

**BERGEN COUNTY UTILITIES AUTHORITY
MINUTES OF THE REGULAR MEETING
DECEMBER 22, 2016**

**In the matter of the 453rd Regular Meeting of
The Bergen County Utilities Authority**

1. The **proof of meeting notice** calling the December 22, 2016, meeting was read into the record by Michael Henwood, Board Secretary.

2. Roll Call:

COMMISSIONERS PRESENT:

Ronald Phillips, Chairman
Louis J. DeLisio, Vice Chairman
Catherine T. Bentz, Commissioner
James L. Cassella, Commissioner
Paul A. Juliano, 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 November 21, 2016 Work Session be approved was moved by Commissioner Zilocchi 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 16-1-049 - Approve bills and the claims supported by vouchers totaling \$6,746,799.63 for the month of December 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 Juliano. A roll call was taken and~~ the resolution was adopted as reflected in these minutes.

Resolution 16-1-050 - Designation of the "Official" newspapers for 2017. Motion to adopt the resolution was made by Commissioner Cassella and Seconded by Commissioner Juliano. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 16-1-051 - Approve five-cent (\$0.05) charge to cover expenses for Notices of Meeting Schedule. Motion to adopt the resolution was made by Commissioner Cassella and Seconded by Commissioner Juliano. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 16-1-052 - Approve Final Adoption of the 2017 Solid Waste Management Budget. Motion to adopt the resolution was made by Commissioner Cassella and Seconded by Commissioner Juliano. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 16-1-053 - Approve Final Adoption of the 2017 Water Pollution Control Budget. Motion to adopt the resolution was made by Commissioner Cassella and Seconded by Commissioner Juliano. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 16-1-054 - Approve adoption of 2017 Solid Waste Disposal Schedule of charges. Motion to adopt the resolution was made by Commissioner Cassella and Seconded by Commissioner Juliano. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 16-1-055 - Approve adoption of the 2017 Schedule of Wastewater User Charges. Motion to adopt the resolution was made by Commissioner Cassella and Seconded by Commissioner Juliano. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 16-1-056 - Authorize Amendment of Professional Services Contract to McManimon, Scotland & Baumann, L.L.C. – Bond Counsel. Motion to adopt the resolution was made by Commissioner Cassella and Seconded by Commissioner Juliano. A roll call was taken and the resolution was adopted as reflected in these minutes.

6. CONSTRUCTION & ENGINEERING COMMITTEE:

Resolution 16-2-077 - Exercise Second One Year Option for Contract No. 13-04 – Covanta 4Recovery, L.P. Motion to adopt the resolution was made by Commissioner Juliano and Seconded by Commissioner Warms. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 16-2-078- Approve membership in National Joint Powers Alliance (NJPA) Purchasing Cooperative. Motion to adopt the resolution was made by Commissioner

Juliano and Seconded by Commissioner Warms. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 16-2-079 - Approve Purchase Order to Verizon Networkfleet – GPS Fleet Management system for a three (3) year term. Motion to adopt the resolution was made by Commissioner Juliano and Seconded by Commissioner Warms. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 16-2-080 - Authorize Amendment of Professional Engineering Services Contract – Alaimo Engineering – General Consulting Engineers. Motion to adopt the resolution was made by Commissioner Juliano and Seconded by Commissioner Warms. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 16-2-081 - Authorize Amendment of Professional Engineering Services Contract – Arcadis, U.S., Inc. - Phase 1 services for Edgewater WPCF Project. Motion to adopt the resolution was made by Commissioner Juliano and Seconded by Commissioner Warms. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 16-2-082 - Authorize Amendment of Professional Engineering Services Contract – Remington, Vernick & Arango Engineers, Inc.- Project Manager for Bio Power Expansion Project. Motion to adopt the resolution was made by Commissioner Juliano and Seconded by Commissioner Warms. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 16-2-083 - Authorize Amendment of Professional Engineering Services Contract – Remington, Vernick & Arango Engineers, Inc.- Energy Management and Related Air Pollution Control Permit Services. Motion to adopt the resolution was made by Commissioner Juliano and Seconded by Commissioner Warms. A roll call was taken and the resolution was adopted as reflected in these minutes.

