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# BERGEN COUNTY UTILITIES AUTHORITY

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

ROBERT E. LAUX  
Executive Director

RONALD PHILLIPS, Chairman  
LOUIS J. DELISIO, Vice Chairman  
CATHERINE T. BENTZ  
BRUCE BONAVENTURO  
DANIEL GUMBLE

THOMAS S. KELLEY  
PETER C. MASSA, JR.  
DIANE TESTA  
JON WARMS

April 23, 2020

The Honorable James J. Tedesco III  
Bergen County Executive  
One Bergen County Plaza  
Hackensack, New Jersey 07601

Dear County Executive Tedesco:

Pursuant to N.J.S.A. 40:14B-14(b) enclosed please find minutes and certification of the BCUA Secretary regarding the Regular Meeting of the Commissioners of The Bergen County Utilities Authority held on April 23, 2020 and action, consistent with the applicable provisions of the aforementioned legislation.

Very truly yours,

Robert E. Laux  
Executive Director

REL/mh

Enclosure

C: All Commissioners

**BERGEN COUNTY UTILITIES AUTHORITY  
MINUTES OF THE REGULAR MEETING  
APRIL 23, 2020**

**In the matter of the 493<sup>rd</sup> Regular Meeting of  
The Bergen County Utilities Authority**

1. The **proof of meeting notice** calling the April 23, 2020, meeting was read into the record by Michael Henwood, Board Secretary.
2. Roll Call:

**COMMISSIONERS PRESENT:**

Ronald Phillips, Chairman (Telephonically) t  
Louis DeLisio, Vice Chairman (Telephonically)  
Catherine T. Bentz, Commissioner (Telephonically)  
Bruce Bonaventuro, Commissioner (Telephonically)  
Thomas S. Kelley, Commissioner (Telephonically)  
Daniel Gumble, Commissioner (Telephonically)  
Peter C. Massa, Jr. Commissioner (Telephonically)  
Diane T. Testa, Commissioner (Telephonically)  
Jon Warms, Commissioner (Telephonically)

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

3. Motion that the Minutes covering the March 26, 2020 Work Session be approved was moved by Commissioner Kelley and Seconded by Commissioner Massa.
4. Chairman Phillips opened the meeting to the public and asked if anyone present wished to be heard.
5. FINANCE AND LEGAL COMMITTEE:

Resolution 20-1-027- Approve bills and the claims supported by vouchers totaling \$5,075,036.00 for the month of April and authorize the Acting Treasurer to issue the necessary checks therefor, and to charge the accounts indicated, all as more fully set forth on the Acting Treasurer's check list. Motion to adopt the resolution was made by Commissioner DeLisio and Seconded by Commissioner Kelley. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 20-1-028 - Adoption of 2020/2021 Connection Fees pursuant to N.J.S.A. 40:14B-22. Motion to adopt the resolution was made by Commissioner DeLisio and Seconded by Commissioner Kelley. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 20-1-029 - Authorize acceptance of Qualifications of firms pursuant to N.J.S.A. 19:44A-20 et seq. Motion to adopt the resolution was made by Commissioner DeLisio and Seconded by Commissioner Kelley. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 20-1-030 - Authorize Contract for the Providing of Title Search and Insurance Services - Town Title Agency, LLC. Motion to adopt the resolution was made by Commissioner DeLisio and Seconded by Commissioner Kelley. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 20-1-031 - Authorize Emergency Purchase of Personal Protection Equipment and Cleaning Equipment and Supplies to Protect Against COVID-19. Motion to adopt the resolution was made by Commissioner DeLisio and Seconded by Commissioner Kelley. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 20-1-032 - Authorize Emergency Contract for the Providing of COVID-19 Related Cleaning Services to Protect Against Spread of COVID-19 - Maverick Building Services. Motion to adopt the resolution was made by Commissioner DeLisio and Seconded by Commissioner Kelley. A roll call was taken and the resolution was adopted as reflected in these minutes.

6. CONSTRUCTION & ENGINEERING COMMITTEE:

Resolution 20-2-030 - Award Contract for Professional Services - Engineering Services for Program Management for Certain Restoration and Mitigation Projects – Arcadis U.S., Inc. Motion to adopt the resolution was made by Commissioner Bonaventuro and Seconded by Commissioner DeLisio. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 20-2-031 - Authorize Amendment of Professional Services Contract – Site Work Engineering/Land Surveying Consultant – Neglia Engineering Associates, Inc. Motion to adopt the resolution was made by Commissioner Bonaventuro and Seconded by Commissioner DeLisio. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 20-2-032 - Authorize Rescinding of Resolution 20-2-026 Adopted March 26, 2020 and Authorize Contract Providing for Extension of Contract No. 19-06 for a Term of Ninety (90) Days - North Jersey Landcare Services, LLC. Motion to adopt the resolution was made by Commissioner Bonaventuro and Seconded by Commissioner DeLisio. A roll call was taken and the resolution was adopted as reflected in these minutes.

7. PERSONNEL & ADMINISTRATIVE COMMITTEE:

Resolution 20-3-008 – Authorize the Hiring of Retirees During COVID-19 Pandemic in Accordance with Executive Order No. 115 Issued April 6, 2020 by Governor Murphy. Motion to adopt the resolution was made by Commissioner DeLisio and Seconded by Commissioner Bonaventuro. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 20-3-009 – Authorize Amendment of Professional Services Contract of Health Insurance/Employee Benefits Consultant LaMendola Associates, Inc. for the Providing of COVID-19 Related Services. Motion to adopt the resolution was made by Commissioner DeLisio and Seconded by Commissioner Bonaventuro. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 20-3-010 – Award Professional Services Contract for COVID-19 Related Medical Services - HUMC Corporate Wellness Center. Motion to adopt the resolution was made by Commissioner DeLisio and Seconded by Commissioner Bonaventuro. A roll call was taken and the resolution was adopted as reflected in these minutes.

8. Chairman Phillips announced a short recess to allow time for the Board Secretary to prepare minutes of this Regular Meeting.
9. Chairman Phillips announced the Regular Meeting would reconvene.
10. The Board Secretary then distributed proposed minutes of the April 23, 2020 Regular Meeting for review by the Commissioners.
11. Motion to approve the Minutes of the Regular Meeting April 23, 2020 as distributed by the 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 April 23, 2020 was made by Commissioner DeLisio and Seconded by Commissioner Warms and was unanimously carried.
12. Upon motion duly made, seconded and unanimously carried, the meeting was adjourned.

**BERGEN COUNTY UTILITIES AUTHORITY**

**Minutes of the Regular Meeting**

**April 23, 2020**

<b>Resolution #</b>	<b>20-1-027</b>	<b>20-1-028</b>	<b>20-1-029</b>	<b>20-1-030</b>	<b>20-1-031</b>	<b>20-1-032</b>	<b>20-2-030</b>	<b>20-2-031</b>
Chairman Phillips	Y	Y	Y	Y	Y	Y	Y	Y
V. Chair. DeLisio	Y	Y	Y	Y	Y	Y	Y	Y
Comm. Bentz	Y	Y	Y	Y	Y	Y	Y	Y
Comm. Bonaventuro	Y	Y	Y	Y	Y	Y	Y	Y
Comm. Gumble	Y	Y	Y	Y	Y	Y	Y	Y
Comm. Kelley	Y	Y	Y	Y	Y	Y	Y	Y
Comm. Massa, Jr.	Y	Y	Y	Y	Y	Y	Y	Y
Comm. Testa	Y	Y	Y	Y	Y	Y	Y	Y
Comm. Warms	Y	Y	Y	Y	Y	Y	Y	Y

<b>Resolution #</b>	<b>20-2-032</b>	<b>20-3-008</b>	<b>20-3-009</b>	<b>20-3-010</b>
Chairman Phillips	Y	Y	Y	Y
V. Chair. DeLisio	Y	Y	Y	Y
Comm. Bentz	Y	Y	Y	Y
Comm. Bonaventuro	Y	Y	Y	Y
Comm. Gumble	Y	Y	Y	Y
Comm. Kelley	Y	Y	Y	Y
Comm. Massa, Jr.	Y	Y	Y	Y
Comm. Testa	Y	Y	Y	Y
Comm. Warms	Y	Y	Y	Y

Y = Yes R = Recuse A = Abstain N = No - = Absent
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Respectfully submitted,



Michael Henwood  
Board Secretary

**Date: April 23, 2020**

## BERGEN COUNTY UTILITIES AUTHORITY RESOLUTION

**WHEREAS**, the Bergen County Utilities Authority (the "Authority") has a substantial investment in its sanitary sewer treatment and collection systems (the "System"), which has been paid for over the years primarily by the ratepayers through bond issues and capital outlays; and

**WHEREAS**, by resolution dated March 24, 2005, the Authority adopted a connection fee program under N.J.S.A. 40:14B-24 which specifically authorizes the Authority to adopt a program requiring the payment of a sanitary sewerage connection fee by individuals or parties making new connections to the System, pursuant to its terms; and

**WHEREAS**, N.J.S.A. 40:14B-24 states "[t]he connection fee shall be recomputed at the end of each fiscal year of the authority, after a public hearing is held in the manner prescribed in section 23 of P.L. 1957, c. 183 (C. 40:14B-23). The revised connection fee may be imposed upon those who subsequently connect in that fiscal year to the system"; and

**WHEREAS**, in accordance with N.J.S.A. 40:14B-24, the sanitary sewerage connection fee is calculated by dividing the net investment in the System by the number of equivalent dwelling units ("EDU's"); and

**WHEREAS**, the number of EDU's increased by 5,947, from 265,287 to 271,236 as of December 31, 2018 and 2019, respectively, due to the increase in the gallons of waste water delivered to the System; and

**WHEREAS**, the Authority's net investment in the System increased from \$606,147,919 to \$628,151,872 as of December 31, 2018 and 2019, respectively, due to the amounts paid for waste water system improvements including interest and principal on the Authority's Water Pollution Control System existing debt; and

**WHEREAS**, the increase in EDU's and the increase in the net investment in the Authority's Water Pollution Control System results in an increase in the sanitary sewerage connection fee; and

**WHEREAS**, the firm of Lerch, Vinci & Higgins, L.L.P., the auditors for the Authority, has prepared a report dated March 2, 2020 for the Authority, with the assistance of the Authority staff, on the proper amount for a sanitary sewerage connection fee payable by an individual or party making a new connection to the System for the remainder of 2020 and until the fee is recomputed by the Authority in 2021, in accordance with the formula set forth in N.J.S.A. 40:14B-24, for the privilege of making the connection (the "Lerch Report"); and

**WHEREAS**, on March 26, 2020, in accordance with the requirements of N.J.S.A. 40:14B-24, the Authority conducted a public hearing (the "Hearing") on the proposed revision of its sanitary sewerage connection fee in the manner prescribed by N.J.S.A. 40:14B-23; and

**WHEREAS**, testimony at the Hearing was taken by the Authority's Deputy Executive Director as the hearing officer; and

**WHEREAS**, the Authority's Deputy Executive Director rendered an oral report of the Hearing to the Board of Commissioners of the Authority; and

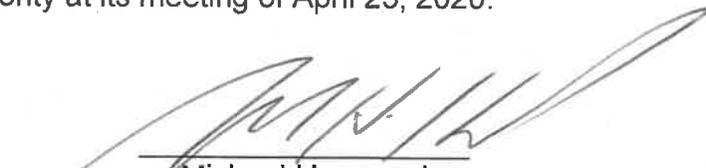
**WHEREAS**, the Board of Commissioners of the Authority, having considered: (1) the oral report of the Authority's Deputy Executive Director of the testimony provided at the Hearing; (2) the Lerch Report; and (3) the exhibits entered into evidence at the Hearing, have determined that it would be in the best interest of the Authority and its ratepayers to revise the Authority's current sanitary sewerage connection fee rate; and

**WHEREAS**, the Authority has determined that the appropriate sanitary sewerage connection fee for the remainder of 2020, and until a new rate is established by the Authority in 2021, shall be a rate of \$2,316.00 per EDU as calculated in the Lerch Report.

