

**BERGEN COUNTY UTILITIES AUTHORITY
MINUTES OF THE REGULAR MEETING
AUGUST 25, 2016**

**In the matter of the 449th Regular Meeting of
The Bergen County Utilities Authority**

1. The **proof of meeting notice** calling the August 25, 2016 meeting was read into the record by Michael Henwood, Board Secretary.

2. Roll Call:

COMMISSIONERS PRESENT:

Ronald Phillips, Chairman
James L. Cassella, Commissioner
Thomas S. Kelley, Commissioner
Jon Warms, Commissioner
George P. Zilocchi, Commissioner

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

3. Motion that the Minutes covering the July 27, 2016 Work Session be approved was moved by Commissioner Cassella and Seconded by Commissioner Kelley and was carried.

4. Chairman Phillips opened the meeting to the public and asked if anyone present wished to be heard. The meeting was closed to the public.

5. FINANCE AND LEGAL COMMITTEE:

Resolution 16-1-037 - Approve bills and the claims supported by vouchers totaling \$3,518,912.76 for the month of August 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 Cassella and Seconded by Commissioner Zilocchi. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 16-1-038 - Authorize Amendment of Professional Services Agreement with Kaufman Semeraro & Leibman LLP. – General Legal Counsel. Motion to adopt the resolution was made by Commissioner Cassella and Seconded by Commissioner Zilocchi. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 16-1-039 - Authorize the utilization of the competitive contracting process to procure an Enterprise Resource Planning System ("ERP") pursuant to and in accordance with N.J.S.A. 40A:11-4.1. Motion to adopt the resolution was made by Commissioner Cassella and Seconded by Commissioner Zilocchi. A roll call was taken and the resolution was adopted as reflected in these minutes.

6. CONSTRUCTION & ENGINEERING COMMITTEE:

Resolution 16-2-052 - Authorize Amendment of Professional Services Agreement with Arcadis, US. – Special Environmental Engineer. Motion to adopt the resolution was made by Commissioner Kelley and Seconded by Commissioner Cassella. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 16-2-053 - Authorize re-advertisement and rebid of Contract 16-16 - Software Maintenance & Support: IBM Maximo License (Version 5.25) (One Year). Motion to adopt the resolution was made by Commissioner Kelley and Seconded by Commissioner Cassella. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 16-2-054 - Reject bids and authorize direct negotiations - Contract 16-05A Rebid – Liquid Sewage Sludge Barge Transport, Contract 16-05B Rebid – Liquid Sewage Sludge Tanker Truck Transport, Contract 16-05C Rebid – Dewatered Sewage Sludge Container Transport and Disposal. Motion to adopt the resolution was made by Commissioner Kelley and Seconded by Commissioner Cassella. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 16-2-055 - Award Contract No. 103589-16 to Weiss Acquisition, LLC - Foxboro I/A Series System: THMD01 Controller Conversion. Motion to adopt the resolution was made by Commissioner Kelley and Seconded by Commissioner Cassella. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 16-2-056 - Authorize the Exercise of One (1) Year Option for Contract No. EW1-2014 with Airgas USA, LLC. to Furnish and Deliver Bulk Liquid Oxygen to the Edgewater Plant Two (2) Years with Two (2). One (1) Year Options. Motion to adopt the resolution was made by Commissioner Kelley and Seconded by Commissioner Cassella. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 16-2-057 - Authorize the Exercise of One (1) Year Option for Contract No. EW2-2014 with Furnish and Deliver Effluent Fine Screen Parts for Edgewater Plant Two (2) Years with Two (2) One (1) Year Options. Motion to adopt the resolution was made by Commissioner Kelley and Seconded by Commissioner Cassella. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 16-2-058 - Authorize the utilization of the competitive contracting process to procure professional engineering services to undertake and complete energy resiliency projects to be funded through N.J. EDA/U.S. HUD, pursuant to and in accordance with N.J.S.A. 40A:11-4.1. Motion to adopt the resolution was made by Commissioner Kelley and Seconded by Commissioner Cassella. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 16-2-059 - Approve Change Order No. 1 for Contract No. 14-09 to South Jersey Energy Company – Electric Generation Supply Service for the Bergen County Utilities Authority. Motion to adopt the resolution was made by Commissioner Kelley and Seconded by Commissioner Cassella. A roll call was taken and the resolution was adopted as reflected in these minutes.

7. PERSONNEL & ADMINISTRATION COMMITTEE:

Resolution 16-3-004 - Authorize Chairman and Executive Director to execute the Local 534 Collective Bargaining Agreement for the term 1/1/16 - 12/31/19. Motion to adopt the resolution was made by Commissioner Cassella and Seconded by Commissioner Kelley. 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 August 25, 2016 Regular Meeting for review by the Commissioners.
11. Move to approve the Minutes of the Regular Meeting of August 25, 2016 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 August 25, 2016 was made by Commissioner Kelley and Seconded by Commissioner Zilocchi and was unanimously carried.
12. Upon motion duly made, seconded and unanimously carried, the meeting was adjourned.

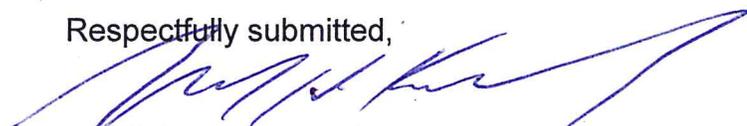
Resolution #	16-1-037	16-1-038	16-1-039	16-2-052	16-2-053	16-2-054	16-2-055
Chairman Phillips	Y	Y	Y	Y	Y	Y	Y
V. Chair. DeLisio	-	-	-	-	-	-	-
Comm. Bentz	-	-	-	-	-	-	-
Comm. Bonaventuro	-	-	-	-	-	-	-
Comm. Cassella	Y	Y	Y	Y	Y	Y	Y
Comm. Juliano	-	-	-	-	-	-	-
Comm. Kelley	Y	Y	Y	Y	Y	Y	Y
Comm. Warms	Y	Y	Y	Y	Y	Y	Y
Comm. Zilocchi	Y	Y	Y	Y	Y	Y	Y

Resolution #	16-2-056	16-2-057	16-2-058	16-2-059	16-3-004
Chairman Phillips	Y	Y	Y	Y	Y
V. Chair. DeLisio	-	-	-	-	-
Comm. Bentz	-	-	-	-	-
Comm. Bonaventuro	-	-	-	-	-
Comm. Cassella	Y	Y	Y	Y	Y
Comm. Juliano	-	-	-	-	-
Comm. Kelley	Y	Y	Y	Y	Y
Comm. Warms	Y	Y	Y	Y	Y
Comm. Zilocchi	Y	Y	Y	Y	Y

Y = Yes R = Recuse A = Abstain N = No - = Absent
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Date: August 25, 2016

Respectfully submitted,



Michael Henwood
 Board Secretary

**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 16-1-013 adopted February 25, 2016, appointed Kaufman, Semeraro & Leibman, L.L.P. to serve as General Legal Counsel 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 16-1-013 Authorized the Chairman of the Board of Commissioners of the Authority to execute an agreement by and between the Authority and Kaufman, Semeraro & Leibman, L.L.P. (the "Agreement") memorializing the services to be provided by Kaufman, Semeraro & Leibman, L.L.P. to the Authority as General Legal Counsel and providing the budget for compensation to be paid by the Authority to Kaufman, Semeraro & Leibman, L.L.P. for the providing of those services, pursuant to which payment 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 Agreement was executed by and on behalf of the Authority and Kaufman, Semeraro & Leibman, L.L.P. on March 1, 2016; and

WHEREAS, Kaufman, Semeraro & Leibman, L.L.P., operating under the Agreement, has continued to provide significant necessary and valuable services to the Authority as the Authority's General Legal Counsel on an as-requested basis on a number of critical ongoing projects as well as additional other projects the Authority identified since the commencement of the term of the Agreement, which projects include:

- Cogeneration Project;
- Negotiation/Litigation with PSE&G;
- Edgewater WPCF Project; and
- Sludge Management Assistance: Assisting the Authority with the preparation of bid documents for residuals hauling.

