J.S.A. 40A:11-5(1)(a)(ii) and N.J.A.C. 5:34-2.3(b).

I do hereby certify to the following:

**I. Provide a clear description of the nature of the work to be done.**

The contract will be for the provision of an insurance consulting services. As Executive Director, I am familiar with the nature of the work to be done under the contract which is to be performed by an entity with expertise, extensive training, and a proven reputation in the field of endeavor. It is critical to the efficient operations of the BCUA, that insurance consulting services for self-insured benefits be performed by an entity with expertise, extensive training and a proven reputation in the field of endeavor. Contractor will serve as Third Party Administrators with respect to the Authority's self-insured dental benefits program.

**II. Describe in detail why the contract meets the provisions of the statute and rules:**

This is a contract for extraordinary unspecifiable services as provided for under N.J.S.A. 40A:11-5, as such services are of such a qualitative nature that the performance of the services cannot be reasonably described by written specifications, and such services, being insurance consulting and administrative services, are automatically Extraordinary Unspecifiable Services, See Local Finance Notice AU 2002-2, and N.J.S.A. 40A:11-5(1)(m).

**III. The service(s) is of such a specialized and qualitative nature that the performance of the service(s) cannot be reasonably described by written specifications because:**

See II. Insurance consulting and administrative service contracts satisfy the criteria of

Extraordinary Unspecifiable Services.

**IV. Describe the informal solicitation of quotations:**

Under the circumstances the solicitation of competitive quotations from a vendor other than the Contractor is impracticable. There is an existing relationship with the Contractor as the Third Party Administrator (with respect to the Authority's self-insured dental benefits program). Under such circumstances, the retention of another vendor would result in increased costs and duplicative effort and work, as no other vendor is currently providing Third Party Administrator Services, and the current contract for such services with the Contractor expires in December 2013. Moreover, the Contractor, by virtue of its existing service contract, currently maintains access to member's health records protected by HIPAA laws. I have determined the proposal of the Contractor to be fair and reasonable. It is my recommendation that an award for the Provision of Dental Plan Services be provided to the Contractor, price and other factors considered.

**I have reviewed the rules of the Division of Local Government Services pursuant to N.J.A.C. 5:34-2.1 et seq. and certify that the proposed contract may be considered an extraordinary unspecifiable service in accordance with the requirements thereof.**

Respectfully,



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Robert Laux, Executive Director

December 19, 2013

*(Original to be retained by governing body's Clerk with the affirmed copy of the resolution; signed duplicate to be kept by appropriate official.)*

**Re: Resolution 13-3-006**

**BERGEN COUNTY UTILITIES AUTHORITY  
RESOLUTION**

**WHEREAS**, in accordance with and pursuant to the New Jersey Solid Waste Management Act (N.J.S.A. 13:1E-1, et seq.), the County of Bergen constitutes a Solid Waste Management District; and

**WHEREAS**, the Board of Chosen Freeholders of the County of Bergen heretofore prepared a Bergen County District Solid Waste Management Plan (the "Plan") which has been amended from time to time, in order to provide for the collection, processing and disposal of solid waste generated within Bergen County; and

**WHEREAS**, by Resolution dated December 23, 1980, the Board of Chosen Freeholders of the County of Bergen designated The Bergen County Utilities Authority (the "Authority") as the agency empowered to supervise the implementation of the Plan and to, inter alia, take control and responsibility for various solid waste systems and facilities operated in and by the County of Bergen; and

**WHEREAS**, on November 30, 2007, the New Jersey Department of Environmental Protection ("NJDEP") certified the May 16, 2007 amendment to the Bergen County District Solid Waste Management Plan (the "2007 District SWMP Amendment"), which detailed Bergen County's long-term solid waste management strategy; and

**WHEREAS**, Authority reviews any proposed modifications or amendments to the Plan and makes recommendations regarding those proposed modifications or amendments to the Board of Chosen Freeholders of the County of Bergen; and

**WHEREAS**, on July 31, 2013, the Authority received an application for a solid waste plan amendment ("Plan Amendment") for the inclusion of the Prospect Heights Care Center SteriMed 70 Medical Waste Treatment Unit to be located at 336 Prospect Avenue, Hackensack, New Jersey (the "Facility"); and

**WHEREAS**, on October 2, 2013, the Authority conducted a public hearing regarding the proposed Facility; and

**WHEREAS**, under the proposed Plan Amendment that was subject to the October 2, 2013 public hearing, the Facility would be permitted to treat and destroy .025 tons per day of Regulated Medical Waste generated by Prospect Heights Care Center, Franklin Care Center, Medford Care Center, Regent Care Center, and West Caldwell Care Center ; and

**WHEREAS**, members of the public attended the public hearing and spoke to the proposed Plan Amendment; and

**WHEREAS**, the public record remained open after public hearing for the submission of written comments, and one written comment was received by the Authority; and