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

1. The Authority hereby amends the sanitary sewerage connection fee charged by the Authority to the rate of \$2,316.00 per EDU as calculated in the Lerch Report effective as of the date of this Resolution and continuing until a new rate is adopted by the Authority in 2021.
2. The Executive Director shall be and is hereby authorized to take any and all steps necessary for the implementation by the Authority of this amended sanitary sewerage connection fee rate.
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 April 23, 2020.



Michael Henwood  
Secretary

**DATED: April 23, 2020**

**BERGEN COUNTY UTILITIES AUTHORITY  
RESOLUTION**

**WHEREAS**, the Bergen County Utilities Authority (the "Authority") has followed the fair and open process pursuant to N.J.S.A. 19:44A-20 et seq. for receiving Requests for Qualifications; and

**WHEREAS**, the Authority previously issued a Request For Qualifications ("RFQ") for Title Search and Insurance Services in accordance with the requirements of N.J.S.A. 19:44A-20, et seq.; and

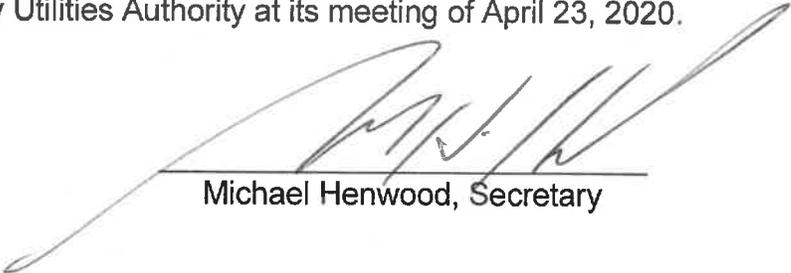
**WHEREAS**, **Town Title Agency, LLC** submitted to the Authority a response to the RFQ dated February 11, 2020; and

**WHEREAS**, pursuant to the RFQ, the Authority conducted a review of the response submitted to the Authority by **Town Title Agency, LLC** and has recommended that **Town Title Agency, LLC** be deemed qualified to provide Title Search and Insurance Services.

**NOW, THEREFORE, BE IT RESOLVED**, by the Commissioners of the Bergen County Utilities Authority that **Town Title Agency, LLC** shall be and is hereby qualified to render **Title Search and Insurance Services** on behalf of the Authority for the year of 2020; 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 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 April 23, 2020.



Michael Henwood, Secretary

**Dated: April 23, 2020**

**BERGEN COUNTY UTILITIES AUTHORITY  
RESOLUTION**

**WHEREAS**, in 1947, the Bergen County Utilities Authority (the "Authority"), known as that time as the Bergen County Sewerage Authority, was established by the Bergen County Board of Freeholders and chartered to clean-up polluted rivers and streams by replacing individual ineffective, costly, and outdated municipal wastewater treatment plants with a central, more modern, efficient, and effective treatment facility to be located in Little Ferry, New Jersey; 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 comprised of fifty-two (52) municipalities in the County of Bergen serving approximately 575,000 people; and

**WHEREAS**, in 2007, in accordance with its charter and in furtherance of providing these essential services, the Authority acquired from the Edgewater Municipal Utilities Authority (the "Edgewater MUA") the Edgewater wastewater treatment facility known as the Edgewater Water Pollution Control Facility ("Edgewater WPCF") located at 520 River Road, Edgewater Borough, Bergen County, New Jersey and the Authority continues to own and operate the Edgewater WPCF; and

**WHEREAS**, the Edgewater MUA's New Jersey Pollutant Discharge Elimination System ("NJPDES") Surface Water Discharge Permit into the Hudson River required additional treatment for the pollutants copper, zinc, and summer and winter ammonia; and

**WHEREAS**, the Edgewater MUA entered into a consent order with the New Jersey Department of Environmental Protection (the "NJDEP") including a compliance plan to achieve the additional treatment required for the pollutants copper, zinc, and summer and winter ammonia; and

**WHEREAS**, the compliance plan required the extension of the existing outfall sewer from the Edgewater MUA wastewater treatment plant at the bulkhead, and more than one thousand (1,000) feet into the Hudson River to provide an adequate dilution and mixing zone resulting in additional treatment; and

**WHEREAS**, after acquiring the Edgewater WPCF, the Authority assumed responsibility for the compliance plan for the outfall extension project; and

**WHEREAS**, in order to achieve compliance with the Copper, Ammonia-Nitrogen and Zinc effluent limitations, the Edgewater WPCF originally proposed to extend the outfall to provide sufficient mixing/dilution but due to unforeseen difficulties obtaining permits necessary to construct the extended outfall, specifically the denial by the Army Corps of Engineers of the request of the Authority for the issuance of a permit to extend the outfall further and deeper into the Hudson River, the Authority has proposed an alternative to convert the Edgewater WPCF into a sewage pumping station, construct a sewage force main, and treat the wastewater at the Little Ferry Water Pollution Control Facility (the "Little Ferry WPCF"), which is another facility owned and operated by the Authority located at the Foot of Mehrhof Road, Borough of Little Ferry, Bergen County, New Jersey and the Authority would then close the Edgewater WPCF and direct all wastewater to the Little Ferry WPCF for treatment (the "Edgewater WPCF Project"); and

**WHEREAS**, the NJDEP notified the Authority that it is the position of the NJDEP that the Edgewater WPCF may violate the New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq. ("Act") and the regulations promulgated pursuant thereto, specifically N.J.A.C. 7:14A-1 et seq., if it is not permitted to extend the outfall further and deeper into the Hudson River; and

**WHEREAS**, on March 3, 2015, a meeting was conducted with representatives of the Authority and the NJDEP to discuss the proposal of the elimination of the Edgewater WPCF consistent with the Edgewater WPCF Project; and

**WHEREAS**, as a result of the March 3, 2015 meeting and due to the Army Corps of Engineers denying the Authority a permit to extend the outfall into the Hudson River, the NJDEP entered into an Administrative Consent Order (the "2015 ACO") with the Authority on May 29, 2015 in order to memorialize an engineering and construction schedule for the Edgewater WPCF Project and provide for Interim Enforcement Effluent Limitations for Copper, Ammonia-Nitrogen and Zinc; and

**WHEREAS**, the wastewater flows from the Edgewater WPCF are now proposed to be treated in a more efficient, effective, and cost effective manner at the Authority's Little Ferry WPCF; and

**WHEREAS**, as part of the Edgewater WPCF Project, the Authority has determined that it requires **Title Search and Insurance Services** to be performed by a title insurance company authorized to conduct such business activities in the State of New Jersey in connection with the Edgewater WPCF Project and this engagement is necessary for the efficient operation of the Authority; and

**WHEREAS**, the **Title Search and Insurance Services** required to be provided to the Authority include searching title history for properties which the Authority will be

required to acquire title to, or acquire an easement or other such legal interest in, in order to advance the Edgewater WPCF Project pursuant to and consistent with the terms of the 2015 ACO; and

**WHEREAS**, said **Title Search and Insurance Services** are recognized as “extraordinary unspecifiable services” as said services are specialized and qualified in nature, requiring expertise, extensive training and proven reputation in the field of endeavor, pursuant to and in accordance with N.J.S.A. 40A:11-2(7) and this contract is awarded without competitive bidding as an “extraordinary unspecifiable service”, pursuant to and in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; 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 Board of Commissioners with a Certification, dated April 17, 2020, 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; and

**WHEREAS**, this contract was awarded through a fair and open process, pursuant to N.J.S.A. 19:44A-20.4 et seq. through a publicly advertised Request for Qualifications (“RFQ”), and the Board of Commissioners of the Authority has determined that **Town Title Agency, LLC** is competent, qualified and experienced to provide **Title Search and Insurance Services** for the Authority; and

**WHEREAS**, **Town Title Agency, LLC** has submitted a written proposal dated April 17, 2020 (the “Proposal”) to provide **Title Search and Insurance Services** to the Authority, which proposal has been reviewed by the Authority’s Executive Director and determined to be fair and reasonable; and

**WHEREAS**, the Authority has determined, based upon the foregoing, that it is necessary for its efficient operation to retain the services of **Town Title Agency, LLC** to provide **Title Search and Insurance Services** to the Authority and the Authority desires to enter into a contract with **Town Title Agency, LLC** to provide **Title Search and Insurance Services** to the Authority in connection with the Edgewater WPCF Project for a **One (1) Year Term**, until a successor is selected, or at the pleasure of the Authority, whichever shall first occur or be exercised, respectively; and

**WHEREAS**, N.J.S.A. 40A:11-1, et seq. requires that the resolution authorizing the award of a contract for extraordinary unspecifiable services without public bidding and the contract itself be available for public inspection.

**WHEREAS**, the Acting Treasurer 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. That **Town Title Agency, LLC** shall be and is hereby engaged to provide **Title Search and Insurance Services** to the Authority in connection with the Edgewater WPCF Project for an amount of compensation not to exceed the total sum of **\$42,170.00** without further action by the Commissioners of the Authority.

2. The Chairman shall be and is hereby authorized to execute a contract, similar in form and substance to the contract on file at the Authority, by and among the Authority and **Town Title Agency, LLC** memorializing the scope of services and 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 contract retaining **Town Title Agency, LLC** to provide **Title Search and Insurance Services** to the Authority in connection with the Edgewater WPCF Project 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 **Town Title Agency, LLC** and the Authority.