; and

WHEREAS, by written correspondence dated August 23, 2016, Kaufman, Semeraro & Leibman, L.L.P. advised the Authority that as of July 31, 2016 Kaufman, Semeraro & Leibman, L.L.P. had expended approximately \$87,000.00 in services to the Authority under the Agreement and the Agreement provides for a compensation budget of \$100,000.00 to be paid by the Authority to Kaufman, Semeraro & Leibman, L.L.P. for services performed pursuant thereto; and

WHEREAS, Kaufman, Semeraro & Leibman, L.L.P., has, requested that the Authority increase the compensation budget provided for by the Agreement;

WHEREAS, the Authority's Executive Director has determined that Kaufman, Semeraro & Leibman, L.L.P. has performed all services under the Agreement in an effective and efficient manner and further determined that the remaining work to be performed by Kaufman, Semeraro & Leibman, L.L.P. under the Agreement is essential to the proper and effective operation of the Authority's Water Pollution Control Division and critical to the health, welfare and safety of the ratepayers and employees of the Authority; and

WHEREAS, the Authority's Executive Director has reviewed the August 23, 2016 written correspondence of Kaufman, Semeraro & Leibman, L.L.P., including the request of Kaufman, Semeraro & Leibman, L.L.P. to increase the compensation budget under the Agreement for the total compensation to be paid by the Authority to Kaufman, Semeraro & Leibman, L.L.P., and based upon the above determinations and his review of the August 23, 2016 written correspondence of Kaufman, Semeraro & Leibman, L.L.P., he has concluded and recommended that the Authority should amend the Agreement by increasing the budget for compensation to be paid by the Authority to Kaufman, Semeraro & Leibman, L.L.P. pursuant to the Agreement in the total sum of \$75,000.00, resulting in an amended compensation budget under the Agreement in an amount not to exceed the total sum of \$175,000.00 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 Agreement pursuant to this Resolution.

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

1. The Agreement entered into by and between the Authority and Kaufman, Semeraro & Leibman, L.L.P. shall be and is hereby modified by the Authority and the Agreement shall be modified to provide that the compensation to be paid by the Authority pursuant thereto shall be increased in the amount of \$75,000.00 and the total amount of compensation to now be paid by the Authority to Kaufman, Semeraro & Leibman, L.L.P. pursuant to the modified Agreement shall not exceed the total sum of \$175,000.00 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 an agreement by and among the Authority and Kaufman, Semeraro & Leibman, L.L.P., modifying the Agreement 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.

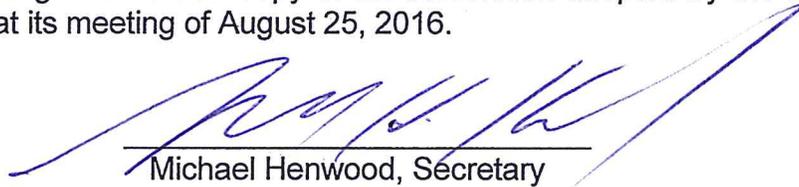
3. A copy of this Resolution, and the agreement modifying the Agreement with Kaufman, Semeraro & Leibman, L.L.P. pursuant to this Resolution, shall be placed on file and made available for public inspection in the Office of the Executive Director, upon execution by Kaufman, Semeraro & Leibman, L.L.P. 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 Agreement 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 August 25, 2016.



Michael Henwood, Secretary

Dated: August 25, 2016

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 08/25/2016

RESOLUTION #: 16-1-038

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 LEGAL
W-350-50800-000

VENDOR KAUFMAN, SEMERARO & LEIBMAN, L.L.P.

CONTRACT NUMBER 16022504

REASON INCREASE IN PROFESSIONAL SERVICES
NEEDS OF THE AUTHORITY FOR CRITICAL
ONGOING PROJECTS AND PROJECTS NOT
IDENTIFIED SINCE AGREEMENT COMMENCEMENT

AMOUNT \$75,000.00

CONTRACT LENGTH SEPTEMBER 1, 2016 TO FEBRUARY 28, 2017

Matthew M. Carter
ACTING TREASURER

BERGEN COUNTY UTILITIES AUTHORITY RESOLUTION

WHEREAS, the Bergen County Utilities Authority (the "Authority") has elected to commence the procurement of an **Enterprise Resource Planning System ("ERP")**; and

WHEREAS, the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., provides an alternative to the competitive bidding processes under certain circumstances by utilizing a contracting procedure referred to as "competitive contracting"; and

WHEREAS, N.J.S.A. 40A:11-4.3(a) requires that in order to initiate competitive contracting, the governing body shall pass a resolution authorizing the use of competitive contracting each time specialized goods or services enumerated in N.J.S.A. 40A:11-4.1 are desired to be contracted; and

WHEREAS, pursuant to N.J.S.A. 40A:11-4.1(a), the purchase or licensing of proprietary computer software designed for contracting unit purposes are eligible for the competitive contracting process; and

WHEREAS, N.J.S.A. 40A:11-4.3(b) requires that the competitive contracting process be administered by the Authority's purchasing agent, qualified pursuant to N.J.S.A. 40A:11-9, or by the Authority's legal counsel, or by an administrator designated by the Authority; and

WHEREAS, the Authority's Executive Director has determined that it is in the Authority's best interests to utilize the competitive contracting process for the procurement of the **ERP**, pursuant to and in accordance with N.J.S.A. 40A:11-4.1; and

WHEREAS, N.J.S.A. 40A:11-4.4(a) requires that the Authority's purchasing agent, qualified pursuant to N.J.S.A. 40A:11-9, the Authority's legal counsel, or an administrator designated by the Authority, shall prepare or have prepared a request for proposal documentation which shall include: all requirements necessary for potential vendors to submit a proposal; and a methodology by which the Authority will evaluate and rank proposals received from vendors; and

WHEREAS, N.J.S.A. 40A:11-4.5(a) requires that a notice of availability of request for proposal documentation be published in the Authority's official newspaper at least twenty (20) days prior to the date established for the submission of proposals.

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

1. Pursuant to and in accordance with N.J.S.A. 40A:11-4.1 et seq., the Authority shall be and is hereby authorized to utilize the competitive contracting process to procure an **ERP**.

2. Pursuant to and in accordance with N.J.S.A. 40A:11-4.3, the aforesaid competitive contracting process shall be administered by the Authority's Qualified Purchasing Agent and/or Deputy Executive Director Richard D. Wierer, an administrator designated by the Authority, in consultation with the Authority's General Legal Counsel.

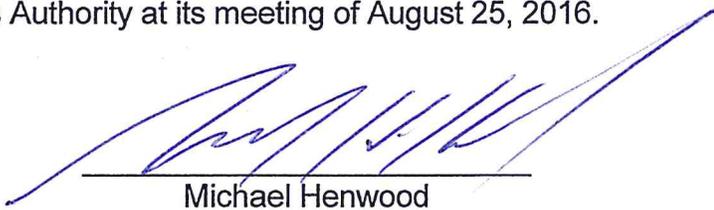
3. Pursuant to and in accordance with N.J.S.A. 40A:11-4.4(a), the Authority's Qualified Purchasing Agent and/or Deputy Executive Director Richard D. Wierer, an administrator designated by the Authority, in consultation with the Authority's General Legal Counsel, shall prepare or have prepared a Request for Proposals, which shall include: all requirements necessary for potential vendors to submit a proposal; and a methodology by which the Authority will evaluate and rank proposals received from vendors.