**WHEREAS**, the Authority has completed its review of the proposed Plan Amendment; and

**WHEREAS**, the Plan provides the following standard for consideration of proposed amendments to the Plan:

The BCUA's sole basis for accepting or rejecting a proposed amendment to the Bergen County District Solid Waste Management Plan is consistency with the existing Solid Waste Management Plan. (underlining and italics in the Plan); and

**WHEREAS**, the Plan does not include any provision regarding regulated medical waste; therefore, the Plan is silent as to whether a proposed regulated medical waste treatment facility is consistent with the Plan; and

**WHEREAS**, absent specific guidelines regarding consistency with the Plan the Authority may rely on previous amendments to the Plan to determine the intent of the Plan; and

**WHEREAS**, on September 17, 1992 the Authority adopted a resolution recommending that the Holy Name Hospital Microwave Disinfection Unit be included in the Plan; and

**WHEREAS**, the Holy Name Hospital Microwave Disinfection Unit processes or processed regulated medical waste specifically generated from the Holy Name Hospital; and

**WHEREAS**, the September 17, 1992 resolution and plan amendment limited the processing of regulated medical waste to regulated medical waste generated on-site at the Holy Name Hospital; and

**WHEREAS**, on December 16, 1992 the Bergen County Board of Chosen Freeholders (the "Freeholders") adopted an ordinance to include the Holy Name Hospital Microwave Disinfection Unity in the Plan; and

**WHEREAS**, on April 21, 1993, the NJDEP certified the September 17, 1992 Holy Name Hospital Microwave Disinfection Unit; and

**WHEREAS**, in considering proposed amendments to the Plan, the Authority is required to limit its evaluation to the question of whether the proposal will be consistent with the Plan, i.e., the goals, requirements and approaches in the Plan; and

**WHEREAS**, based on the guidelines as previously set forth in this resolution, the Authority finds that the proposed Plan Amendment will be consistent with the overall goals, requirements and approaches of the Plan if the Plan Amendment limits the processing of regulated medical waste to regulated medical waste generated at the Prospect Heights Care Center only and that it should be approved and included in the Plan, subject to the following conditions:

- a. The Plan Amendment shall include language expressly limiting the processing of regulated medical waste to regulated medical waste generated at the Prospect Heights Care Center only;
- b. The Plan Amendment is expressly subject to the receipt of all permits, approvals, consent orders, registrations, and/or certificates issued by the governmental subdivisions/agencies exercising jurisdiction over the proposed Prospect Heights Care Center SteriMed 70 Medical Waste Treatment Unit;
- c. A transcript of the public hearing and copies of all written comments and concerns expressed by the general public shall remain a part of the record and forwarded to NJDEP for its consideration, in the event that the Plan Amendment is approved and an application for the proposed Facility is submitted to NJDEP for a permit to operate.

**WHEREAS**, the Authority is desirous of recommending to the Bergen County Board of Chosen Freeholders that the proposed Plan Amendment be adopted, subject to the foregoing conditions; and

**WHEREAS**, the Authority is cognizant that, prior to consideration of the Plan Amendment by the Bergen County Board of Chosen Freeholders, the proposed Plan Amendment may be reviewed by the Bergen County Solid Waste Advisory Council, which may likewise offer recommendations to the Freeholders concerning the proposed Plan Amendment; and

**WHEREAS**, the Authority is further cognizant that the proposed Plan Amendment is subject to consideration and acceptance by the Bergen County Board of Chosen Freeholders, and only if and when such acceptance has been given can the proposed Plan Amendment be forwarded to NJDEP for final approval and certification; and

**WHEREAS**, the Authority is further cognizant that, if the proposed Plan Amendment is adopted by the Bergen County Board of Chosen Freeholders and is approved by NJDEP, Prospect Heights Care Center must obtain approval from NJDEP before the Facility can begin operation.

**NOW, THEREFORE, BE IT RESOLVED** by the Commissioners of The Bergen County Utilities Authority as follows:

1. The Authority hereby finds that the proposed Plan Amendment is consistent with the Bergen County District Solid Waste Management Plan and recommends to the Bergen County Board of Chosen Freeholders that the proposed Plan Amendment be considered and adopted, with the following conditions:

- a. The Plan Amendment shall include language expressly limiting the processing of regulated medical waste to regulated medical waste generated at the Prospect Heights Care Center only;
- b. The Plan Amendment is expressly subject to the receipt of all permits, approvals, consent orders, registrations, and/or certificates issued by the governmental subdivisions/agencies exercising jurisdiction over the proposed Prospect Heights Care Center SteriMed System 70 Medical Waste Treatment Unit;
- c. A transcript of the public hearing and copies of all written comments and concerns expressed by the general public shall remain a part of the record and forwarded to NJDEP for its consideration, in the event that the Plan Amendment is approved and an application for the proposed Facility is submitted to NJDEP for a permit to operate.

2. The formal action(s) of the Commissioners of The Bergen County Utilities Authority embodied herein are expressly contingent upon and subject to the provisions of N.J.S.A. 40:14B-14(b).