4. The Acting Treasurer'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.

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 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 April 23, 2020.



Michael Henwood  
Secretary

Dated: April 23, 2020

**CERTIFICATION FOR AN EXTRAORDINARY  
UNSPECIFIABLE SERVICES CONTRACT**

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

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

**DATE:** April 17, 2020

**SUBJECT:** **Award of Contract for Title Search and Insurance Services**

This is a contract for engagement of Town Title Agency, LLC to provide Title Search and Insurance services to the Authority for the ongoing Edgewater WPCF Project. This certification is submitted to request your approval of a resolution authorizing a contract to be executed as follows:

**Firm:** Town Title Agency, LLC ("Contractor")

**Duration:** One (1) Year Term.

**Cost:** Not to exceed \$42,170.00.

**Purpose:** To retain a title agency to provide specialized title search and insurance services required by the Authority for the continuing Edgewater WPCF Project.

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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 providing of title search and insurance services required by the Authority. Specifically, the Contractor will assist the Authority with the Edgewater WPCF Project by researching the title history for properties in which the Authority is required to obtain title to, or easement or other such legal interests in, in order to advance the Edgewater WPCF Project consistent with the Administrative Consent Order entered into by the Authority with the NJDEP in connection with the Edgewater WPCF Project. As Executive Director, I am familiar with the nature of the work to be done under this 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 Authority that these services be performed by an entity with expertise, extensive training and a proven reputation in the field of endeavor of providing such title search and insurance services.

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

This contract 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 as the services to be undertaken will evolve depending upon the continually evolving Edgewater WPCF Project and such services are in part regulated by laws of the State

of New Jersey and are specialized and qualified in nature, requiring expertise, extensive training and proven reputation in the field of endeavor, pursuant to and in accordance with N.J.S.A. 40A:11-2(7).

**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:**

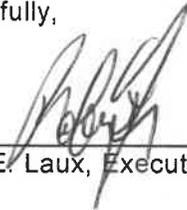
See II above. It is not reasonably possible to draft specifications for these services adequately defining the expertise and skill required in such complex type matters as covered by the contract to be let, such services being of such a qualitative nature as well as the scope of which is not reasonably determinable in advance of the receipt of proposals from those with certain expertise and skill. Written specifications cannot be drafted because the contracted services depend heavily upon expertise, knowledge and the experience in providing title search and insurance 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 providing of Public Relations and Media Consulting Services was issued and the Contractor submitted a response thereto and is duly qualified to provide these services and I have determined the proposal of the Contractor to be fair and reasonable. It is my recommendation that an award of a contract for the providing of Title Search and Insurance Services be granted 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 E. Laux, Executive Director

April 17, 2020

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

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 04/23/2020

RESOLUTION #: 20-1-030

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

2020 IBANK LOAN

VENDOR

TOWN TITLE AGENCY, LLC

CONTRACT NUMBER

N/A

REASON

TITLE SEARCH AND INSURANCE SERVICES

AMOUNT

\$42,170.00

CONTRACT LENGTH

TO COMPLETION

Matthew Carter  
ACTING TREASURER

**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 sewage collection and disposal services and the relief of waters in or bordering the State from pollution arising from causes within the district and the relief of waters in, bordering or entering the district from pollution or threatened pollution on behalf of its constituent members; 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**, due to the spread of Coronavirus 2019 ("COVID-19") within the State of New Jersey creating an imminent public health hazard, threatening and endangering the health, safety, and welfare of the residents of the State of New Jersey, Philip D. Murphy, the Governor of the State of New Jersey, in order to protect the health, safety and welfare of the people of the State, issued Executive Order No. 103 on March 9, 2020, declaring and proclaiming that a Public Health Emergency and State of Emergency exist in the State of New Jersey due to the existence and impact of COVID-19, which declaration was extended by Executive Order No. 119 issued April 7, 2020; and

**WHEREAS**, in an effort to combat against the spread of COVID-19 and the resulting public health hazard Governor Murphy issued Executive Order No. 107 on March 21, 2020, Executive Order No. 122 on April 8, 2020 and Executive Order No. 125 on April 11, 2020, with each of these Executive Orders providing for, among other things, the imposition of mitigation strategies, including the use of personal protective equipment ("PPE"), utilized to protect against the hazard and spread of COVID-19 and the implementation of certain cleaning protocols to fight the spread of COVID-19; and

**WHEREAS**, COVID-19 created conditions which meet the definition of an emergency under N.J.S.A. 40A:11-6(a) and N.J.A.C. 5:34-6.1, requiring that needs be met immediately to protect the public health, safety and welfare; and

**WHEREAS**, because of said conditions, in order for the Authority to provide for the continuous delivery of essential governmental services and in order to take action consistent with Executive Order No. 103 and Executive Order No. 107 issued by Governor Murphy on March 21, 2020, the Board of Commissioners of the Authority adopted Resolution 20-1-026 on March 26, 2020, declaring a state of emergency at the

Authority as of March 21, 2020 in order to protect and maintain the health, safety, and welfare of the Authority's employees and Bergen County residents and visitors; and

**WHEREAS**, the Authority, in furtherance of its efforts to protect and maintain the health, safety and welfare of the Authority's employees and Bergen County Residents and visitors to the Authority's facilities implemented its own requirements for the use of PPE by Authority employees and mitigation cleaning protocols; and

**WHEREAS**, N.J.S.A. 40A:11-6 authorizes the Authority to negotiate or award a contract without competitive bidding when an emergency affecting the public health, safety or welfare requires the immediate delivery of goods or the performance of services; and

**WHEREAS**, the Executive Director executed and provided to the Board of Commissioners of the Authority a Certification of Emergency dated April 21, 2020, a true and correct copy of which is annexed hereto and incorporated herein and made a part hereof by reference as if more fully set forth herein; and

**WHEREAS**, the Executive Director certified within said Certification of Emergency that the potential spread of COVID-19 at the Authority's facilities presented an immediate health and safety concern and, based upon these conditions, the Executive Director recommended that the Authority purchase PPE and cleaning supplies for use by the Authority's employees; and

**WHEREAS**, the Authority obtained the following written proposals to provide PPE and cleaning supplies and equipment to protect against the spread of COVID-19 in the total amount of **\$45,448.36**:

- ClorDiSys Solutions, Inc.: Written proposal dated March 30, 2020 - \$6,000.00 for purchase of Torch-Flex (transportable ultraviolet light generator designed to disinfect and reduce transfer of dangerous organisms);
- Green Building Solutions & Supplies: Written proposal dated March 30, 2020 - \$15,802.01 for purchase of disinfectant and fogger required for application and use of disinfectant to clean and sanitize BCUA facilities;
- Pharmacy Express Inc.: Written proposal dated April 9, 2020 - \$14,350.00 for purchase of hand sanitizer and KN95 masks for use by BCUA employees;
- Pharmacy Express Inc.: Written proposal dated April 14, 2020 - \$9,000.00 for purchase of 3-ply disposable masks for use by BCUA employees; and
- John A. Earl, Inc.: Written proposal dated March 25, 2020 - \$296.35 for purchase of aerosol disinfectant spray for use by BCUA employees.

; and

**WHEREAS**, the Executive Director has determined and recommended that ClorDiSys Solutions, Inc., Green Building Solutions & Supplies, Pharmacy Express Inc. and John A. Earl, Inc. are each competent, qualified experienced to provide the PPE and cleaning equipment and supplies as is identified herein above; and

**WHEREAS**, the Executive Director has determined that the purchase of PPE and cleaning equipment and supplies to protect Authority employees and facilities against the spread of COVID-19 were emergently required and necessary to commence as of March 25, 2020 to ensure the public's health and welfare as set forth in the Certification of Emergency referenced above and annexed hereto; and

**WHEREAS**, emergency contracts are exempted from compliance with the fair and open process under N.J.S.A. 19:44A-20.4 et seq.; and

**WHEREAS**, the Authority's Acting Treasurer 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. The Authority hereby authorizes, confirms, ratifies and approves the declaration of emergency by the Authority's Director of Engineering, by the Certification of Emergency dated April 21, 2020, resulting in the purchase of PPE and cleaning equipment and supplies to protect the Authority's employees and facilities against the spread of COVID-19 and to preserve the public health, safety and welfare.

2. The Authority hereby accepts the Certification of Emergency of the Executive Director dated April 21, 2020, and same is to be placed on file in the office of the Executive Director and available for public inspection.

3. The following invoiced submitted to the Authority for the emergency purchase of PPE and cleaning equipment and supplies to protect the Authority's employees and facilities against the spread of COVID-19 shall be and are hereby accepted for processing and payment in the identified amounts, the sum of which is not to exceed the total amount of **\$45,448.36**, in accordance with the Authority's emergency purchase protocol, without further action by the Board of Commissioners of the Authority:

- A. ClorDiSys Solutions, Inc.: Invoice No. JF-03302020-BCUA dated March 30, 2020 - \$6,000.00 for purchase of Torch-Flex (transportable ultraviolet light generator designed to disinfect and reduce transfer of dangerous organisms);
- B. Green Building Solutions & Supplies: Invoice No. 200331 BCUA dated March 30, 2020 - \$15,802.01 for purchase of disinfectant and fogger required for application and use of disinfectant to clean and sanitize BCUA facilities;

- C. Pharmacy Express Inc.: Invoice No. 6009 dated April 9, 2020 - \$14,350.00 for purchase of hand sanitizer and KN95 masks for use by BCUA employees;
- D. Pharmacy Express Inc.: Invoice No. 6033 dated April 14, 2020 - \$9,000.00 for purchase of 3-ply disposable masks for use by BCUA employees; and
- E. John A. Earl, Inc.: Invoice No. 1006470-0000-01 dated March 25, 2020 - \$296.35 for purchase of aerosol disinfectant spray for use by BCUA employees.

4. The Acting Treasurer's Certification that funds are available shall be maintained on file at the Authority.

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 forgoing to be a true copy of the resolution adopted by the Bergen County Utilities Authority at its meeting of April 23, 2020.



Michael Henwood  
Secretary

**Dated: April 23, 2020**



WATER POLLUTION CONTROL DIVISION
CERTIFICATION OF EMERGENCY

To: BCUA Commissioners Date: April 21, 2020
From: Robert E. Laux, Executive Director
Re: Personal Protective Equipment ("PPE")

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

Firm: ClorDiSys Solutions, Inc.; Green Building Solutions & Supplies; Pharmacy Express Inc.; John A. Earl, Inc.
Cost: \$45,448.36 Budget Code:
Period: 03.25.20 - 04.17.20
Emergency: Purchase of PPE for use by BCUA employees during COVID-19 pandemic.