4. Pursuant to and in accordance with N.J.S.A. 40A:11-4.5(a), a notice of availability of the Request for Proposals shall be published in the Authority's official newspaper at least twenty (20) days prior to the date established for the submission of proposals.

5. A copy of this resolution shall be placed on file and made available for public inspection in the office of the Executive Director, upon execution by the Authority.

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 August 25, 2016.



Michael Henwood

Secretary

August 25, 2016

**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 16-2-013 adopted February 25, 2016, appointed ARCADIS U.S., Inc. to serve as Special Environmental Engineer 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 16-2-013 Authorized the Chairman of the Board of Commissioners of the Authority to execute an agreement by and between the Authority and ARCADIS U.S., Inc. (the "Agreement") memorializing the services to be provided by ARCADIS U.S., Inc. to the Authority as Special Environmental Engineer and providing the budget for compensation to be paid by the Authority to ARCADIS U.S., Inc. for the providing of those services, pursuant to which payment is not to exceed the total sum of \$200,000.00 without further approval of the Board of Commissioners of the Authority; and

WHEREAS, the Agreement was executed by and on behalf of the Authority and ARCADIS U.S., Inc. on March 1, 2016; and

WHEREAS, ARCADIS U.S., Inc., operating under the Agreement, has continued to provide significant necessary and valuable services to the Authority as the Authority's Special Environmental Engineer on an as-requested basis on a number of critical ongoing projects as well as additional other projects the Authority identified since the commencement of the term of the Agreement, which projects include:

- State Revolving Loan Fund Assistance: Providing administration and technical assistance in applying for and securing funding through federal and state grants and loans for the Authority's various capital improvement projects, such as the Cogen Expansion Project and the Edgewater WPCF Project;
- Superstorm Sandy: Attending monthly meetings and assisting with the Authority's attempts to recover reimbursement monies from FEMA for repair of damages caused by Superstorm Sandy;

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- New Jersey Energy Resiliency Bank: Assisting with soliciting funding from the New Jersey Energy Resiliency Bank for the Authority's power supply projects;
- Sludge Management Assistance: Updated the Authority's Sludge Management Plan and assisting the Authority with the preparation of bid documents for residuals hauling;
- Assisting with the Edgewater WPCF Project;
- Assisting with updated the Authority's Confined Space Entry Program; and
- Assisting with permitting and regulatory issues.

; and

WHEREAS, by written correspondence dated August 15, 2016, ARCADIS U.S., Inc. advised the Authority that as of July 31, 2016, ARCADIS U.S., Inc. had expended approximately \$180,000.00 in services to the Authority under the Agreement and the Agreement provides for a compensation budget of \$200,000.00 to be paid by the Authority to ARCADIS U.S., Inc. for services performed pursuant thereto; and

WHEREAS, ARCADIS U.S., Inc., by the August 15, 2016 written correspondence, requested that the Authority increase the compensation budget provided for by the Agreement by the total sum of \$180,000.00, resulting in an amended Agreement compensation budget of an amount not to exceed the total sum of \$380,000.00; and

WHEREAS, the Authority's Director of Engineering has determined that ARCADIS U.S., Inc. has performed all services under the Agreement in an effective and efficient manner and further determined that the remaining work to be performed by ARCADIS U.S., Inc. under the Agreement is essential to the proper and effective operation of the Authority's Water Pollution Control Division and critical to the health, welfare and safety of the ratepayers and employees of the Authority; and

WHEREAS, the Authority's Director of Engineering has reviewed the August 15, 2016 written correspondence of ARCADIS U.S., Inc., including the request of ARCADIS U.S., Inc. to increase the compensation budget under the Agreement for the total compensation to be paid by the Authority to ARCADIS U.S., Inc., and based upon the above determinations and his review of the August 15, 2016 written correspondence of ARCADIS U.S., Inc., he has concluded and recommended that the Authority should amend the Agreement by increasing the budget for compensation to be paid by the

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Authority to ARCADIS U.S., Inc. pursuant to the Agreement in the total sum of \$180,000.00, resulting in an amended compensation budget under the Agreement in an amount not to exceed the total sum of \$380,000.00 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 Agreement pursuant to this Resolution.

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

1. The Agreement entered into by and between the Authority and ARCADIS U.S., Inc. shall be and is hereby modified by the Authority and the Agreement shall be modified to provide that the compensation to be paid by the Authority pursuant thereto shall be increased in the amount of \$180,000.00 and the total amount of compensation to now be paid by the Authority to ARCADIS U.S., Inc. pursuant to the modified Agreement shall not exceed the total sum of \$380,000.00 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 an agreement by and among the Authority and ARCADIS U.S., Inc., modifying the Agreement 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 agreement modifying the Agreement with ARCADIS U.S., Inc. 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 U.S., Inc. and the Authority.

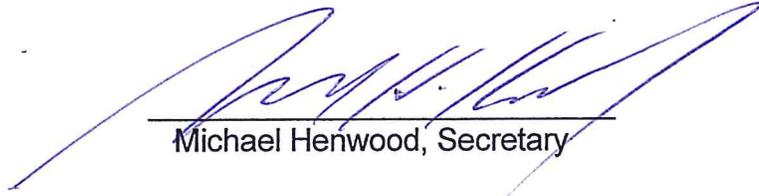
4. The Acting Treasurer's Certification that funds are available shall be maintained on file at the Authority.

5. A notice of this modification of the Agreement 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).

16-2-052

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of August 25, 2016.



Michael Henwood, Secretary

Dated: August 25, 2016

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 08/25/2016

RESOLUTION #: 16-2-052

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
W-350-50400-000

VENDOR

ARCADIS U.S, INC.

CONTRACT NUMBER

16022513

REASON

INCREASE IN PROFESSIONAL SERVICES
NEEDS OF THE AUTHORITY FOR CRITICAL
ONGOING PROJECTS AND PROJECTS NOT
IDENTIFIED SINCE AGREEMENT COMMENCEMENT

AMOUNT

\$180,000.00

CONTRACT LENGTH

SEPTEMBER 1, 2016 TO FEBRUARY 28, 2017

Matthew McCarter

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 **Software Maintenance & Support: IBM Maximo License (Version 5.25) (for a One (1) Year Period)**, pursuant to and in accordance with **Contract No. 16-16**; and

WHEREAS, no conforming bid proposals were received by the Authority on July 21, 2016, the date set forth in the Invitation to Bid for the receipt of bid proposals pursuant to and in accordance with **Contract No. 16-16**; and

WHEREAS, the Board of Commissioners of the Authority, by way of Resolution 16-2-045 adopted July 27, 2016, authorized the Executive Director or his designee to re-advertise for the solicitation of bid proposals for **Contract No. 16-16 (Rebid)**, pursuant to N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the following bid proposals were received by the Authority on August 16, 2016 for **Contract No. 16-16 (Rebid)**:

Vendor	Total Amount Bid for One (1) Year
Computerized Facility Integration, LLC Southfield, MI	\$42,511.00
Interloc Solutions, Inc. Folsom, CA	\$48,186.60

WHEREAS, the Authority's **Qualified Purchasing Agent** has reviewed the bid proposals and has recommended that **Computerized Facility Integration, LLC** should be awarded **Contract No. 16-16 (Rebid)** in accordance with N.J.S.A. 40A:11-1 et seq., as the lowest complying and responsible bidder; and

WHEREAS, on the basis of the foregoing, the **Qualified Purchasing Agent** has determined that **Computerized Facility Integration, LLC** constitutes the lowest complying and responsible bidder for **Contract No. 16-16 (Rebid)**, in accordance with N.J.S.A. 40A:11-1 et seq.; and

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

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

16-2-053

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. **Computerized Facility Integration, LLC** shall be and is hereby determined to be the lowest complying and responsible bidder for **Software Maintenance & Support: IBM Maximo License (Version 5.25)**, constituting **Contract No. 16-16 (Rebid)** for a **One (1) Year Period** for a total sum of **\$42,511.00**.