7. PERSONNEL & ADMINISTRATION COMMITTEE:

Resolution 16-3-007 - Approve Renewal of Third Party Administration Service Agreement with IDA for the BCUA Self Insurance Health Benefits for a one (1) year term. Motion to adopt the resolution was made by Commissioner DeLisio and Seconded by Commissioner Cassella. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 16-3-008 - Approve Renewal of Cafeteria Plan Section 125 Flexible Spending Account Administration Service Agreement with IDA for a one (1) year term. Motion to adopt the resolution was made by Commissioner DeLisio and Seconded by Commissioner Cassella. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 16-3-009 - Approve Renewal of Third Party Administration Service Agreement with Delta Dental of New Jersey, Inc. for a one (1) year term. Motion to adopt the resolution was made by Commissioner DeLisio and Seconded by Commissioner Cassella. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 16-3-010 - Authorize Non-Bargaining Unit Salary Adjustment for 2016/17. Motion to adopt the resolution was made by Commissioner DeLisio and Seconded by Commissioner Cassella. 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 December 22, 2016 Regular Meeting for review by the Commissioners.
11. Move to approve the Minutes of the Regular Meeting of December 22, 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 December 22, 2016 was made by Commissioner Cassella and Seconded by Commissioner Bentz and was unanimously carried.
12. Upon motion duly made, seconded and unanimously carried, the meeting was adjourned.

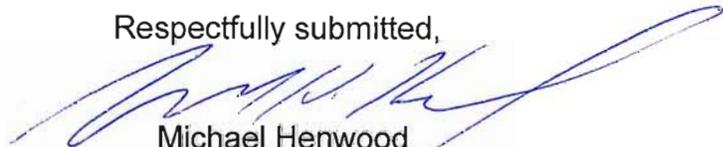
Resolution #	16-1-049	16-1-050	16-1-051	16-1-052	16-1-053	16-1-054	16-1-055
Chairman Phillips	Y	Y	Y	Y	Y	Y	Y
V. Chair, DeLisio	Y	Y	Y	Y	Y	Y	Y
Comm. Bentz	Y	Y	Y	Y	Y	Y	Y
Comm. Bonaventuro	-	-	-	-	-	-	-
Comm. Cassella	Y	Y	Y	Y	Y	Y	Y
Comm. Juliano	Y	Y	Y	Y	Y	Y	Y
Comm. Kelley	Y	Y	Y	Y	Y	Y	Y
Comm. Warms	Y	Y	Y	Y	Y	Y	Y
Comm. Zilocchi	Y	Y	Y	Y	Y	Y	Y

BERGEN COUNTY UTILITIES AUTHORITY
 Minutes of the Regular Meeting
 December 22, 2016

Resolution #	16-1-056	16-2-077	16-2-078	16-2-079	16-2-080	16-2-081	16-2-082
Chairman Phillips	Y	Y	Y	Y	Y	Y	Y
V. Chair. DeLisio	Y	Y	Y	Y	Y	Y	Y
Comm. Bentz	Y	Y	Y	Y	Y	Y	Y
Comm. Bonaventuro	-	-	-	-	-	-	-
Comm. Cassella	Y	Y	Y	Y	Y	Y	Y
Comm. Juliano	Y	Y	Y	Y	Y	Y	Y
Comm. Kelley	Y	Y	A	A	Y	Y	Y
Comm. Warms	Y	Y	Y	Y	Y	Y	Y
Comm. Zilocchi	Y	Y	Y	Y	Y	Y	Y

Resolution #	16-2-083	16-3-007	16-3-008	16-3-009	16-3-010
Chairman Phillips	Y	Y	Y	Y	Y
V. Chair. DeLisio	Y	Y	Y	Y	Y
Comm. Bentz	Y	Y	Y	Y	Y
Comm. Bonaventuro	-	-	-	-	-
Comm. Cassella	Y	Y	Y	Y	Y
Comm. Juliano	Y	Y	Y	Y	Y
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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Respectfully submitted,

 Michael Henwood
 Board Secretary

Date: December 22, 2016

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

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

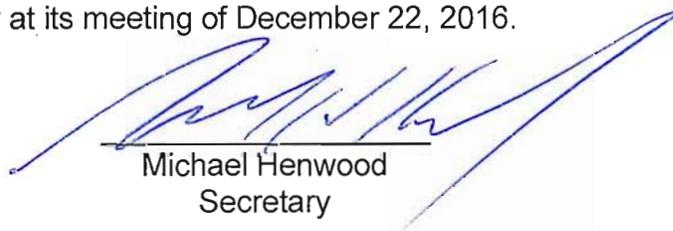
WHEREAS, The Record and The North Jersey Herald News constitute qualified newspapers to serve as legal or "Official" newspapers within the meaning of N.J.S.A. 35:1-2; and

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

BE IT FURTHER RESOLVED by the Commissioners of The Bergen County Utilities Authority that, effective for the year commencing January 1, 2017 The Record and The North Jersey Herald News shall be and are hereby designated as the Authority's official newspapers; and

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

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of December 22, 2016.