This is requested to be awarded without competitive bids as an "emergency" purchase (N.J.S.A. 40A:11-6). I do hereby certify as follows:

1. Quotations have been solicited and are as follows:

ClorDiSys Solutions, Inc.: \$6,000.00 for purchase of Torch-Flex (transportable ultraviolet light generator designed to disinfect and reduce transfer of dangerous organisms).

Green Building Solutions & Supplies: \$15,802.01 for purchase of disinfectant and fogger required for application and use of disinfectant to clean and sanitize BCUA facilities.

Pharmacy Express Inc.: \$14,350.00 for purchase of hand sanitizer and KN95 masks for use by BCUA employees.

Pharmacy Express Inc.: \$9,000.00 for purchase of 3-ply disposable masks for use by BCUA employees.

John A. Earl, Inc.: \$296.35 for purchase of aerosol disinfectant spray for use by BCUA employees.

This [ ](is) [X](is not) the lowest quotation. If not, detailed explanation is as follows:

The purchase of PPE on an emergent basis was required to protect BCUA employees and facilities from the spread of COVID-19 and, given the circumstances presented, it was not possible to obtain multiple bids for the purchase of PPE which, as a result of the rapid spread of COVID-19 throughout the world, is not readily available.

2. Description of emergency purchase or explanation why it cannot be described by written specification is as follows:

Pursuant to the Executive Orders issued by Governor Murphy and the continuing negative impact of COVID-19 on the health, safety and welfare of the public, including the employees of the Authority and visitors to the Authority's Little Ferry WPCF, the Authority was required to pursue mitigation efforts on an emergency basis and purchase PPE to protect against the spread of COVID-19.

3. I have reviewed the rules and regulations of the Division of Local Government Services as contained in the Local Public Contract Guidelines and Regulations (revised) and certify that these purchases of PPE may be considered as an emergency purchase in accordance with the requirements thereof.

Respectfully
Robert E. Laux

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 04/23/2020

RESOLUTION #: 20-1-031

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

IN THE OPERATING BUDGET AND ALSO AS MAY  
APPLY PURSUANT TO N.J.S.A. 40A:4-46 et seq.

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FUNDS AVAILABLE

FUNDS ARE NOT AVAILABLE

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COVID 19 DISINFECTION

ORG: 15500080

OBJECT: 599020

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BUDGET ACCOUNT

VENDORS

CLORDISYS SOLUTIONS, INC.

GREEN BUILDING SOLUTIONS & SUPPLIES

PHARMACY EXPRESS INC.

JOHN A. EARL, INC.

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CONTRACT NUMBER

N/A

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REASON

COVID19 DISINFECTION

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AMOUNTS

\$6,000 CLORDISYS SOLUTIONS, INC.

\$15,802.01 GREEN BUILDING SOLUTIONS & SUPPLIES

\$23,350 PHARMACY EXPRESS INC.

AMOUNT

296.35 JOHN A. EARL, INC.

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CONTRACT LENGTH

N/A

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ACTING TREASURER

**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 sewage collection and disposal services and the relief of waters in or bordering the State from pollution arising from causes within the district and the relief of waters in, bordering or entering the district from pollution or threatened pollution on behalf of its constituent members; 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**, due to the spread of Coronavirus 2019 ("COVID-19") within the State of New Jersey creating an imminent public health hazard, threatening and endangering the health, safety, and welfare of the residents of the State of New Jersey, Philip D. Murphy, the Governor of the State of New Jersey, in order to protect the health, safety and welfare of the people of the State, issued Executive Order No. 103 on March 9, 2020, declaring and proclaiming that a Public Health Emergency and State of Emergency exist in the State of New Jersey due to the existence and impact of COVID-19, which declaration was extended by Executive Order No. 119 issued April 7, 2020; and

**WHEREAS**, in an effort to combat against the spread of COVID-19 and the resulting public health hazard Governor Murphy issued Executive Order No. 107 on March 21, 2020, Executive Order No. 122 on April 8, 2020 and Executive Order No. 125 on April 11, 2020, with each of these Executive Orders providing for, among other things, the imposition of mitigation strategies, including the implementation of certain cleaning protocols to fight the spread of COVID-19; and

**WHEREAS**, COVID-19 created conditions which meet the definition of an emergency under N.J.S.A. 40A:11-6(a) and N.J.A.C. 5:34-6.1, requiring that needs be met immediately to protect the public health, safety and welfare; and

**WHEREAS**, because of said conditions, in order for the Authority to provide for the continuous delivery of essential governmental services and in order to take action consistent with Executive Order No. 103 and Executive Order No. 107 issued by Governor Murphy on March 21, 2020, the Board of Commissioners of the Authority adopted Resolution 20-1-026 on March 26, 2020, declaring a state of emergency at the

Authority as of March 21, 2020 in order to protect and maintain the health, safety, and welfare of the Authority's employees and Bergen County residents and visitors; and

**WHEREAS**, the Authority, in furtherance of its efforts to protect and maintain the health, safety and welfare of the Authority's employees and Bergen County Residents and visitors to the Authority's facilities implemented its own mitigation cleaning protocols, requiring the engagement of an individual or entity qualified to provide such services; and

**WHEREAS**, N.J.S.A. 40A:11-6 authorizes the Authority to negotiate or award a contract without competitive bidding when an emergency affecting the public health, safety or welfare requires the immediate delivery of goods or the performance of services; and

**WHEREAS**, the Executive Director executed and provided to the Board of Commissioners of the Authority a Certification of Emergency dated April 20, 2020, a true and correct copy of which is annexed hereto and incorporated herein and made a part hereof by reference as if more fully set forth herein; and

**WHEREAS**, the Executive Director certified within said Certification of Emergency that the potential spread of COVID-19 at the Authority's facilities presented an immediate health and safety concern and, based upon these conditions, the Executive Director recommended that a qualified individual or entity be immediately engaged to provide COVID-19 related cleaning services at the Authority's Little Ferry Water Pollution Control Facility; and

**WHEREAS**, Maverick Building Services presented to the Authority a written proposal dated March 18, 2020 to provide COVID-19 related cleaning services at the Authority's Little Ferry Water Pollution Control Facility during the time period of March 18, 2020 to June 30, 2020 in the amount of **\$96,000**; and

**WHEREAS**, the Executive Director has determined and recommended that Maverick Building Services is competent, qualified, experienced and has a proven reputation performing such services; and

**WHEREAS**, the Executive Director has determined that the COVID-19 cleaning services at the Authority's Little Ferry Water Pollution Control Facility were emergently required and necessary to commence as of March 18, 2020 to ensure the public's health and welfare as set forth in the Certification of Emergency referenced above and annexed hereto; and

**WHEREAS**, emergency contracts are exempted from compliance with the fair and open process under N.J.S.A. 19:44A-20.4 et seq.; and

**WHEREAS**, the Authority's Acting Treasurer 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. The Authority hereby authorizes, confirms, ratifies and approves the declaration of emergency by the Authority's Director of Engineering, by the Certification of Emergency dated April 20, 2020, resulting in the performance of COVID-19 related cleaning services at the Authority's Little Ferry Water Pollution Control Facility to preserve the public health, safety and welfare.

2. The Authority hereby accepts the Certification of Emergency of the Executive Director dated April 20, 2020, and same is to be placed on file in the office of the Executive Director and available for public inspection.

3. The Chairman shall be and is hereby authorized to execute a contract with **Maverick Building Services** of 22 Chestnut Street, Rutherford, New Jersey 07070 to provide **COVID-19 Related Cleaning Services** during the period of March 18, 2020 to June 30, 2020 for a total amount not to exceed the sum of **\$96,000.00**.

4. Invoice No. 2228892 submitted to the Authority by **Maverick Building Services** for the emergency **COVID-19 Related Cleaning Services**, shall be and is hereby accepted for processing and payment pursuant to the contract to be entered into by the Authority as authorized by this Resolution, for an amount not to exceed the total sum of **\$14,720.00**, in accordance with the Authority's emergency purchase protocol, without further action by the Board of Commissioners of the Authority.

5. The Acting Treasurer's Certification that funds are available shall be maintained on file at the Authority.

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 forgoing to be a true copy of the resolution adopted by the Bergen County Utilities Authority at its meeting of April 23, 2020.



Michael Henwood  
Secretary

Dated: April 23, 2020



WATER POLLUTION CONTROL DIVISION  
CERTIFICATION OF EMERGENCY

To: BCUA Commissioners

Date: April 20, 2020

From: Robert E. Laux, Executive Director

Re: COVID-19 Cleaning Services

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

Firm: Maverick Building Services

Cost: \$96,000.00 NOT TO EXCEED Budget Code: \_\_\_\_\_

Period: 03.18.20 – 06.30.20

Emergency: COVID-19 related cleaning services to be performed at the Little Ferry WPCF.

This is requested to be awarded without competitive bids as an “emergency” purchase (N.J.S.A. 40A:11-6). I do hereby certify as follows:

1. Quotations have been solicited and are as follows:

Maverick Building Services

This  (is)  (is not) the lowest quotation. If not, detailed explanation is as follows:

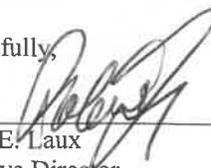
COVID-19 related cleaning services were required to be performed at the Authority’s Little Ferry WPCF on an emergent basis and, given the circumstances presented, it was not possible to obtain multiple bids for the providing of these services.

2. Description of emergency purchase or explanation why it cannot be described by written specification is as follows:

Pursuant to the Executive Orders issued by Governor Murphy and the continuing negative impact of COVID-19 on the health, safety and welfare of the public, including the employees of the Authority and visitors to the Authority’s Little Ferry WPCF, the Authority was required to pursue mitigation efforts on an emergency basis in order to develop and implement specific cleaning protocols at the Authority’s Little Ferry WPCF to protect against the spread of COVID-19.

3. I have reviewed the rules and regulations of the Division of Local Government Services as contained in the Local Public Contract Guidelines and Regulations (revised) and certify that the proposed contract may be considered as an emergency purchase in accordance with the requirements thereof.

Respectfully,

  
\_\_\_\_\_  
Robert E. Laux  
Executive Director

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 04/23/2020

RESOLUTION #: 20-1-032

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

FUNDS AVAILABLE

IN THE OPERATING BUDGET AND ALSO AS MAY  
APPLY PURSUANT TO N.J.S.A. 40A:4-46 et seq.