2. The Chairman shall be and he is hereby authorized to execute an agreement with **Computerized Facility Integration, LLC** of 18000 W. Nine Mile Road, Suite 700, Southfield, Michigan 48075 for **Software Maintenance & Support: IBM Maximo License (Version 5.25)**, constituting **Contract No. 16-16 (Rebid)** for a **One (1) Year Period** for a total sum of **\$42,511.00**.

3. The bid security of all unsuccessful bidders, if any, shall be returned in accordance with N.J.S.A. 40A:11-1 et seq.

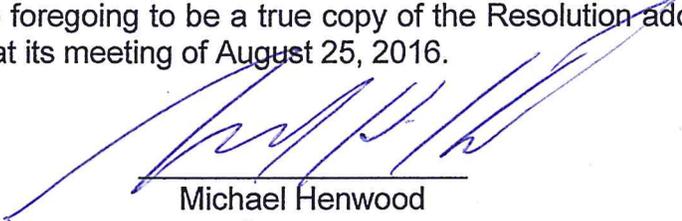
4. The Acting Treasurer's Certification that funds are available shall be maintained on file at the Authority and made a part hereof.

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

6. A copy of this Resolution and the agreement executed pursuant to this Resolution, along with Contract No. 16-16 (Rebid), shall be placed on file and made available for public inspection in the Office of the Executive Director upon execution by Computerized Facility Integration, LLC and the Authority.

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

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of August 25, 2016.



Michael Henwood
Secretary

Dated: August 25, 2016

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BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 08/25/2016

RESOLUTION #: 16-2-053

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 SOFTWARE MAINTENANCE
A-620-56300-000

VENDOR COMPUTERIZED FACILITY INTEGRATION, LLC

CONTRACT NUMBER 16-16

REASON SOFTWARE MAINTENANCE & SUPPORT:
IBM MAXIMO LICENSE V5.25

AMOUNT \$42,511.00

CONTRACT LENGTH SEPTEMBER 1, 2016 TO AUGUST 31, 2017

Matthew McCarter
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 **Liquid Sewage Sludge Transport – Barge**, pursuant to and in accordance with **Contract No. 16-05A (for a Three (3) Year Period with Two (2) One (1) Year Options)**, **Liquid Sewage Sludge Transport – Tanker Truck**, pursuant to and in accordance with **Contract No. 16-05B (for a Three (3) Year Period with Two (2) One (1) Year Options)**, and **Dewatered Sewage Sludge Container Transport and Disposal**, pursuant to and in accordance with **Contract No. 16-05C (for a Three (3) Year Period with Two (2) One (1) Year Options)**; and

WHEREAS, the following sole bid proposal was received by the Authority for **Contract No. 16-05A** on June 9, 2016 at 10:00 a.m., the date and time set forth in the Invitation to Bid for the receipt of bid proposals pursuant to and in accordance with **Contract No. 16-05A**:

Vendor	Unit Price Item 1 (Years 1 through 3)	Unit Price Item 2 (Year 4)	Unit Price Item 3 (Year 5)
Spectraserv, Inc. Kearny, NJ	\$64.20	\$76.20	\$90.20

; and

WHEREAS, the Authority's **Qualified Purchasing Agent and Director of Water Pollution Control** reviewed the sole bid proposal for **Contract No. 16-05A** and recommended that the sole bid be rejected for **Contract No. 16-05A** as that bid was not reasonable as to price, on the basis of cost estimates prepared for or by the Authority prior to the advertising therefor and in accordance with N.J.S.A. 40A:11-13.2(a); and

WHEREAS, on the basis of the foregoing, the **Qualified Purchasing Agent and Director of Water Pollution Control** previously determined that the sole bid received on June 9, 2016 for **Contract No. 16-05A** was not reasonable as to price, on the basis of cost estimates prepared for or by the Authority prior to the advertising therefor, and the "lowest bid substantially exceeds the cost estimates for the goods or services" for **Contract No. 16-05A**, in accordance with N.J.S.A. 40A:11-13.2(a); and

WHEREAS, the Authority's **Qualified Purchasing Agent and Director of Water Pollution Control** at that time recommended that the bid proposal for **Contract No. 16-05A** received June 9, 2016 be rejected for the reasons aforementioned; and

WHEREAS, no bid proposals were received by the Authority for **Contract No. 16-05B** on June 9, 2016 at 10:00 a.m., the date and time set forth in the Invitation to Bid for the receipt of bid proposals pursuant to and in accordance with **Contract No. 16-05B**; and

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WHEREAS, no bid proposals were received by the Authority for **Contract No. 16-05C** on June 9, 2016 at 10:00 a.m., the date and time set forth in the Invitation to Bid for the receipt of bid proposals pursuant to and in accordance with **Contract No. 16-05C**; and

WHEREAS, the Board of Commissioners of the Authority, by way of Resolution 16-2-043 adopted June 23, 2016, rejected the sole bid proposal for **Contract No. 16-05A** received June 9, 2016 and authorized the Executive Director, or his designee, to re-advertise for the solicitation of bid proposals for **Contract No. 16-05A**, **Contract No. 16-05B** and **Contract No. 16-05C** pursuant to N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the following sole bid proposal was received by the Authority for **Contract No. 16-05A (Rebid)** on August 16, 2016 at 10:00 a.m., the date and time set forth in the Invitation to Bid for the receipt of bid proposals pursuant to and in accordance with **Contract No. 16-05A (Rebid)**:

Vendor	Unit Price Item 1 (Years 1 through 3)	Unit Price Item 2 (Year 4)	Unit Price Item 3 (Year 5)
Spectraserv, Inc. Kearny, NJ	\$64.20	\$76.20	\$90.20

; and

WHEREAS, the Authority's **Qualified Purchasing Agent** and **Director of Water Pollution Control** have reviewed the sole bid proposal submitted by **Spectraserv, Inc.** for **Contract No. 16-05A (Rebid)**, received by the Authority on August 16, 2016, and have recommended that the bid proposal of **Spectraserv, Inc.** be rejected for **Contract No. 16-05A (Rebid)** as that bid was not reasonable as to price, on the basis of cost estimates prepared for or by the Authority prior to the advertising therefor and in accordance with N.J.S.A. 40A:11-13.2(a); and

WHEREAS, on the basis of the foregoing, the **Qualified Purchasing Agent** and **Director of Water Pollution Control** have determined that the bid proposal of **Spectraserv, Inc.** received on August 16, 2016 for **Contract No. 16-05A (Rebid)** was not reasonable as to price, on the basis of cost estimates prepared for or by the Authority prior to the advertising therefor, and the "lowest bid substantially exceeds the cost estimates for the goods or services" for **Contract No. 16-05A (Rebid)**, in accordance with N.J.S.A. 40A:11-13.2(a); and