Michael Henwood
Secretary

Dated: December 22, 2016

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

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

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

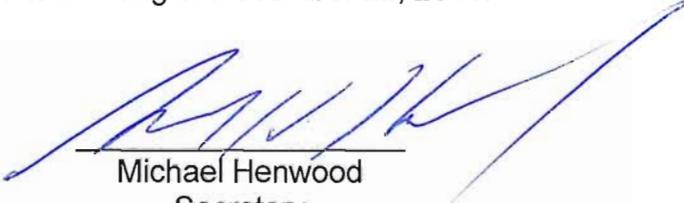
WHEREAS, the Act allows The Bergen County Utilities Authority to require prepayment by such person of a reasonable sum to cover the costs of providing such notice; and

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

NOW, THEREFORE, BE IT RESOLVED that, for one year commencing January 1, 2017, The Bergen County Utilities Authority hereby establishes that to all other persons other than The Record and The North Jersey Herald and News, the reasonable charge for notices requested pursuant to N.J.S.A. 10:4-19 shall be five cents (\$.05) per notice to cover the costs of reproduction and mailing; and

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

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of December 22, 2016.



Michael Henwood
Secretary

Dated: December 22, 2016

2017 ADOPTED BUDGET RESOLUTION BERGEN COUNTY UTILITIES AUTHORITY

FISCAL YEAR: FROM: January 1, 2017 TO: December 31, 2017

WHEREAS, the Solid Waste Division Annual Budget and Capital Budget/Program for the Bergen County Utilities Authority for the fiscal year beginning January 1, 2017 and ending, December 31, 2017 has been presented for adoption before the governing body of the Bergen County Utilities Authority at its open public meeting of December 22, 2016; and

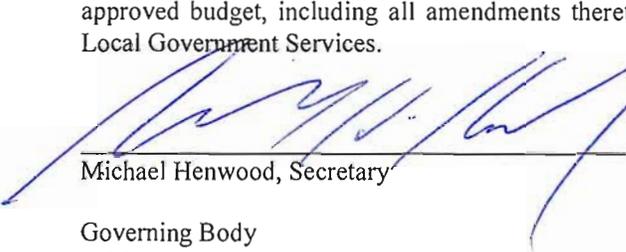
WHEREAS, the Solid Waste Division Annual Budget and Capital Budget as presented for adoption reflects each item of revenue and appropriation in the same amount and title as set forth in the introduced and approved budget, including all amendments thereto, if any, which have been approved by the Director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

WHEREAS, the Solid Waste Division Annual Budget as presented for adoption reflects Total Revenues of \$ 7,515, 677 Total Appropriations, including any Accumulated Deficit, if any, of \$8,511,218 and Total Unrestricted Net Position utilized of \$995,541; and

WHEREAS, the Capital Budget as presented for adoption reflects Total Capital Appropriations of \$0 and Total Unrestricted Net Position planned to be utilized of \$0; and

NOW, THEREFORE BE IT RESOLVED, by the governing body of the Bergen County Utilities Authority, at an open public meeting held on December 22, 2016 that the Solid Waste Division Annual Budget and Capital Budget/Program of the Bergen County Utilities Authority for the fiscal year beginning, January 1, 2017 and, ending, December 31, 2017 is hereby adopted and shall constitute appropriations for the purposes stated; and

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



Michael Henwood, Secretary

12/22/16

(Date)

Governing Body
Member:

Recorded Vote:

COMMISSIONERS	AYE	NO	ABSTAIN	NOT PRESENT
Ronald Phillips	X			
Louis DeLisio	X			
Catherine T. Bentz	X			
Bruce Bonaventuro				X
James I. Cassella	X			
Paul A. Juliano	X			
Thomas S. Kelley	X			
Jon Warms	X			
George P. Zilocchi	X			