FUNDS ARE NOT AVAILABLE

BUDGET ACCOUNT

COVID 19 DISINFECTION  
ORG: 15500080  
OBJECT: 599020

VENDOR

MAVERICK BUILDING SERVICES

CONTRACT NUMBER

N/A

REASON

COVID19 DISINFECTION

AMOUNT

\$96,000.00

CONTRACT LENGTH

MARCH 18, 2020 TO JUNE 30, 2020

  
ACTING TREASURER

**BERGEN COUNTY UTILITIES AUTHORITY  
RESOLUTION**

**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 Bergen County Utilities Authority (“Authority”) plays an important role in providing these essential services within the Authority’s sewer service district, which is comprised of fifty-two (52) municipalities in the County of Bergen serving approximately 575,000 people; and

**WHEREAS**, Superstorm Sandy, a late-season post-tropical cyclone, swept through the Caribbean and up the East Coast of the United States in late October 2012, making landfall in New Jersey as a tropical “superstorm” with storm related effects commencing on Monday, October 29, 2012; and

**WHEREAS**, Hurricane Sandy caused tens of billions of dollars in property damage and \$10,000,000,000.00 to \$30,000,000,000.00 more in lost business, making it the second costliest natural disaster in United States history behind Hurricane Katrina; and

**WHEREAS**, within twenty-four (24) hours of the storm making landfall, water from the Hackensack River and overflowing lagoon came into Authority’s Little Ferry Water Pollution Control Facility (the “Little Ferry WPCF”), flooding much of the Little Ferry WPCF; and

**WHEREAS**, the Bergen County Utilities Authority (the “Authority”) sustained extensive damages to multiple wastewater treatment processes and process equipment and incurred significant related costs as a result of Hurricane Sandy; and

**WHEREAS**, in addition to the costs of physical damage to the Authority’s facilities, the loss of service costs to the Authority and the service population was estimated to be \$1,000,000.00 per hour; and

**WHEREAS**, the Authority immediately commenced efforts to apply for the Federal Emergency Management Agency (“FEMA”) Recovery and Mitigation Programs administered from the Presidentially declared disaster, “New Jersey–Hurricane Sandy FEMA-4086-DR”; and

**WHEREAS**, a number of federal aid programs were found to be relevant to the Authority pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as implemented by Title 44 Code of Federal Regulations, which include various public grant programs addressing hazard mitigation efforts; and

**WHEREAS**, the Authority has been awarded over \$30 million of FEMA grant funding, with additional obligations forthcoming with this grant funding being awarded to the Authority to provide funding, in part, for the procurement of Wastewater Program Management Services for Superstorm Sandy recovery efforts at the Little Ferry WPCF and related infrastructure repairs; and

**WHEREAS**, the Board of Commissioners of the Authority, by Resolution 19-2-048 adopted May 23, 2019, authorized the Authority to utilize the competitive contracting process of the Local Public Contracts Law (the "LPCL"), pursuant to and in accordance with N.J.S.A. 40A:11-4.1 et seq., to procure professional engineering services to provide wastewater program management services for Hurricane Sandy recovery efforts at the Authority's Little Ferry WPCF and related infrastructure repairs; and

**WHEREAS**, on February 10, 2020, the Authority issued a Request for Proposals for Professional Engineering Services ("RFP") pursuant to the competitive contracting process of the LPCL, N.J.S.A. 40A:11-4.3, from qualified and experienced engineering consultants for **Program Management for Certain Restoration and Mitigation Projects**; and

**WHEREAS**, on April 3, 2020, the Authority received proposals submitted in response to the RFP from the following five (5) firms: ARCADIS, Aecom Technical Services, Inc., Greeley and Hansen, LLC, Gannett Fleming, Inc. and CME Associates, LLP; and

**WHEREAS**, the proposals were reviewed and evaluated in accordance with the requirements of the RFP, the requirements of the competitive contracting process set forth in the LPCL and the grant procurement requirements of FEMA set forth in 44 C.F.R. §13.36 by the Authority's Review Committee and Special Counsel; and

**WHEREAS**, based on this review, an Evaluation Report and Recommendation of Contract Award (the "Report") dated April 20, 2020 was prepared by the Review Committee and submitted to the Board of Commissioners of the Authority in accordance with the requirements of the LPCL; and

**WHEREAS**, in accordance with the competitive contracting process requirements of N.J.S.A. 40A:11-4.5(d), the Report was made available to the public at least forty-eight (48) hours prior to the awarding of the contract by the adoption of this Resolution; and

**WHEREAS**, as set forth in the Report, the Review Committee recommends that a contract award be made to **ARCADIS** for the reasons set forth in the Report where qualifications, technical approach, and cost were included as a consideration, and the Board of Commissioners of the Authority desires to award a contract to **ARCADIS**, in accordance with the Report of the Review Committee and the recommendations set forth and contained therein; and

**WHEREAS**, the Acting Treasurer 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. **Arcadis US, Inc.** shall be and is hereby retained by the Authority to provide professional engineering services to the Authority for **Program Management for Certain Restoration and Mitigation Projects** for an amount not to exceed the total sum of \$1,673,000.00, computed based on hourly rate plus all reimbursable items for tasks performed as set forth and included within the RFP and the written proposal of **ARCADIS** submitted to the Authority in response thereto, without further approval of the Commissioners of the Authority.

2. The Chairman shall be and he is hereby authorized to execute a contract by and between the Authority and **ARCADIS**, memorializing the scope of services to be performed by **ARCADIS** for **Program Management for Certain Restoration and Mitigation Projects** and the compensation to be paid therefore, in final form acceptable to the Chairman and satisfactory to the Authority, as evidenced by the Chairman's signature thereon.

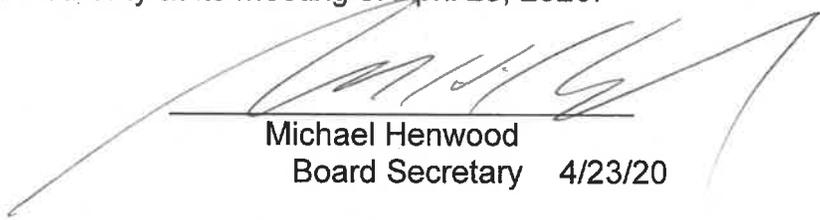
3. A copy of this Resolution and the contract retaining **ARCADIS** to provide professional engineering services to the Authority for **Program Management for Certain Restoration and Mitigation Projects** pursuant to this Resolution shall be placed on file and made available for public inspection in the Office of the Executive Director, upon execution by **ARCADIS** and the Authority.

4. The Acting Treasurer'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.

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 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 April 23, 2020.



Michael Henwood  
Board Secretary 4/23/20

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 04/23/2020

RESOLUTION #: 20-2-030

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

FEMA GRANT 90%  
WPC ENGINEERING EXPENSE 10%  
ORG: 15221000  
OBJECT: 532060

VENDOR

ARCADIS US, INC.

CONTRACT NUMBER

N/A

REASON

PROGRAM MANAGEMENT FOR CERTAIN  
RESTORATION AND MITIGATION PROJECTS

AMOUNT

\$1,673,000.00

CONTRACT LENGTH

TO COMPLETION

  
ACTING TREASURER

**BERGEN COUNTY UTILITIES AUTHORITY  
RESOLUTION**

**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 Bergen County Utilities Authority (“Authority”) plays an important role in providing this essential service within the Authority’s sewer service district, which is comprised of fifty-two (52) municipalities in the County of Bergen serving approximately 575,000 people; and

**WHEREAS**, in furtherance of providing these essential services, the Board of Commissioners of the Authority, by Resolution 19-2-003 adopted February 28, 2019, appointed **Neglia Engineering Associates** to serve as **Site Work Engineering/Land Surveying Consultant** to the Authority for a One (1) Year Term or until a successor is selected or at the pleasure of the Authority, whichever shall first occur or be exercised; and

**WHEREAS**, Resolution 19-2-003 Authorized the Chairman of the Board of Commissioners of the Authority to execute a contract by and between the Authority and **Neglia Engineering Associates** (the “Contract”) memorializing the scope of services to be provided by **Neglia Engineering Associates** serving as **Site Work Engineering/Land Surveying Consultant** to the Authority, including professional engineering services which are provided by **Neglia Engineering Associates** to the Authority on an as-needed basis, pursuant to which payment by the Authority to **Neglia Engineering Associates** is not to exceed the total sum of \$100,000.00 without further approval of the Board of Commissioners of the Authority; and

**WHEREAS**, the Contract was executed by and on behalf of the Authority and **Neglia Engineering Associates** on March 1, 2019; and

**WHEREAS**, following the receipt of written correspondence dated November 22, 2019, submitted to the Authority by **Neglia Engineering Associates** advising the Authority that the compensation budget for the Contract was required to be increased in the amount of \$60,000.00 in order for the Authority to continue to fund the scope of work to be completed by **Neglia Engineering Associates** serving as **Site Work Engineering/Land Surveying Consultant** to the Authority, the Board of Commissioners of the Authority, by Resolution 19-2-092 adopted November 25, 2019, authorized the Chairman of the Board of Commissioners of the Authority to modify the Contract by increasing the budget for compensation to be paid by the Authority to **Neglia Engineering Associates** under the Contract by the amount of \$60,000.00, resulting in an amended Contract compensation budget in the total sum of \$160,000.00 without further approval of the Board of Commissioners of the Authority; and

**WHEREAS, Neglia Engineering Associates**, operating under the Contract, continued to provide significant necessary and valuable services serving as **Site Work Engineering/Land Surveying Consultant** to the Authority, including providing professional engineering services to the Authority on an as-requested basis on a number of critical ongoing matters and on other projects as identified and requested by the Authority since the commencement of the term of the Contract; and

**WHEREAS, Neglia Engineering Associates**, by written correspondence dated April 21, 2020, advised the Authority that **Neglia Engineering Associates** had exhausted the Contract compensation budget of \$160,000.00 to be paid by the Authority to **Neglia Engineering Associates** for services performed pursuant thereto; and

**WHEREAS, Neglia Engineering Associates**, by written correspondence dated April 21, 2020 requested that the Authority increase the compensation budget provided for by the Contract by the total sum of \$1,411.58, resulting in an amended Contract compensation budget of an amount not to exceed the total sum of \$161,411.58; and

**WHEREAS**, the Executive Director of the Authority has determined that **Neglia Engineering Associates** has performed all services under the Contract in an effective and efficient manner and further determined that the work performed by **Neglia Engineering Associates** under the Contract was essential to the proper and effective operation of the Authority and critical to the health, welfare and safety of the ratepayers and employees of the Authority; and

**WHEREAS**, the Executive Director of the Authority has reviewed the April 21, 2020 written correspondence of **Neglia Engineering Associates**, including the request of **Neglia Engineering Associates** to increase the compensation budget for the total compensation to be paid by the Authority to **Neglia Engineering Associates** under the Contract, and based upon that review and the above determinations, he has concluded and recommended that the Authority should amend the Contract by increasing the budget for compensation to be paid by the Authority to **Neglia Engineering Associates** pursuant to the Contract in the total sum of \$1,411.58, resulting in an amended compensation budget under the Contract in an amount not to exceed the total sum of \$161,411.58 without further approval of the Board of Commissioners of the Authority; and

**WHEREAS**, the Authority's Acting Treasurer has certified that funds are available for the modification of the Contract pursuant to this Resolution.