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of December 19, 2013.



Richard Wierer  
Acting Secretary

**Dated: December 19, 2013**

## BERGEN COUNTY UTILITIES AUTHORITY RESOLUTION

**WHEREAS**, the Bergen County Utilities Authority (the "Authority") is a county utilities authority organized and existing pursuant to the Municipal and County Utilities Authority Law, N.J.S.A. 40:14B-1 et seq. to provide the services enumerated in N.J.S.A. 40:14B-2 in the County of Bergen, including but not limited to the collection, treatment and disposal of sanitary sewage; and

**WHEREAS**, the operation and maintenance of an effective and efficient water pollution control system represents a vital responsibility of government that is essential to ensuring the health, safety, and welfare of those whose daily life activities depend on such a system; and

**WHEREAS**, The Authority plays an important role in providing these essential services within the Authority's sewer service district, which is within Bergen County; and

**WHEREAS**, PSEG Power, L.L.C. ("PSEG Power") is a wholly owned subsidiary of Public Service Enterprise Group Incorporated; and

**WHEREAS**, PSEG Fossil, L.L.C. ("PSEG Fossil"), a wholly owned subsidiary of PSEG Power, operates the Bergen Generating Station (the "Station"), a power plant located in the Borough of Ridgefield in the County of Bergen; and

**WHEREAS**, the Station generates electricity for resale to the general public and requires the use of liquid for cooling purposes; and

**WHEREAS**, the Authority operates the Authority's Little Ferry Wastewater Treatment Facility (the "Plant") which generates liquid effluent as a by-product resulting from its collection and treatment of sewage generated from its member municipalities and contract/private subscribers; and

**WHEREAS**, the Authority and the Public Service Electric and Gas Company, then a public utility and now also a wholly owned subsidiary of Public Service Enterprise Group Incorporated, entered into an agreement dated March 25, 1993 (the "Original Agreement") for the use by Public Service Electric and Gas Company of treated effluent generated by the Plant; and

**WHEREAS**, pursuant to the Original Agreement, Public Service Electric and Gas Company, at its expense, constructed certain facilities pursuant to Article 2 of the Original Agreement necessary to transmit treated effluent from the Plant to the Station and to return the non-evaporated portions of the treated effluent to the Authority through existing sewer facilities; and

**WHEREAS**, the term of the Original Agreement expired on March 25, 2013; and

**WHEREAS**, following the expiration of the term of the Original Agreement, the Authority and PSEG Power were both desirous of entering into a new agreement for the continued use by PSEG Power of treated effluent generated by the Authority, whereby the Authority would continue to supply effluent for use by PSEG Power in operating the Station; and

**WHEREAS**, following notice and public hearing, by Resolution No. 13-1-033 adopted by the Commissioners of the Authority on June 27, 2013 (the "Resolution"), the Authority established a rate for the sale of treated effluent of \$1.25 per 1000 gallons (the "Established Rate"); and

**WHEREAS**, the Authority recognized in the Resolution that the sale/permitted use of treated effluent at a rate less than the Established Rate would be appropriate under certain extenuating circumstances and factors including, but not limited to, quantity discount, guaranteed minimum payments, existence of infrastructure and purchaser's credit-worthiness; and

**WHEREAS**, the public policy goals that gave rise to the Original Agreement will continue to be advanced by an agreement between the Authority and PSEG Power for the sale of treated effluent, including, but not limited to, minimizing the emission of air contaminants, reducing the quantity of discharge into the Hackensack River from the Authority's sewer treatment facilities, conservation of water resources by the beneficial re-use of effluent and the substantial reduction in the volume of liquid required to be taken from the Overpeck Creek for cooling the Station, all of which are within the Purposes set forth in N.J.S.A. 40:14B-2; and

**WHEREAS**, the Commissioners of the Authority have determined that it is in the best interests of the Authority, the environment and state and local economy that the use by PSEG Power of treated effluent generated by the Authority be continued under the terms and conditions as provided and set forth in the new agreement to be entered into by and between the Authority and PSEG Power.

**NOW, THEREFORE, BE IT RESOLVED** by the Commissioners of Authority as follows:

1. The Chairman shall be and is hereby authorized to execute an agreement, similar in form and substance to the agreement on file in the Authority Offices, by and among the Authority and **PSEG Power, L.L.C.** memorializing the use of treated effluent generated by the Authority as is acceptable to the Authority, as evidenced by the Chairman's signature thereon.

2. A copy of this resolution, and the agreement entered into by and between the Authority and **PSEG Power, L.L.C.** pursuant to this resolution, shall be placed on file

and made available for public inspection in the office of the Executive Director, upon execution by the Authority.

3. A notice of this agreement shall be published in the form prescribed by law.
4. The formal action(s) of the Commissioners of Authority embodied herein are expressly contingent upon and subject to the provisions of N.J.S.A. 40:14B-14(b).

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of December 19, 2013.



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Richard Wierer  
Acting Secretary

Dated: December 19, 2013