2017 ADOPTED BUDGET RESOLUTION BERGEN COUNTY UTILITIES AUTHORITY

FISCAL YEAR: FROM: January 1, 2017 **TO:** December 31, 2017

WHEREAS, the Water Pollution Control System Annual Budget and Capital Budget/Program for the Bergen County Utilities Authority for the fiscal year beginning January 1, 2017 and ending, December 31, 2017 has been presented for adoption before the governing body of the Bergen County Utilities Authority at its open public meeting of December 22, 2016; and

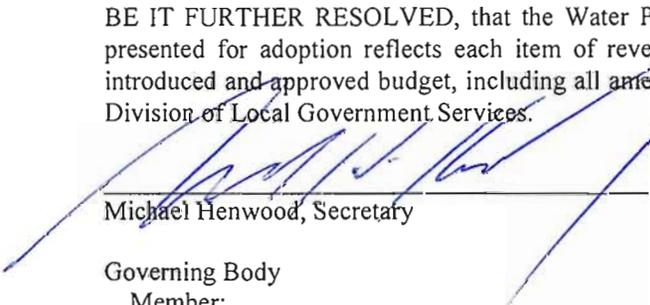
WHEREAS, the Water Pollution Control System Annual Budget and Capital Budget as presented for adoption reflects each item of revenue and appropriation in the same amount and title as set forth in the introduced and approved budget, including all amendments thereto, if any, which have been approved by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

WHEREAS, the Water Pollution Control System Annual Budget as presented for adoption reflects Total Revenues of \$75,896,275 Total Appropriations, including any Accumulated Deficit, if any, of \$75,896,275 and Total Unrestricted Net Position utilized of \$0; and

WHEREAS, the Capital Budget as presented for adoption reflects Total Capital Appropriations of \$8,750,000 and Total Unrestricted Net Position planned to be utilized of \$0; and

NOW, THEREFORE BE IT RESOLVED, by the governing body of the Bergen County Utilities Authority, at an open public meeting held on December 22, 2016 that the Water Pollution Control System Annual Budget and Capital Budget/Program of the Bergen County Utilities Authority for the fiscal year beginning, January 1, 2017 and, ending, December 31, 2017 is hereby adopted and shall constitute appropriations for the purposes stated; and

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



Michael Henwood, Secretary

12/22/16
(Date)

Governing Body
Member:

Recorded Vote:

COMMISSIONERS	AYE	NO	ABSTAIN	NOT PRESENT
Ronald Phillips	X			
Louis DeLisio	X			
Catherine T. Bentz	X			
Bruce Bonaventuro				X
James I. Cassella	X			
Paul A. Juliano	X			
Thomas S. Kelley	X			
Jon Warms	X			
George P. Zilocchi	X			

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

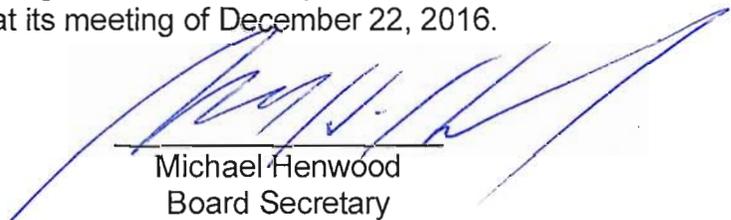
BE IT RESOLVED by the Commissioners of The Bergen County Utilities Authority that the below listed schedule of Wastewater User Charges for the Authority's Water Pollution Control Division for the year 2017 be adopted, effective January 1, 2017 through December 31, 2017.

Flow	\$1,364.22	Per Million Gallons
B.O.D.	\$315.35	Per Thousand Pounds
S.S.	\$290.23	Per Thousand Pounds

and

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

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of December 22, 2016.



Michael Henwood
Board Secretary

Dated: December 22, 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 16-1-014 adopted February 25, 2016, appointed McManimon, Scotland & Baumann, LLC ("MSB") to serve as Bond 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 16-1-014 Authorized the Chairman of the Board of Commissioners of the Authority to execute an agreement by and between the Authority and MSB (the "Agreement") memorializing the services to be provided by MSB to the Authority as Bond Counsel and providing the budget for compensation to be paid by the Authority to MSB for the providing of those services, pursuant to which payment is not to exceed the total sum of \$17,500.00 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 MSB on March 1, 2016; and