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

1. The Contract entered into by and between the Authority and **Neglia Engineering Associates** shall be and is hereby amended by the Authority and the Contract shall be amended to provide that the compensation to be paid by the Authority pursuant thereto shall be increased in the amount of \$1,411.58 and the total amount of

compensation to now be paid by the Authority to **Neglia Engineering Associates** pursuant to the amended Contract shall not exceed the total sum of \$161,411.58 without further approval of the Board of Commissioners of the Authority.

2. The Chairman of the Authority shall be and is hereby authorized to execute a contract by and among the Authority and **Neglia Engineering Associates**, amending the Contract as approved and authorized by this Resolution, in the form acceptable to the Chairman, and satisfactory to the Authority as evidenced by the Chairman's signature thereon.

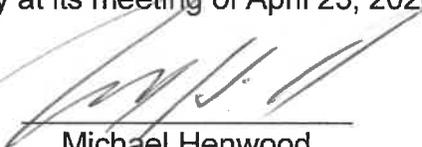
3. A copy of this Resolution, and the contract amending the Contract with **Neglia Engineering Associates** pursuant to this Resolution, shall be placed on file and made available for public inspection in the Office of the Executive Director, upon execution by **Neglia Engineering Associates** and the Authority.

4. The Acting Treasurer's Certification that funds are available shall be maintained on file at the Authority.

5. A notice of this modification of the Contract 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 April 23, 2020.



Michael Henwood  
Board Secretary

Dated: April 23, 2020

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 04/23/2020

RESOLUTION #: 20-2-031

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

ENGINEERING  
ORG: 15221000  
OBJECT: 532060

VENDOR

NEGLIA ENGINEERING ASSOCIATES

CONTRACT NUMBER

19022809

REASON

FINAL INCREASE IN THE PROFESSIONAL SERVICE  
NEEDS OF THE AUTHORITY FOR SITEWORK  
ENGINEERING / LAND SURVEYING SERVICES

AMOUNT

\$1,411.58

CONTRACT LENGTH

CONTRACT COMPLETED 2/29/2020

  
ACTING TREASURER

**BERGEN COUNTY UTILITIES AUTHORITY  
RESOLUTION**

**WHEREAS**, on prior occasion, upon advertisement and pursuant to specifications, the Bergen County Utilities Authority (the "Authority") solicited bid proposals for **Grounds Maintenance Services** for a **One (1) Year Period with Two (2) One (1) Year Options**, pursuant to and in accordance with **Contract No. 19-06**; and

**WHEREAS**, by way of Resolution 19-2-017 adopted March 28, 2019 by the Board of Commissioners of the Authority, **North Jersey Landcare Services, LLC** was determined to be the lowest complying and responsible bidder for **Grounds Maintenance Services**, constituting **Contract No. 19-06**, for a total contract price of **\$67,580.00** for the initial **One (1) Year Period**; and for a total contract price of **\$67,580.00** for each additional **One (1) Year Option** exercised by the Authority; and

**WHEREAS**, by way of Resolution 19-2-017 adopted March 28, 2019 by the Board of Commissioners of the Authority, the Chairman of the Board of Commissioners of the Authority was authorized to execute a contract with **North Jersey Landcare Services, LLC** for **Grounds Maintenance Services**, constituting **Contract No. 19-06** for a total contract price of **\$67,580.00** for the initial **One (1) Year Period** (commencing April 1, 2019 and terminating March 31, 2020); and

**WHEREAS**, pursuant to the terms of **Contract No. 19-06**, the Authority had the option to extend the contract for **Grounds Maintenance Services** with **North Jersey Landcare Services, LLC** for an additional **One (1) Year Period** by exercising the first **One (1) Year Option** for the total sum of **\$67,580.00**; and

**WHEREAS**, by way of Resolution 20-2-026 adopted March 26, 2020, the Authority exercised the first **One (1) Year Option** of **Contract No. 19-06** with **North Jersey Landcare Services, LLC** for **Grounds Maintenance Services**; and

**WHEREAS**, subsequent to the adoption of Resolution 20-2-026 by the Board of Commissioners of the Authority, and prior to entering into a contract with **North Jersey Landcare Services, LLC** as authorized thereby, the Authority determined that the scope of services for **Grounds Maintenance Services** to be performed by **North Jersey Landcare Services, LLC** pursuant to **Contract No. 19-06** were no longer sufficient and required to be revised and the Authority determined that revisions to the scope of work as set forth in **Contract No. 19-06** was required to be revised, requiring a rebidding of a contract to provide **Grounds Maintenance Services** for the Authority; and

**WHEREAS**, based upon the above, the Authority no longer desires to exercise the first **One (1) Year Option** of **Contract No. 19-06** with **North Jersey Landcare Services, LLC** and as **North Jersey Landcare Services, LLC** is amenable to the Authority opting to not exercise this option, the Authority now seeks to rescind Resolution 20-2-026 adopted March 26, 2020 and thereby also rescind the contract authorized thereby; and

**WHEREAS**, while **Contract No. 19-06** terminated as of March 31, 2020, the Authority continues to require the providing of **Grounds Maintenance Services** until such time as it is able to engage for the providing of such services; and

**WHEREAS**, the Executive Director of the Authority has recommended that **Contract No. 19-06** for **Grounds Maintenance Services** with **North Jersey Landcare Services, LLC** be extended for a period of time not to exceed ninety (90) days (with said period of extension commencing April 1, 2020 and expiring June 30, 2020), to provide the Authority with additional time to complete the bid process for the awarding of a new contract in accordance with, and as required by, applicable New Jersey law; and

**WHEREAS**, the Authority finds **New Jersey Landcare Services, LLC** has performed **Contract No. 19-06** for **Grounds Maintenance Services** in an effective and efficient manner; and

**WHEREAS**, the extending of the term of **Contract No. 19-06** with **North Jersey Landcare Services, Inc.** for **Grounds Maintenance Services** for a period of time not to exceed ninety (90) days is necessary for the efficient operation of the Authority as the Authority requires the additional time in order to enable the Authority to complete the bid process and award the new contract in accordance with applicable New Jersey law; and

**WHEREAS**, **North Jersey Landcare Services, LLC** has expressed to the Authority its willingness to enter into an agreement with the Authority extending the term of **Contract No. 19-06** for a period of time not to exceed ninety (90) days on the same terms and conditions of **Contract No. 19-06**; and

**WHEREAS**, the Authority's Acting Treasurer has certified that funds are available for this purpose.

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

1. Resolution 20-2-026 adopted March 26, 2020 and the contract authorized to be entered into by the Authority thereby exercising the first **One (1) Year Option** of **Contract No. 19-06** shall each be and each hereby are rescinded and the Authority's exercising the first **One (1) Year Option** of **Contract No. 19-06** shall have no further effect.

2. The Executive Director shall be and he is hereby authorized to execute a contract with **North Jersey Landcare Services, LLC** for **Grounds Maintenance Services** extending the term of **Contract No. 19-06** for an additional period of time not to exceed ninety (90) days (commencing April 1, 2020 and expiring June 30, 2020) for an amount not to exceed the total sum of **\$16,750.00** without further action being taken by the Board of Commissioners of the Authority.

3. All other terms of **Contract No. 19-06** entered into by the Authority with **North Jersey Landcare Services, LLC** for **Grounds Maintenance Services** shall remain in full force and effect without modification

4. A copy of this Resolution and the contract entered into 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 **North Jersey Landcare Services, LLC** and the Authority.

5. A notice of the adoption of this Resolution shall be published in the form prescribed by law.

6. The Acting Treasurer'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.

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 April 23, 2020.



Michael Henwood  
Secretary

**Dated: April 23, 2020**

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 04/23/2020

RESOLUTION #: 20-2-032

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

BLDG & GRND OUTSRC

15116000-531340 97%

25116000-531340 3%

VENDOR

NORTH JERSEY LANDCARE SERVICES, LLC

CONTRACT NUMBER

19-06

REASON

90 DAY CONTRACT EXTENSION  
GROUNDS MAINTENANCE SERVICES

AMOUNT

\$16,750.00

CONTRACT LENGTH

APRIL 1, 2020 TO JUNE 30, 2020

  
ACTING TREASURER

**BERGEN COUNTY UTILITIES AUTHORITY  
COUNTY OF BERGEN  
STATE OF NEW JERSEY**

**HIRING OF RETIREES BY THE BERGEN COUNTY UTILITIES AUTHORITY DURING  
STATE OF EMERGENCY**

**WHEREAS**, employees previously employed by various Governmental Agencies throughout the State have retired from these various Governmental Agencies under the New Jersey pension system; and,

**WHEREAS**, retirees from the New Jersey pension system cannot normally return back to work with Governmental Agencies throughout the State for at least six (6) months after the retirements are approved by the State and cannot return in a full time capacity; and,

**WHEREAS**, since the State of New Jersey is in a State of Emergency, pursuant to Executive Order No. 103, requiring changes in manpower and related items due to the COVID-19 pandemic, which includes the ability to hire retired employees in an expeditious manner in a full-time capacity under certain defined conditions pursuant to Executive Order No. 115; and,

**WHEREAS**, the Bergen County Utilities Authority wishes to take advantage of the provisions of Executive Order No. 115 and rehire retirees to employment with the Authority, subject to certain defined conditions.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Bergen County Utilities Authority, County of Bergen, State of New Jersey that, in accordance with Executive Order No. 115, the Board hereby authorizes the Executive Director to hire retirees from the Authority and other Governmental Agencies (other County, authority and/or local retired employees) if he so believes that hiring them is necessary for the operation of the Authority during this current State of Emergency, pursuant to Executive Order No. 103, if and only if, the retiree(s) meets the following conditions:

- (1) the retiree has retired before April 6, 2020; and,
- (2) the retiree has completed at least a thirty (30) calendar day separation from their previous employer or from the date of their retirement or

from the date of the applicable Pension Board approval of their retirement, whichever is later; and,

- (3) the retiree's return to employment is needed because of the COVID-19 pandemic.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that no retired employee who meets all of the conditions above can be hired by the Authority until the Authority has filed the necessary paperwork with the State Division of Pensions if: (1) the retiree is returning after less than six (6) months retirement from their previous Governmental Agency employer on a full-time basis; or, (2) the retiree is returning to work as a full-time employee with the BCUA. Said paperwork must include the retiree's skills and/or experience, the retiree's general duties upon return; and, that the retiree is necessary because of the COVID-19 pandemic. No retiree may remain as an employee of the BCUA under all of the conditions above once Executive Order No. 115 ceases to be in effect.