WHEREAS, the Authority's **Qualified Purchasing Agent** and **Director of Water Pollution Control** recommended that the bid proposal of **Spectraserv, Inc.** for **Contract No. 16-05A (Rebid)** received August 16, 2016 be rejected for the reasons aforementioned; and

16-2-054

WHEREAS, the following bid proposals were received by the Authority for **Contract No. 16-05B (Rebid)** on August 16, 2016 at 10:00 a.m., the date and time set forth in the Invitation to Bid for the receipt of bid proposals pursuant to and in accordance with **Contract No. 16-05B (Rebid)**:

Vendor	Unit Price Item 1 (Years 1 through 3)	Unit Price Item 2 (Year 4)	Unit Price Item 3 (Year 5)
Russel Reid Waste Hauling and Disposal Service Co, Inc. Keasbey, NJ	\$44.70	\$46.70	\$49.70
Accurate Waste Removal Services, Inc. Lake Hopatcong, NJ	\$57.50	\$60.00	\$62.50

; and

WHEREAS, the Authority's **Qualified Purchasing Agent and Director of Water Pollution Control** have reviewed the bid proposal of **Russel Reid Waste Hauling and Disposal Service Co., Inc.** for **Contract No. 16-05B (Rebid)** and the bid proposal of **Accurate Waste Removal Services, Inc.** for **Contract No. 16-05B (Rebid)**, each received by the Authority on August 16, 2016, and have recommended that the bid proposal provided by **Russel Reid Waste Hauling and Disposal Service Co., Inc.** and the bid proposal provided by **Accurate Waste Removal Services, Inc.** be rejected for **Contract No. 16-05B (Rebid)** as those bids were not reasonable as to price, on the basis of cost estimates prepared for or by the Authority prior to the advertising therefor and in accordance with N.J.S.A. 40A:11-13.2(a); and

WHEREAS, on the basis of the foregoing, the **Qualified Purchasing Agent and Director of Water Pollution Control** have determined that the bid proposal provided by **Russel Reid Waste Hauling and Disposal Service Co., Inc.** and the bid proposal provided by **Accurate Waste Removal Services, Inc.**, each received by the Authority on August 16, 2016, for **Contract No. 16-05B (Rebid)**, were not reasonable as to price, on the basis of cost estimates prepared for or by the Authority prior to the advertising therefor, and the "lowest bid substantially exceeds the cost estimates for the goods or services" for **Contract No. 16-05B (Rebid)**, in accordance with N.J.S.A. 40A:11-13.2(a); and

WHEREAS, the Authority's **Qualified Purchasing Agent and Director of Water Pollution Control** recommended that the bid proposal provided by **Russel Reid Waste Hauling and Disposal Service Co., Inc.** and the bid proposal provided by **Accurate Waste Removal Services, Inc.** for **Contract No. 16-05B (Rebid)**, each received by the Authority on August 16, 2016, be rejected for the reasons aforementioned; and

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WHEREAS, the Contract Documents and Bid Specifications constituting **Contract No. 16-05A** provide at Section 00100-3(15.1) that the Authority, as the contracting unit, reserves the right to reject any and all bids, including but not limited to, bids substantially exceeding the cost estimates for the services to be performed; and

WHEREAS, no bid proposals were received by the Authority for **Contract No. 16-05C (Rebid)** on August 16, 2016 at 10:00 a.m., the date and time set forth in the Invitation to Bid for the receipt of bid proposals pursuant to and in accordance with **Contract No. 16-05C (Rebid)**; and

WHEREAS, N.J.S.A. 40A:11-5(3) provides that when a contracting unit has advertised for bids on two (2) occasions and no bids were received on both occasions or all bids received on both occasions in response to the advertisement were rejected as being not reasonable as to price, on the basis of cost estimates prepared for or by the Authority prior to the advertising therefore, or no bids were received on one occasion in response to the advertisement and all bids received on one occasion in response to the advertisement were rejected as being not reasonable as to price, on the basis of cost estimates prepared for or by the Authority prior to the advertising therefore, then such contracting unit may negotiate and award a contract for the materials or services so specified, upon adoption of a resolution of two-thirds affirmative vote of the authorized membership of the Governing Body authorizing such contract; and

WHEREAS, the Commissioners of the Authority are desirous of entering into negotiations in order to form a contract for **Liquid Sewage Sludge Transport**, pursuant to and in accordance with **Contract No. 16-05A (Rebid)** and/or **Contract No. 16-05B (Rebid)** and/or **Contract No. 16-05C (Rebid)** as authorized by N.J.S.A. 40A:11-5(3); and

WHEREAS, the negotiation of a contract for **Liquid Sewage Sludge Transport**, pursuant to and in accordance with **Contract No. 16-05A (Rebid)** and/or **Contract No. 16-05B (Rebid)** and/or **Contract No. 16-05C (Rebid)** is necessary for the efficient operation of the Authority.

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

1. The bid proposal provided by **Spectraserv, Inc.** to the Authority for **Contract No. 16-05A (Rebid)** is hereby rejected for the reasons more fully set forth and described above.
2. The bid proposal provided by **Russel Reid Waste Hauling and Disposal Service Co., Inc.** to the Authority for **Contract No. 16-05(B) (Rebid)** and the bid proposal provided by **Accurate Waste Removal Services, Inc.** to the Authority for **Contract No. 16-05B (Rebid)** are each hereby rejected for the reasons more fully set forth and described above.

16-2-054

3. The Executive Director, or his designee, shall be and is hereby authorized to enter into negotiations in order to form a contract for **Liquid Sewage Sludge Transport** pursuant to and in accordance with **Contract No. 16-05A (Rebid)** and/or **Contract No. 16-05B (Rebid)** and/or **Contract No. 16-05C (Rebid)**.

3. The bid security of unsuccessful bidders, if any, shall be returned in accordance with N.J.S.A. 40A:11-1, et seq.

4. 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 August 25, 2016.



Michael Herwood
Secretary

Dated: August 25, 2016

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

WHEREAS, on prior occasion, upon advertisement on the website of the Bergen County Utilities Authority (the "Authority") and pursuant to specifications, the Authority solicited bid proposals for **Foxboro I/A Series System: THMD01 Controller Conversion (Gateway 30B to FBM230)**, pursuant to and in accordance with **Requisition No. 103589-16**; and

WHEREAS, the following sole proposal was received by the Authority on **August 17, 2016** for **Requisition No. 103589-16**:

<u>Vendor</u>	<u>Total Amount Bid</u>
Weiss Instruments, LLC Pittsburgh, PA	\$14,642.62

; and

WHEREAS, this procurement item is below the Authority's bid threshold of \$40,000.00; and

WHEREAS, this contract has been solicited through a fair and open process and it was publicly advertised and opened pursuant to N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, the Authority's **Qualified Purchasing Agent** has reviewed the sole bid proposal and has recommended that **Weiss Instruments, LLC** should be awarded **Requisition No.103589-16** as the lowest complying and responsible vendor, as defined under N.J.S.A. 40A:11-2 and allowable under the fair and open process pursuant to N.J.S.A. 19:44A-20.4; and

WHEREAS, on the basis of the foregoing, the Authority has determined that the proposal from **Weiss Instruments, LLC** constitutes the lowest complying and responsible proposal for **Requisition No. 103589-16**, in accordance with N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the award of the Contract is necessary for the efficient operation of the Authority; 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 proposal of **Weiss Instruments, LLC** in the sum of \$14,642.62 shall be and is hereby determined to be the lowest complying and responsible proposal for **Foxboro I/A**

Series System: THMD01 Controller Conversion (Gateway 30B to FBM230) constituting Requisition No.103589-16 for the total sum of \$14,642.62.