WHEREAS, MSB, operating under the Agreement, has continued to provide significant necessary and valuable services to the Authority as the Authority's Bond Counsel on an as-requested basis on a number of critical ongoing matters as well as additional other projects requiring the performance of such services outside of normal services performed by MSB as Bond Counsel which the Authority identified since the commencement of the term of the Agreement, which projects include implementing a procurement process in conformity with protocols of the New Jersey Economic Development Authority Energy Resiliency Bank (the "ERB") to ensure the receipt by the Authority of a \$25,000,000.00 grant from the ERB, which funds are needed by the Authority to finance the costs associated with the undertaking and completion of certain projects; and

WHEREAS, the Agreement provides for a compensation budget of \$17,500.00 to be paid by the Authority to MSB for services performed pursuant thereto and by written

16-1-056

correspondence dated December 9, 2016, MSB advised the Authority that as of December 9, 2016, MSB required that the compensation budget be increased by the sum of \$7,500.00 to pay for work performed by MSB outside of their normal services performed as Bond Counsel; and

WHEREAS, MSB, by the December 9, 2016 written correspondence, requested that the Authority increase the compensation budget provided for by the Agreement by the total sum of \$7,500.00, resulting in an amended Agreement compensation budget of an amount not to exceed the total sum of \$25,000.00; and

WHEREAS, the Executive Director of the Authority has determined that MSB has performed all services under the Agreement in an effective and efficient manner and further determined that the remaining work to be performed by MSB under the Agreement 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 December 9, 2016 written correspondence of MSB, including the request of MSB to increase the compensation budget under the Agreement for the total compensation to be paid by the Authority to MSB, and based upon the above determinations and his review of the December 9, 2016 written correspondence of MSB, 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 MSB pursuant to the Agreement in the total sum of \$7,500.00, resulting in an amended compensation budget under the Agreement in an amount not to exceed the total sum of \$25,000.00 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 MSB 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 \$7,500.00 and the total amount of compensation to now be paid by the Authority to MSB pursuant to the modified Agreement shall not exceed the total sum of \$25,000.00 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 MSB, 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.

16-1-056

16-1-056

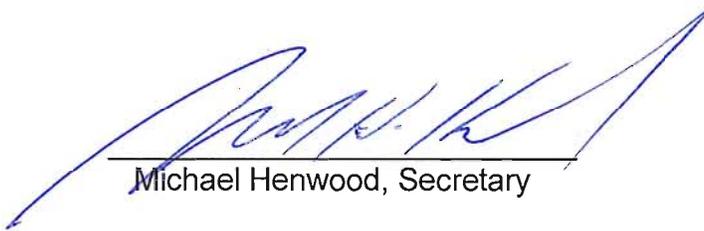
3. A copy of this Resolution, and the agreement modifying the Agreement with MSB pursuant to this Resolution, shall be placed on file and made available for public inspection in the Office of the Executive Director, upon execution by MSB and the Authority.

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 December 22, 2016.



Michael Henwood, Secretary

Dated: December 22, 2016

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 12/22/2016

RESOLUTION #: 16-1-056

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

LEGAL

W-350-50800-000

VENDOR

MCMANIMON, SCOTLAND & BAUMANN, LLC

CONTRACT NUMBER

16022505

REASON

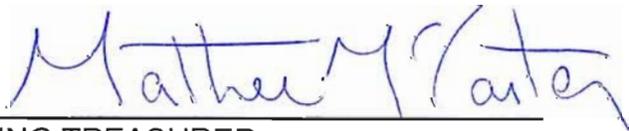
INCREASE IN VOLUME OF REQUIRED LEGAL WORK

AMOUNT

\$7,500.00

CONTRACT LENGTH

DECEMBER 1, 2016 TO FEBRUARY 28, 2017



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 **Cooperative Marketing for Solid Waste Disposal (Three (3) Year Contract with Two (2) - One Year Options)**, pursuant to and in accordance with **Contract No. 13-04**; and

WHEREAS, by way of Resolution 13-2-035 adopted April 25, 2013, **ADS Solid Waste of N.J., Inc. ("ADS")** was determined to be the lowest complying and responsible bidder for **Cooperative Marketing for Solid Waste Disposal**, constituting **Contract No. 13-04**, for a total unit cost of \$64.85 per ton including the \$3.00 recycling tax for the initial three (3) year term; and

WHEREAS, by way of Resolution 13-2-035 adopted April 25, 2013, the Chairman of the Board of Commissioners of the Authority was authorized to execute an agreement with **ADS for Cooperative Marketing for Solid Waste Disposal**, constituting **Contract No. 13-04** for a total unit cost of \$64.85 per ton including the \$3.00 recycling tax for the **Initial Three (3) Year Period**; and