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Michael Henwood  
Board Secretary

Date: April 23, 2020

**BERGEN COUNTY UTILITIES AUTHORITY  
RESOLUTION**

**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 Bergen County Utilities Authority ("Authority") plays an important role in providing these essential services within the Authority's sewer service district, which is comprised of forty-seven (47) municipalities in the County of Bergen serving approximately 575,000 people; and

**WHEREAS**, in furtherance of providing these essential services, the Board of Commissioners of the Authority, by Resolution 20-3-003 adopted February 27, 2020, appointed **LaMendola Associates Inc.** to serve as the Authority's **Health Insurance/Employee Benefits Consultant** for a One (1) Year Term or until a successor is selected or at the pleasure of the Authority, whichever shall first occur or be exercised; and

**WHEREAS**, these services were solicited through a fair and open process, pursuant to N.J.S.A. 19:44A-20.4 et seq. through a publicly advertised Request for Qualifications ("RFQ") and **LaMendola Associates Inc.** submitted a Statement of Qualifications and the Commissioners of the Authority determined that **LaMendola Associates Inc.** is competent, qualified and experienced to serve as the Authority's **Health Insurance/Employee Benefits Consultant**; and

**WHEREAS**, Resolution 20-3-003 Authorized the Chairman of the Board of Commissioners of the Authority to execute a contract by and between the Authority and **LaMendola Associates Inc.** (the "Contract") memorializing the scope of services to be provided by **LaMendola Associates Inc.** to the Authority, and performing such services serving as the Authority's **Health Insurance/Employee Benefits Consultant** on an as-needed basis as requested by the Authority, pursuant to which payment by the Authority to **LaMendola Associates Inc.** is not to exceed the total sum of \$47,500.00 without further approval of the Board of Commissioners of the Authority; and

**WHEREAS**, the Contract was executed by and on behalf of the Authority and **LaMendola Associates Inc.** on March 1, 2020; and

**WHEREAS**, subsequent to the execution of the Contract, the spread of Coronavirus 2019 COVID-19 within New Jersey created an imminent public health hazard, threatening and endangering the health, safety, and welfare of the residents of the State of New Jersey and Philip D. Murphy, the Governor of the State of New Jersey, in order to protect the health, safety and welfare of the people of the State of New Jersey, issued Executive Order 103 on March 9, 2020, declaring and proclaiming that a Public Health Emergency and State of Emergency exist in the State of New Jersey due to the existence and impact of COVID-19, which declaration was extended by Executive Order 119 issued April 7, 2020; and

**WHEREAS**, Philp D. Murphy, the Governor of the State of New Jersey, in light of the rapidly rising incidence of COVID-19 and in order to further protect the health, safety and welfare of the people of the State of New Jersey from the continuing rapid spread of COVID-19, issued Executive Order 107 on March 21, 2020, now commonly referred to as the "Stay at Home Order", ordering and directing, among other things, certain limitations on travel and the conducting of business operations, declaring therein that "[i]t shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee, or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully in all matters concerning [Executive Order 107]"; and

**WHEREAS**, COVID-19 created conditions which meet the definition of an emergency under N.J.S.A. 40A:11-6(a) and N.J.A.C. 5:34-6.1, requiring that needs be met immediately to protect the public health, safety and welfare; and

**WHEREAS**, because of said conditions, the Board of Commissioners of the Authority, in order for the Authority to provide for the continuous delivery of essential governmental services and in order to take action consistent with Executive Order 103 and Executive Order 107, adopted Resolution 20-1-026 on March 26, 2020, declaring a state of emergency at the Authority as of March 21, 2020 in order to protect and maintain the health, safety, and welfare of the Authority's employees and Bergen County residents and visitors; and

**WHEREAS**, it is now necessary and there exists the need for the Authority to commence preparation for, including the developing of plans to be implemented in response to, the impact of COVID-19 on the daily operations of the Authority and the providing of essential governmental services by the Authority; and

**WHEREAS**, **LaMendola Associates Inc.**, by written correspondence dated April 1, 2020, advised the Authority that **LaMendola Associates Inc.** is ready and available to provide services to the Authority associated with COVID-19 assistance and requested that the Authority increase the compensation budget provided for by the Contract by the total sum of \$29,800.00 in order to provide funding for the providing of those COVID-19 related services, resulting in an amended Contract compensation budget of an amount not to exceed the total sum of \$77,300.00; and

**WHEREAS**, the Executive Director of the Authority has determined that **LaMendola Associates Inc.** has performed all services under the Contract in an effective and efficient manner and has further determined that **LaMendola Associates Inc.** has provided **Health Insurance/Employee Benefits Consultant** related services to the Authority in an effective and efficient manner and has further determined that the work to be performed by **LaMendola Associates Inc.** under the Contract as set forth in the written correspondence dated April 1, 2020 is essential to the proper and effective operation of the Authority and critical to the health, welfare and safety of the ratepayers and employees of the Authority; and

**WHEREAS**, the Executive Director of the Authority has reviewed the April 1, 2020 written correspondence of **LaMendola Associates Inc.**, including the request of **LaMendola Associates Inc.** to increase the compensation budget for the total compensation to be paid by the Authority to **LaMendola Associates Inc.** under the Contract, and based upon that review and the above determinations, he has concluded and recommended that the Authority should amend the Contract to provide for these additional COVID-19 related services to be performed by **LaMendola Associates Inc.** and further amended by increasing the budget for compensation to be paid by the Authority to **LaMendola Associates Inc.** pursuant to the Contract in the total sum of \$29,800.00, resulting in an amended compensation budget under the Contract in an amount not to exceed the total sum of \$77,300.00 without further approval of the Board of Commissioners of the Authority; 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**, N.J.S.A. 40A:11-1, et seq. requires that the resolution authorizing the award of a contract for professional services and the contract itself be available for public inspection; and

**WHEREAS**, the Authority's Acting Treasurer has certified that funds are available for the modification of the Contract pursuant to this Resolution.

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

1. The Contract entered into by and between the Authority and **LaMendola Associates Inc.** shall be and is hereby modified by the Authority and the Contract shall be modified to provide that the services to be performed by **LaMendola Associates Inc.** pursuant thereto shall include those COVID-19 related services as such services are identified in the April 1, 2020 written correspondence submitted by **LaMendola Associates Inc.** to the Authority and the Contract shall be further modified to provide that the compensation to be paid by the Authority pursuant thereto shall be increased in the amount of \$29,800.00 and the total amount of compensation to now be paid by the Authority to **LaMendola Associates Inc.** pursuant to the modified Contract shall not exceed the total sum of \$77,300.00 without further approval of the Board of Commissioners of the Authority.

2. The Chairman of the Authority shall be and is hereby authorized to execute a contract by and between the Authority and **LaMendola Associates Inc.** modifying the Contract as approved and authorized by this Resolution, in such final form as is acceptable to the Authority, as evidenced by the Chairman's signature thereon.

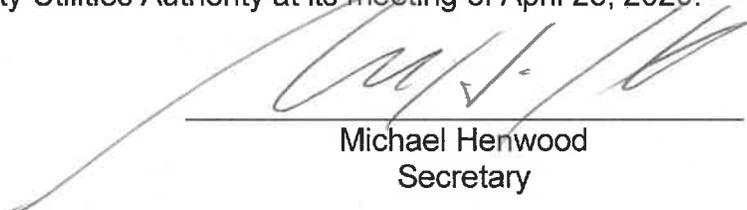
3. A copy of this Resolution and the contract modifying the Contract pursuant to this Resolution, shall be placed on file and made available for public inspection in the Office of the Executive Director, upon execution by **LaMendola Associates Inc.** and the Authority.

4. The Acting Treasurer'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.

5. A notice of this modification of the Contract 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 April 23, 2020.



\_\_\_\_\_

Michael Henwood  
Secretary

**DATED: April 23, 2020**

**CERTIFICATION FOR AN EXTRAORDINARY  
UNSPECIFIABLE SERVICES CONTRACT**

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

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

**DATE:** April 1, 2020

**SUBJECT:** Amendment of Health Insurance/Employee Benefits Consultant  
Annual Contract

This is an amendment of the annual contract of LaMendola Associates, Inc. to serve as Health Insurance/Employee Benefits Consultant to the Authority. This certification is submitted to request your approval of a resolution authorizing a contract to be executed as follows:

**Firm:** LaMendola Associates, Inc. ("Contractor")

**Duration:** Amendment of Contract with a One (1) Year Term.

**Cost:** Not to exceed \$77,300.00 (increase of \$29,800.00).

**Purpose:** To amend the annual contract to expand the scope of work to include services to assist the Authority responding to the impact of COVID-19 on the Authority's employees and the Authority's operations.

---

This is to request an amendment of a contract previously awarded 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.**

Pursuant to the Executive Orders issued by Governor Murphy and the continuing negative impact of COVID-19 on the health, safety and welfare of the public, including the employees of the Authority, the Authority has been required to pursue mitigation efforts and to develop and implement plans to protect the Authority and its employees and to protect against the spread of COVID-19. As Executive Director, I am familiar with the nature of the work to be done under this 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 Authority that these services be performed by an entity with expertise, extensive training and a proven reputation in the field of endeavor of providing such health insurance and employee benefits consultant related services.

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

This contract 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 as the services to be undertaken will evolve as COVID-19 continues to spread and such services are in part regulated by laws of the State of New Jersey and are

specialized and qualified in nature, requiring expertise, extensive training and proven reputation in the field of endeavor, pursuant to and in accordance with N.J.S.A. 40A:11-2(7).

**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:**

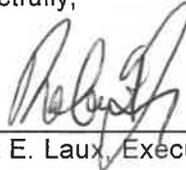
See II above. It is not reasonably possible to draft specifications for these services adequately defining the expertise and skill required in such complex type matters as covered by the contract to be let, such services being of such a qualitative nature as well as the scope of which is not reasonably determinable in advance of the receipt of proposals from those with certain expertise and skill. Written specifications cannot be drafted because the contracted services depend heavily upon expertise, knowledge and the experience in providing such 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 providing of Public Relations and Media Consulting Services was issued and the Contractor submitted a response thereto and is duly qualified to provide these services and I have determined the proposal of the Contractor to be fair and reasonable. It is my recommendation that an award of a contract amendment for the providing of Health Insurance/Employee Benefits Consultant services be granted 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 E. Laux, Executive Director

April 1, 2020

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

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 04/23/2020

RESOLUTION #: 20-3-009

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

FUNDS AVAILABLE IN THE OPERATING BUDGET AND ALSO AS MAY  
APPLY PURSUANT TO N.J.S.A. 40A:4-46 et seq.