2. The Executive Director shall be and is hereby authorized to execute an agreement with **Weiss Instruments, LLC of 300 Mt. Lebanon Blvd., Pittsburgh, PA 15234 for Foxboro I/A Series System: THMD01 Controller Conversion (Gateway 30B to FBM230), constituting Requisition No. 103589-16 for the total sum of \$14,642.62.**

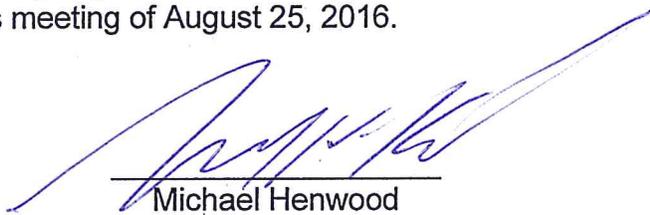
3. The Acting Treasurer's Certification that funds are available shall be maintained on file at the Authority and made a part hereof.

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

5. A copy of this Resolution and the agreement executed pursuant to this Resolution, along with **Requisition No. 103589-16**, shall be placed on file and made available for public inspection in the office of the Executive Director upon execution by Weiss Instruments, LLC and 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-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 August 25, 2016.



Michael Henwood
Secretary

Dated: August 25, 2016

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 08/25/2016

RESOLUTION #: 16-2-055

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 SCADA MAINTENANCE
W-550-62400-000

VENDOR WEISS INSTRUMENTS, LLC

CONTRACT NUMBER REQUISITION 103589-16

REASON FOXBORO I/A SERIES SYSTEM: THMD01
CONTROLLER CONVERSION

AMOUNT \$14,642.62

CONTRACT LENGTH TO COMPLETION

Matthew M. Carter
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 to **Furnish and Deliver Bulk Liquid Oxygen to the Edgewater Plant - Two (2) Year Contract with Two (2) One (1) Year Options**, pursuant to and in accordance with **Contract No. EW1-2014**; and

WHEREAS, by way of Resolution 14-2-048 adopted September 25, 2014, **Airgas USA, LLC** was determined to be the lowest complying and responsible bidder to **Furnish and Deliver Bulk Liquid Oxygen to the Edgewater Plant**, constituting **Contract No. EW1-2014** for a total contract price of \$372,000.00 for the initial two (2) years; and for the optional years for a total contract price of \$186,000.00 per optional year; and

WHEREAS, by way of Resolution 14-2-048 adopted September 25, 2014, the Chairman of the Board of Commissioners of the Authority was authorized to execute an agreement with **Airgas USA, LLC** to **Furnish and Deliver Bulk Liquid Oxygen to the Edgewater Plant** constituting **Contract No. EW1-2014** for a total contract price of **\$372,000.00** for the **Initial Two (2) Year Period**; and

WHEREAS, pursuant to the terms of **Contract No. EW1-2014**, the Authority has the option to extend the contract to **Furnish and Deliver Bulk Liquid Oxygen to the Edgewater Plant** with **Airgas USA, LLC** for an additional **One (1) Year Period** for the total sum of **\$186,000.00**; and

WHEREAS, pursuant to N.J.S.A. 40A:11-15 the Authority finds **Airgas USA, LLC** has performed **Contract No. EW1-2014** to **Furnish and Deliver Bulk Liquid Oxygen to the Edgewater Plant** in an effective and efficient manner; and

WHEREAS, exercising the first **One (1) Year Option** of **Contract No. EW1-2014** to **Airgas USA, LLC** to **Furnish and Deliver Bulk Liquid Oxygen to the Edgewater Plant** is necessary for the efficient operation of the Authority; 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. The Executive Director shall be and he is hereby authorized to execute an agreement with **Airgas USA, LLC** to **Furnish and Deliver Bulk Liquid Oxygen to the Edgewater Plant**, pursuant to and in accordance with **Contract No. EW1-2014**, which exercises the first **One (1) Year Option** by the Authority to extend **Contract No. EW1-2014** for an additional **One (1) Year Period** (commencing October 1, 2016 and expiring September 30, 2017) for the total sum of **\$186,000.00**.

2. All other terms of **Contract No. EW1-2014** shall remain in full force and effect without modification.

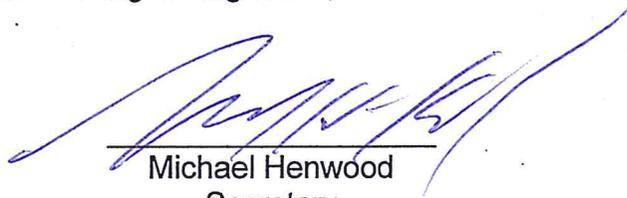
3. The Acting Treasurer's Certification that funds are available shall be on file at the Authority and made a part hereof.

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

5. A copy of this Resolution and the Agreement executed pursuant to this Resolution, along with Contract No. EW1-2014, shall be placed on file and made available for public inspection in the Office of the Executive Director upon execution by Airgas USA, LLC and 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 foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of August 25, 2016.



Michael Henwood
Secretary

Dated: August 25, 2016

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 08/25/2016
RESOLUTION #: 16-2-056

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 LIQUID OXYGEN
W-320-60450-000

VENDOR AIRGAS USA, LLC

CONTRACT NUMBER EW1-2014

REASON FURNISH AND DELIVER BULK LIQUID
OXYGEN TO EDGEWATER PLANT

AMOUNT \$186,000.00

CONTRACT LENGTH OCTOBER 1, 2016 TO SEPTEMBER 30, 2017

Matthew McCarter
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 to **Furnish and Deliver Effluent Fine Screen Parts for Edgewater Plant - Two (2) Year Contract with Two (2) One (1) Year Options**, pursuant to and in accordance with **Contract No. EW2-2014**; and

WHEREAS, by way of Resolution 14-2-049 adopted September 25, 2014, **Ovivo USA, LLC** was determined to be the lowest complying and responsible bidder to **Furnish and Deliver Effluent Fine Screen Parts for Edgewater Plant**, constituting **Contract No. EW2-2014** for a total contract price of \$123,158.00 for the initial two (2) years; and for the optional years for a total contract price of \$61,579.00 per optional year; and

WHEREAS, by way of Resolution 14-2-049 adopted September 25, 2014, the Chairman of the Board of Commissioners of the Authority was authorized to execute an agreement with **Ovivo USA, LLC** to **Furnish and Deliver Effluent Fine Screen Parts for Edgewater Plant** constituting **Contract No. EW2-2014** for a total contract price of \$123,158.00 for the **Initial Two (2) Year Period**; and

WHEREAS, pursuant to the terms of **Contract No. EW2-2014**, the Authority has the option to extend the contract to **Furnish and Deliver Effluent Fine Screen Parts for Edgewater Plant** with **Ovivo USA, LLC** for an additional **One (1) Year Period** for the total sum of \$61,579.00; and

WHEREAS, pursuant to N.J.S.A. 40A:11-15 the Authority finds **Ovivo USA, LLC** has performed **Contract No. EW2-2014** to **Furnish and Deliver Effluent Fine Screen Parts for Edgewater Plant** in an effective and efficient manner; and

WHEREAS, exercising the first **One (1) Year Option** of **Contract No. EW2-2014** to **Ovivo USA, LLC** to **Furnish and Deliver Effluent Fine Screen Parts for Edgewater Plant** is necessary for the efficient operation of the Authority; 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. The Executive Director shall be and he is hereby authorized to execute an agreement with **Ovivo USA, LLC** to **Furnish and Deliver Effluent Fine Screen Parts for Edgewater Plant**, pursuant to and in accordance with **Contract No. EW2-2014**, which exercises the first **One (1) Year Option** by the Authority to extend **Contract No. EW2-2014** for an additional **One (1) Year Period** (commencing October 1, 2016 and expiring September 30, 2017) for the total sum of \$61,579.00.