WHEREAS, by way of Resolution 13-2-075 adopted December 19, 2013, the Board of Commissioners of the Authority consented to the assignment of **Contract No. 13-04** from **ADS** to **Covanta 4Recovery, L.P.** (now known as **Covanta Sustainable Solutions, L.L.C. ("Covanta")**); and

WHEREAS, pursuant to the terms of **Contract No. 13-04**, the Authority had the option to previously extend the contract for **Cooperative Marketing for Solid Waste** with **Covanta** for the first additional **One (1) Year Period** for a unit cost of \$69.00 per ton including the \$3.00 recycling tax for that **One (1) Year Period**; and

WHEREAS, **Covanta**, by written correspondence dated January 5, 2016, advised the Authority that, in the event the Authority determined it would exercise its option to extend the term of **Contract No. 13-04** for that additional **One (1) Year Period**, **Covanta** was agreeable to enter into an agreement with the Authority providing for a reduced total unit cost of \$67.50 per ton including the \$3.00 recycling tax for that **One (1) Year Period**; and

WHEREAS, pursuant to the bid specifications of **Contract No. 13-04** and the January 6, 2016 written correspondence of **Covanta**, the Authority, by way of Resolution 16-2-002 adopted January 28, 2016, previously exercised the first **One (1) Year Option** of **Contract No. 13-04** for a total unit cost of \$67.50 per ton including the \$3.00 recycling tax for that **One (1) Year Period**; and

WHEREAS, pursuant to the bid specifications of **Contract No. 13-04**, the Authority has the option to exercise the second **One (1) Year Option** and extend the term of **Contract No. 13-04** for an additional **One (1) Year Period** (commencing June 1, 2017 and expiring May 31, 2018) for a total unit cost of \$70.95 per ton including the \$3.00 recycling tax for the **One (1) Year Period**; and

WHEREAS, Covanta, by written correspondence dated December 9, 2016, advised the Authority that, in the event the Authority determined it would exercise its option to extend the term of **Contract No. 13-04** for an additional **One (1) Year Period** (commencing June 1, 2017 and expiring May 31, 2018), **Covanta** was agreeable to enter into an agreement with the Authority providing for a reduced total unit cost of **\$67.75** per ton including the \$3.00 recycling tax for that **One (1) Year Period**; and

WHEREAS, pursuant to N.J.S.A. 40A:11-15(44) the Authority finds **Covanta** has performed **Contract No. 13-04** for **Cooperative Marketing for Solid Waste** in an effective and efficient manner; and

WHEREAS, exercising the second **One (1) Year Option** of **Contract No. 13-04** to **Covanta** for **Cooperative Marketing for Solid Waste** 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 **Covanta Sustainable Solutions, L.L.C.** for **Cooperative Marketing for Solid Waste Disposal**, pursuant to and in accordance with **Contract No. 13-04** and the December 9, 2016, written correspondence of **Covanta Sustainable Solutions, L.L.C.**, exercising the second **One (1) Year Option** of **Contract No. 13-04** by the Authority to extend the term of **Contract No. 13-04** for an additional **One (1) Year Period** (commencing June 1, 2017 and expiring May 31, 2018) for a total unit cost of **\$67.75** per ton including the \$3.00 recycling tax, pursuant to the contract and specifications contained in the solicitation of the bids.

2. The December 9, 2016, written correspondence of **Covanta Sustainable Solutions, L.L.C.** is incorporated into this Resolution as if more fully set forth herein.

3. All other terms of **Contract No. 13-04** shall remain in full force and effect without modification during the second **One (1) Year Option** term.

4. The Acting Treasurer's Certification that funds are available shall be 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. 13-04**, Resolution 13-2-075, Resolution 16-2-002, the January 5, 2016 written correspondence of **Covanta Sustainable Solutions, L.L.C.** to the Authority, the agreement executed pursuant to Resolution 16-2-002 and the December 9, 2016 written correspondence of **Covanta Sustainable Solutions, L.L.C.** to the Authority, shall be

16-2-077

placed on file and made available for public inspection in the Office of the Executive Director upon execution of the agreement executed pursuant to this Resolution by **Covanta Sustainable Solutions, L.L.C.** 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-14(b).

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of December 22, 2016.



Michael Henwood
Authority Secretary

Dated: December 22, 2016

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 12/22/2016

RESOLUTION #: 16-2-077

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 COOPERATIVE MARKETING PROGRAM
S-640-80900-000

VENDOR COVANTA SUSTAINABLE SOLUTIONS, L.L.C.