FUNDS ARE NOT AVAILABLE

BUDGET ACCOUNT COVID19 HEALTHCARE PROFESSIONALS  
15500080-599023

VENDOR LAMENDOLA ASSOCIATES, INC.

CONTRACT NUMBER 20-3-003

REASON INCREASE IN THE HEALTHCARE CONSULTING  
NEEDS OF THE AUTHORITY DUE TO COVID-19

AMOUNT \$29,800.00

CONTRACT LENGTH APRIL 1, 2020 TO FEBRUARY 28, 2021

  
ACTING TREASURER

**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 sewage collection and disposal services and the relief of waters in or bordering the State from pollution arising from causes within the district and the relief of waters in, bordering or entering the district from pollution or threatened pollution on behalf of its constituent members; 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 Bergen County Utilities Authority ("Authority") plays an important role in providing these essential services within the Authority's sewer service district, which is comprised of fifty-two (52) municipalities in the County of Bergen serving approximately 575,000 people; and

**WHEREAS**, the spread of Coronavirus 2019 ("COVID-19") within New Jersey created an imminent public health hazard, threatening and endangering the health, safety, and welfare of the residents of the State of New Jersey and Philip D. Murphy, the Governor of the State of New Jersey, in order to protect the health, safety and welfare of the people of the State of New Jersey, issued Executive Order 103 on March 9, 2020, declaring and proclaiming that a Public Health Emergency and State of Emergency exist in the State of New Jersey due to the existence and impact of COVID-19, which declaration was extended by Executive Order 119 issued April 7, 2020; and

**WHEREAS**, Philp D. Murphy, the Governor of the State of New Jersey, in light of the rapidly rising incidence of COVID-19 and in order to further protect the health, safety and welfare of the people of the State of New Jersey from the continuing rapid spread of COVID-19, issued Executive Order 107 on March 21, 2020, now commonly referred to as the "Stay at Home Order", ordering and directing, among other things, certain limitations on travel and the conducting of business operations, declaring therein that "[i]t shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee, or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully in all matters concerning [Executive Order 107]"; and

**WHEREAS**, COVID-19 created conditions which meet the definition of an emergency under N.J.S.A. 40A:11-6(a) and N.J.A.C. 5:34-6.1, requiring that needs be met immediately to protect the public health, safety and welfare; and

**WHEREAS**, because of said conditions, the Board of Commissioners of the Authority, in order for the Authority to provide for the continuous delivery of essential governmental services and in order to take action consistent with Executive Order 103 and Executive Order 107, adopted Resolution 20-1-026 on March 26, 2020, declaring a state of emergency at the Authority as of March 21, 2020 in order to protect and maintain the health, safety, and welfare of the Authority's employees and Bergen County residents and visitors; and

**WHEREAS**, in order for the Authority to continue its efforts to protect and maintain the health, safety and welfare of the Authority's employees and, by extension, Bergen County residents and visitors to the Authority's facilities from COVID-19, it is now necessary and there exists the need for the Authority to engage a medical services provider to provide medical services on an emergent basis to the Authority and its employees and dependents related to the COVID-19 pandemic, which **COVID-19 Related Medical Services** include, but are not limited to:

- Return to work examinations for employees absent from onsite performance of their duties to determine physical readiness and absence of COVID-19 symptoms;
- Clinical examinations to determine symptomatic presence of COVID-19;
- Telephonic examinations conducted by licensed clinicians to determine the potential presence of COVID-19 and further determine possible need for testing;
- Testing to determine the presence of COVID-19 infection;
- Daily medical surveillance by telephone for individuals suspected of having been exposed to COVID-19 and for those determined to have been infected with COVID-19;
- Contact tracking, testing and surveillance for Authority employees who may have been exposed at the workplace or working at home;
- Advice and assistance developing and implementing testing, clinical surveillance and contact tracking protocols and procedures;
- Assistance evaluating the effectiveness of procedures and impact on the workforce;
- Development of recommendations for ongoing surveillance and testing; and
- Other necessary related services.

; and

**WHEREAS**, N.J.S.A. 40A:11-6 authorizes the Authority to negotiate or award a contract without competitive bidding when an emergency affecting the public health, safety or welfare requires the immediate delivery of goods or the performance of services; and

**WHEREAS**, the Executive Director executed and provided to the Board of Commissioners of the Authority a Certification of Emergency dated April 22, 2020, a true and correct copy of which is annexed hereto and incorporated herein and made a part hereof by reference as if more fully set forth herein; and

**WHEREAS**, the Executive Director certified within said Certification of Emergency that the potential spread of COVID-19 at the Authority's facilities presented an immediate health and safety concern and, based upon these conditions, the Executive Director recommended that a qualified entity be immediately engaged to provide the above identified COVID-19 related medical services to the Authority and its employees and dependents; and

**WHEREAS**, **Hackensack University Medical Center** presented to the Authority a written proposal dated April 22, 2020 to provide these COVID-19 related medical services to the Authority and its employees and dependents during the time period on or about March 21, 2020 until completion to be determined pursuant to the provided rate schedule and for an amount not to exceed the total sum of **\$27,500.00**; and

**WHEREAS**, the Executive Director has determined and recommended that **Hackensack University Medical Center** is competent, qualified, experienced and has a proven reputation performing such medical services; and

**WHEREAS**, the Executive Director has determined that the COVID-19 related medical services are emergently required and necessary to commence immediately to ensure the health of the Authority's employees and, by extension, to insure the public's health and welfare as set forth in the Certification of Emergency referenced above and annexed hereto; and

**WHEREAS**, emergency contracts are exempted from compliance with the fair and open process under N.J.S.A. 19:44A-20.4 et seq.; and

**WHEREAS**, the Authority's Acting Treasurer 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. The Authority hereby authorizes, confirms, ratifies and approves the declaration of emergency by the Authority's Executive Director, by the Certification of

Emergency dated April 22, 2020, resulting in the performance of COVID-19 related medical services for the Authority and the Authority's employees and dependents to preserve the health of the Authority's employees and, by extension, the public health, safety and welfare.

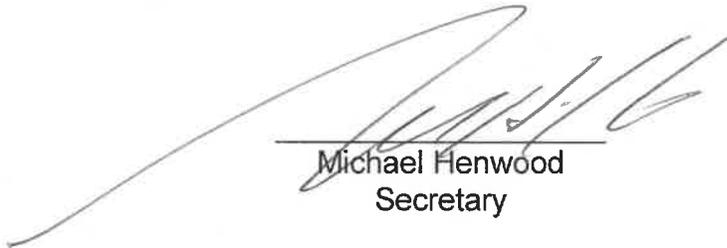
2. The Authority hereby accepts the Certification of Emergency of the Executive Director dated April 22, 2020, and same is to be placed on file in the office of the Executive Director and available for public inspection.

3. The Chairman shall be and is hereby authorized to execute a contract with **Hackensack University Medical Center** of 87 Route 17 North, Suite 137, Maywood, New Jersey 07607 to provide **COVID-19 Related Medical Services** during the period on or about March 21, 2020 until completion to be determined for the rates as identified in the written proposal submitted to the Authority dated April 22, 2020 and for an amount not to exceed the total sum of **\$27,500.00**.

4. The Acting Treasurer's Certification that funds are available shall be maintained on file at the Authority.

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 forgoing to be a true copy of the resolution adopted by the Bergen County Utilities Authority at its meeting of April 23, 2020.



Michael Henwood  
Secretary

**Dated: April 23, 2020**



WATER POLLUTION CONTROL DIVISION
CERTIFICATION OF EMERGENCY

To: BCUA Commissioners Date: April 22, 2020
From: Robert E. Laux, Executive Director
Re: COVID-19 Related Medical Services

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

Firm: Hackensack University Medical Center
Cost: \$ Budget Code:
Period:
Emergency: Providing of COVID-19 related medical services to BCUA and its employees and dependents.

This is requested to be awarded without competitive bids as an "emergency" purchase (N.J.S.A. 40A:11-6). I do hereby certify as follows:

1. Quotations have been solicited and are as follows:

Hackensack University Medical Center has proposed to provide COVID-19 related medical services as has been requested by the BCUA during the time period on or about March 21, 2020 until completion to be determined for the rates as provided in the written proposal submitted to the BCUA dated April 22, 2020 and for an amount not to exceed the total sum of \$27,500.00.

This [ ](is) [X](is not) the lowest quotation. If not, detailed explanation is as follows:

The need to secure the providing of COVID-19 related medical services on an emergent basis was required to protect BCUA employees from the spread of COVID-19 and, given the circumstances presented, it was not possible to obtain multiple bids for the providing of these services.

2. Description of emergency purchase or explanation why it cannot be described by written specification is as follows:

Pursuant to the Executive Orders issued by Governor Murphy and the continuing negative impact of COVID-19 on the health, safety and welfare of the public, including the employees of the Authority and visitors to the Authority's Little Ferry WPCF, the Authority was required to pursue mitigation efforts on an emergency basis and secure the providing of COVID-19 related medical services to help protect the health of the BCUA's employees and to protect against the spread of COVID-19.

3. I have reviewed the rules and regulations of the Division of Local Government Services as contained in the Local Public Contract Guidelines and Regulations (revised) and certify that the securing of the providing of COVID-19 related medical services may be considered as an emergency purchase in accordance with the requirements thereof.

Respectfully
[Signature]
Robert E. Laux
Executive Director

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 04/23/2020

RESOLUTION #: 20-3-010

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

FUNDS AVAILABLE IN THE OPERATING BUDGET AND ALSO AS MAY  
APPLY PURSUANT TO N.J.S.A. 40A:4-46 et seq.

FUNDS ARE NOT AVAILABLE

BUDGET ACCOUNT COVID19 HEALTHCARE PROFESSIONALS  
15500080-599023

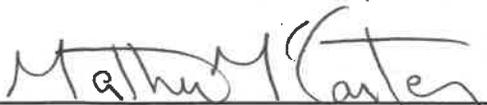
VENDOR HACKENSACK UNIVERSITY MEDICAL CENTER

CONTRACT NUMBER 20-3-010

REASON COVID-19 RELATED MEDICAL SERVICES

AMOUNT \$27,500.00

CONTRACT LENGTH APRIL 1, 2020 TO FEBRUARY 28, 2021

  
ACTING TREASURER