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2. All other terms of **Contract No. EW2-2014** shall remain in full force and effect without modification.

3. The Acting Treasurer's Certification that funds are available shall be on file at the Authority and made a part hereof.

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

5. A copy of this Resolution and the Agreement executed pursuant to this Resolution, along with Contract No. EW2-2014, shall be placed on file and made available for public inspection in the Office of the Executive Director upon execution by Ovivo USA, LLC and 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 foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of August 25, 2016.



Michael Henwood
Secretary

Dated: August 25, 2016

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 08/25/2016

RESOLUTION #: 16-2-057

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

PROCESS EQUIPMENT

W-550-61600-000

VENDOR

OVIVO USA, LLC

CONTRACT NUMBER

EW2-2014

REASON

FURNISH AND DELIVER EFFLUENT FINE
SCREEN PARTS FOR EDGEWATER PLANT

AMOUNT

\$61,579.00

CONTRACT LENGTH

OCTOBER 1, 2016 TO SEPTEMBER 30, 2017

Mathew M Carter
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, the United States Department of Housing and Urban Development ("HUD") allocated Community Development Block Grant-Disaster Recovery funds to address statewide energy resilience needs; and

WHEREAS, the New Jersey Economic Development Authority ("NJEDA"), in conjunction with the State of New Jersey Board of Public Utilities ("BPU"), are administering those funds allocated to the State of New Jersey through the New Jersey Energy Resiliency Bank ("ERB") Financing Program; and

WHEREAS, Superstorm Sandy caused extensive damage to the energy infrastructure within the State of New Jersey, with significant disruption in service that brought everyday operations to a standstill throughout the State of New Jersey, including Bergen County, and had significant and, in some cases, life-threatening community impacts; and

WHEREAS, the ERB financing program is providing assistance to critical facilities, like that owned and operated by the Authority, to fund projects to make combined heat and power ("CHP") systems islandable and for hardening/raising/flood proofing such facilities against future weather events or other emergencies; and

WHEREAS, the Authority has met with the NJEDA and BPU representatives and identified the following three (3) projects that would meet the eligibility requirements of the ERB program: (1) Black start of CHP Engine Nos. 1 and 2 (the "Black Start Project"); (2) Substations (the "Substations Project"); and (3) Biogas Storage Tank (the "Biogas Storage Tank Project"); and

WHEREAS, the Authority's Cogeneration ("Cogen") system consists of three (3) 1.4 megawatt GE Jenbacher engines capable of burning natural gas, biogas generated from onsite anaerobic digestion system or a combination of both; and

16-2-058

WHEREAS, with the CHP Engines being equipped with black start capabilities, the Authority will be able to continue delivering power to their critical Tier I assets and eliminate the dependency on fuel sources during natural disasters or other events, such as Superstorm Sandy, whereby power loss is from external sources; and

WHEREAS, CHP Engine No. 3, the new third Cogen engine, is undergoing commissioning and is equipped with black start capability; and

WHEREAS, for the Black Start Project, the Authority is seeking to retrofit the existing electrical controls to provide black start capabilities that will enable the Authority to utilize the CHP engines and turbines to power critical assets in the event of long term power outage; and

WHEREAS, flood proofing of the Blower Building and Cogen Building as well as raising the transformer pad next to the Cogen Building will assist in protecting those assets; and

WHEREAS, the Authority desires to protect its power assets from flooding and to avoid cascading impacts to the entire plant located in the Borough of Little Ferry that could be caused by flooding of the substations during a power outage; and

WHEREAS, the Substations Project will involve the replacing and raising, as appropriate, of those substation assets that can be relocated above the Proposed Mitigation Design Flood Elevation; and

WHEREAS, the completion of the Substations Project requires rerouting of conduit systems, replacement of feeders, distribution wiring, transformer, assets and conductors, and construction of additional structures to complete the installations; and

WHEREAS, for the Biogas Storage Tank Project, the Authority utilizes biogas as a fuel source for its sustainable power supply and hot water system; and

WHEREAS, the biogas is flared during peak times when gas production exceeds demand from the Cogen units; and

WHEREAS, the Authority does not currently possess storage capacity for biogas at its plant located in the Borough of Little Ferry; and

WHEREAS, completion of the Biogas Storage Tank Project will result in the installation of a 175,000 cubic feet biogas storage tank at the Authority's plant located in the Borough of Little Ferry, making the system more resilient by allowing the Authority to stabilize the fluctuation in biogas supply and demand by providing the Authority with the capability to

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augment the biogas supply feeding the three (3) CHP Cogen units during power outages; and

WHEREAS, in furtherance of the Authority continuing to provide essential services and in furtherance of the interests of the Authority and the ratepayers of the Authority, the Authority desired to submit an application to the NJEDA for financing of up to Twenty-Five Million Eight Hundred Thousand and 00/100THS (\$25,800,000.00) Dollars in order to finance the costs associated with the completion of the Black Start Project, the Substations Project and the Biogas Storage Tank Project as described and for the reasons set forth above; and

WHEREAS, the Authority believes that the financing terms under the program being offered through the ERB would be in the form of a grant and/or forgivable loan; and

WHEREAS, the Board of Commissioners of the Authority, by Resolution 16-1-033 adopted June 23, 2016 by, authorized the Authority to prepare and make application for a grant from the ERB program as described hereinabove (the "ERB Application"); and

WHEREAS, by written memorandum of the New Jersey Economic Development Authority (the "EDA") dated July 14, 2016, the Authority was advised that the Authority's ERB Application was awarded preliminary approval by the EDA and, as a result of that preliminary approval, the Authority's ERB Application would be moving forward to the next phase of review and approval and \$26,990,350.00 of ERB funds would be reserved for the Authority's Black Start Project, Substations Project and Biogas Storage Tank Project as described and set forth in the Authority's ERB Application; and

WHEREAS, the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., provides an alternative to the competitive bidding processes under certain circumstances by utilizing a contracting procedure referred to as "competitive contracting"; and

WHEREAS, N.J.S.A. 40A:11-4.3(a) requires that in order to initiate competitive contracting, the governing body shall pass a resolution authorizing the use of competitive contracting each time specialized goods or services enumerated in N.J.S.A. 40A:11-4.1 are desired to be contracted; and

WHEREAS, the Authority, after receiving final approval from the EDA confirming the Authority has been awarded the above mentioned ERB funds, will be obligated to undertake and complete the Black Start Project, Substations Project and Biogas Storage Tank Project on or before a date certain as set by the EDA, which date is anticipated to be not more than two (2) years following the date of the final approval of the awarding of the ERB funds to the Authority by the EDA, making it imperative that the Authority be prepared to move forward with those projects at that time and without delay; and

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WHEREAS, pursuant to N.J.S.A. 40A:11-4.1(i), the retention of professional engineering services which are exempt from bidding pursuant to N.J.S.A. 40A:11-5 are eligible for the competitive contracting process; and

WHEREAS, N.J.S.A. 40A:11-4.3(b) requires that the competitive contracting process be administered by the Authority's purchasing agent, qualified pursuant to N.J.S.A. 40A:11-9, or by the Authority's legal counsel, or by an administrator designated by the Authority; and

WHEREAS, the Authority's Executive Director has determined that it is in the Authority's best interests to utilize the competitive contracting process for the procurement of professional engineering services to undertake and complete the Black Start Project, the Substations Project and the Biogas Storage Tank Project, pursuant to and in accordance with N.J.S.A. 40A:11-4.1; and

WHEREAS, N.J.S.A. 40A:11-4.4(a) requires that the Authority's purchasing agent, qualified pursuant to N.J.S.A. 40A:11-9, the Authority's legal counsel, or an administrator designated by the Authority, shall prepare or have prepared a request for proposal documentation which shall include: all requirements necessary for potential vendors to submit a proposal; and a methodology by which the Authority will evaluate and rank proposals received from vendors; and

WHEREAS, N.J.S.A. 40A:11-4.5(a) requires that a notice of availability of request for proposal documentation be published in the Authority's official newspaper at least twenty (20) days prior to the date established for the submission of proposals.