CONTRACT NUMBER 13-04 SECOND ONE YEAR OPTION

REASON SOLID WASTE DISPOSAL

AMOUNT 67.75 / TON INCLUDING
\$3.00 / TON RECYCLING TAX

CONTRACT LENGTH JUNE 1, 2017 TO MAY 31, 2018


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 comprised of fifty-two (52) municipalities in Bergen County serving approximately 575,000 people; and

WHEREAS, N.J.S.A. 52:34-6.2 authorizes the Authority to contract for the purchase of goods and services through the use of a nationally recognized and accepted cooperative purchasing agreement that has been developed utilizing a competitive bidding process by another contracting unit within the State of New Jersey, or within any other state, when available, for its administration; and

WHEREAS, nationally recognized National Joint Powers Alliance (the "NJPA") previously offered to the Authority the opportunity to voluntarily participate in the NJPA National Cooperative Pricing System for the purchase of goods and contracting for services; and

WHEREAS, the Authority, desirous of continuing its ongoing efforts to make the procurement process for the purchase of goods and contracting for services more efficient and to provide the greatest cost savings to the Authority and its ratepayers, accepted the offer of membership in the NJPA allowing the Authority to participate in the NJPA National Cooperative Pricing System for the purchase of goods and contracting for services; and

WHEREAS, the NJPA subsequently issued a Certificate of Membership to the Authority, designating the Authority as Member # 55381, entitling the Authority to utilize and participate in the NJPA National Cooperative Pricing System for the procurement of goods and services; and

WHEREAS, the Board of Commissioners believes it is in the Authority's best interests to continue to participate as a member in the NJPA National Cooperative Pricing System for the procurement of goods and services.

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

1. Pursuant to the provisions of N.J.S.A. 52:34-6.2, the membership of the Authority in the NJPA National Cooperative Pricing System shall be and is hereby ratified and approved and the Executive Director or his designee shall be and is hereby authorized to execute and enter into a member participation agreement or such other documents as may be necessary to allow the Authority to continue to participate as a member in the NJPA National Cooperative Pricing System.

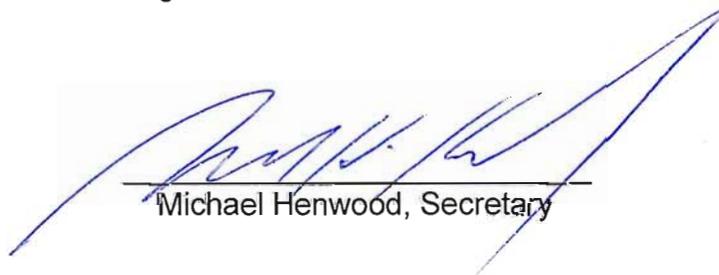
2. The Authority shall be responsible to ensure that that goods and/or services procured through the NJPA National Cooperative Pricing System comply with all applicable provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., and all other provisions of the revised statutes of the State of New Jersey.

3. A copy of this Resolution and a copy of the member participation agreement entered into by the Authority with the NJPA pursuant to this Resolution, if any, and a copy of the Certificate of Membership issued by the NJPA to the Authority, shall be placed on file and made available for public inspection in the office of the Executive Director, upon execution by the NJPA and the Authority.

4. A notice of this Resolution, and any agreement executed pursuant hereto, shall be published in the form prescribed by law if required.

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

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of December 22, 2016.



Michael Henwood, Secretary

Dated: December 22, 2016

**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 comprised of fifty-two (52) municipalities in Bergen County serving approximately 575,000 people; and

WHEREAS, the Authority, pursuant to N.J.S.A. 52:34-6.2, is authorized to purchase goods and contract for services through the use of a nationally recognized and accepted cooperative purchasing agreement that has been developed utilizing a competitive bidding process by another contracting unit within the State of New Jersey, or within any other state, when available, for its administration; and

WHEREAS, by Resolution 16-2-079 adopted December 22, 2016, the Board of Commissioners of the Authority ratified and affirmed the membership of the Authority with nationally recognized National Joint Powers Alliance (the "NJPA") allowing the Authority to continue to participate in the NJPA National Cooperative Pricing System to purchase goods and contract for services, making the procurement process more efficient and providing cost savings to the Authority and its ratepayers; and