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

1. Pursuant to and in accordance with N.J.S.A. 40A:11-4.1 *et seq.*, the Authority shall be and is hereby authorized to utilize the competitive contracting process to procure professional engineering services to undertake and complete the Black Start Project, the Substations Project and the Biogas Storage Tank Project, pursuant to and in accordance with N.J.S.A. 40A:11-4.1.

2. Pursuant to and in accordance with N.J.S.A. 40A:11-4.3, the aforesaid competitive contracting process shall be administered by the Authority's Qualified Purchasing Agent and/or an administrator designated by the Authority, in consultation with the Authority's General Legal Counsel.

3. Pursuant to and in accordance with N.J.S.A. 40A:11-4.4(a), the Authority's Qualified Purchasing Agent and/or an administrator designated by the Authority, in consultation with the Authority's General Legal Counsel, shall prepare or have prepared a Request for Proposals, which shall include: all requirements necessary for potential vendors

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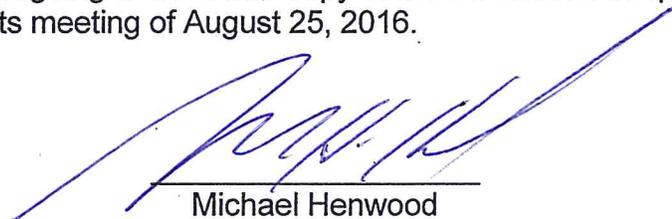
to submit a proposal; and a methodology by which the Authority will evaluate and rank proposals received from vendors.

4. Pursuant to and in accordance with N.J.S.A. 40A:11-4.5(a), a notice of availability of the Request for Proposals shall be published in the Authority's official newspaper at least twenty (20) days prior to the date established for the submission of proposals.

5. A copy of this resolution shall be placed on file and made available for public inspection in the office of the Executive Director, upon execution by the Authority.

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 August 25, 2016.



Michael Henwood
Secretary

Dated: August 25, 2016

**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 **Electric Generation Supply Service for the Bergen County Utilities Authority – Twenty-four (24) Months**, pursuant to and in accordance with **Contract No. 14-09**; and

WHEREAS, on May 22, 2014, the Board of Commissioners of the Authority adopted Resolution 14-2-030, finding **South Jersey Energy Company** to be the lowest complying and responsible bidder for **Electric Generation Supply Service for the Bergen County Utilities Authority** pursuant to and in accordance **Contract No. 14-09** (as per CIEP Option B Fixed Price at the rate of **\$0.08131 per kWh**) and authorizing the execution of an agreement with **South Jersey Energy Company** for **Electric Generation Supply Service for the Bergen County Utilities Authority** constituting **Contract No. 14-09** for an estimated total sum of **\$3,516,658.00**, as the Authority estimated that the amount of usage under **Contract 14-09** during the term of the **Twenty-Four (24) months** would be **43,250,000 kwhs** of usage; and

WHEREAS, during the **Twenty-Four (24) Month** term of **Contract No. 14-09**, **South Jersey Energy Company** provided the Authority with three (3) separate letters notifying the Authority of adjustments that would be made to the fixed rate of \$0.08131 per kWh; and

WHEREAS, **South Jersey Energy Company** represented and provided written confirmation to the Authority that these adjustments were the result of increases in PSE&G's transmission rates and changes to the Authority's transmission obligation as per the terms of **Contract No. 14-09**; and

WHEREAS, the combination of the increase in rate as well as an excess of actual usage over the initially estimated usage resulted in causing the total estimated total cost to be higher than originally estimated during the **Twenty-Four (24) Month** term of **Contract No. 14-09**; and

WHEREAS, the Authority's Acting Treasurer and Consultant, Premier Energy Group, LLC, have reviewed, approved and recommended the approval of Change Order No. 1 submitted by **South Jersey Energy Company** to Process the Net Increase in the sum of **\$444,428.00** for **Electric Generation Supply Service for the Bergen County Utilities Authority - Twenty-four (24) Months**, in accordance with **Contract No. 14-09**, for the adjusted total amended sum of **\$3,961,086.00**; and

WHEREAS, Change Order No. 1 to Process the Net Increase in the sum of **\$444,428.00** is necessary for the efficient operation of the Authority; and

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

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

1. The Chairman, or his designee, shall be and he is hereby authorized to execute Change Order No. 1 to Process the Net Increase in the sum of **\$444,428.00** as stated in the written change order proposal of **South Jersey Energy Company for Electric Generation Supply Service for the Bergen County Utilities Authority**, in accordance with **Contract No. 14-09**, for an adjusted total amended sum of **\$3,961,086.00** for the **Twenty-four (24) Month** term of **Contract No. 14-09**;

2. A copy of this Resolution and the change order to Process the Net Increase in the sum of \$444,428.00 shall be placed on file and made available for public inspection in the Office of the Executive Director upon execution by South Jersey Energy Company and the Authority.

3. The total aggregate amount awarded together with this amendment shall not exceed the total sum of \$3,961,086.00 without further action by the Board of Commissioners of the Authority.

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

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

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of August 25, 2016.



Michael Henwood
Secretary

Dated: August 25, 2016

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 08/25/2016
RESOLUTION #: 16-2-059

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 ELECTRICITY PLANT
W-370-59400-000

VENDOR SOUTH JERSEY ENERGY COMPANY

CONTRACT NUMBER 14-09 CHANGE ORDER # 1

REASON ELECTRIC GENERATION SUPPLY SERVICE

AMOUNT \$444,428.00

CONTRACT LENGTH JUNE 14, 2014 TO MAY 31, 2016

Mather McCarter
ACTING TREASURER

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

WHEREAS, the Authority and **Local 534 of the Utility Workers Union of America, AFL-CIO (The Union)** have negotiated a successor collective bargaining agreement to the agreement that expired on December 31, 2015. The successor four year agreement, effective January 1, 2016 through December 31, 2019, applies to all members of **Local 534** and included in the Collective Bargaining Unit on an Authority-wide basis, and the establishment of wages and other terms and conditions of employment; and

WHEREAS, the Commissioners of the Authority deem it necessary for the efficient operation of the Authority to approve, confirm and ratify the contract with the Union.

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

1. The Contract between the Authority and the Union regarding wages and other terms and/or conditions of employment of those employees who are members of The Union is hereby approved, confirmed and ratified, and the Chairman is hereby authorized to execute an agreement in form and substance substantially similar to the agreement on file in the Authority office in such final form as is acceptable to the Authority, as evidenced by the Chairman's signature thereon.
2. The formal action(s) of the Commissioners of The Bergen County Utilities Authority embodied herein are expressly contingent upon the ratification by Local 534 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 August 25, 2016.



Michael Henwood, Secretary

Dated: August 25, 2016