WHEREAS, the Authority currently has the need to purchase fifty (50) GPS fleet management systems, along with necessary upgrade and maintenance services for each, for use in Authority vehicles utilized by Authority employees; and

WHEREAS, the NJPA previously awarded a contract to Verizon Networkfleet, 9869 Scranton Road, San Diego, CA 92121, under NJPA Contract No. 051613-NWF, for the purchase of GPS fleet management systems, along with necessary upgrade and maintenance services; and

WHEREAS, the Authority, as a member of the NJPA National Cooperative Pricing System, is able to purchase fifty (50) GPS fleet management systems, along with necessary upgrade and maintenance services for each for a three (3) year period,

from Verizon Networkfleet under NJPA Contract No. 051613-NWF for the total sum of \$41,945.50; and

WHEREAS, it has been recommended by the Authority's Executive Director that it would be advantageous to the Authority, and result in a cost savings to the Authority and its ratepayers, to procure the fifty (50) GPS fleet management systems, along with necessary upgrade and maintenance services for each for a three (3) year period, from Verizon Networkfleet through NJPA Contract No. 051613-NWF; and

WHEREAS, NJPA National Cooperative Pricing System Contract No. 051613-NWF meets the "Fair and Open" process requirements of N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, the Authority must publish notice of this action once as a legal advertisement in The Record and The Herald News, the official newspapers of the Authority, at least ten (10) days prior to the Authority taking subsequent action as authorized by this Resolution; 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 Bergen County Utilities Authority as follows:

1. The Executive Director, or his designee, shall cause notice of the action to be taken pursuant to this Resolution, specifically the purchase of fifty (50) GPS fleet management systems, along with necessary upgrade and maintenance services for each for a three (3) year period, from Verizon Networkfleet under NJPA Contract No. 051613-NWF for an amount not to exceed the total sum of \$41,945.50, to be published once in The Record and The Herald News, the official newspapers of the Authority which publication shall provide for a ten (10) day comment period and shall be published not less than ten (10) days prior to the Authority taking subsequent action as authorized by this Resolution.

2. Pursuant to the provisions of N.J.S.A. 52:34-6.2(b)(3), upon the expiration of the ten (10) day publication comment period as provided for herein, the Authority shall be and is hereby authorized to purchase fifty (50) GPS fleet management systems, along with necessary upgrade and maintenance services for each for a three (3) year period, through the NJPA National Cooperative Pricing System from Verizon Networkfleet under NJPA Contract No. 051613-NWF for an amount not to exceed the total sum of \$41,945.50 and the Chairman, or his designee, shall be and is hereby authorized to execute and enter into any agreement and/or any other necessary documents as may be required for the Authority to complete this authorized purchase in accordance with the terms of NJPA Contract No. 051613-NWF as a member of the NJPA National Cooperative Pricing System.

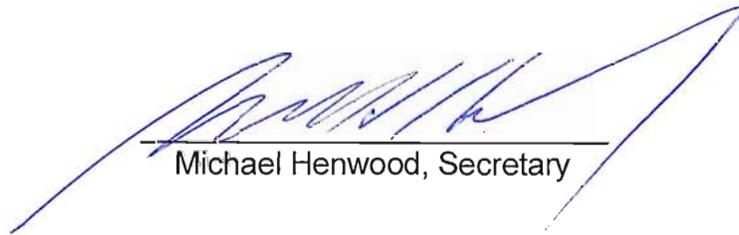
3. The Authority shall be responsible to ensure that that goods and/or services procured through the NJPA National Cooperative Pricing System comply with all applicable provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., and all other provisions of the revised statutes of the State of New Jersey.

4. A copy of this Resolution, a copy of the Certificate of Membership issued by the NJPA to the Authority and a copy of any agreement(s) entered into by the Authority pursuant to this Resolution shall be placed on file and made available for public inspection in the office of the Executive Director.

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

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 December 22, 2016.



Michael Henwood, Secretary

Dated: December 22, 2016

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 12/22/2016
RESOLUTION #: 16-2-079

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

FUNDS AVAILABLE X

FUNDS ARE NOT AVAILABLE _____

BUDGET ACCOUNT AUTO PARTS & SUPPLIES
W-550-62700-000

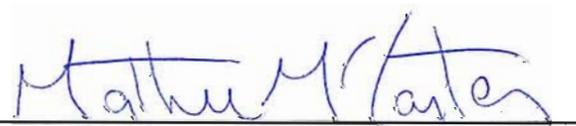
VENDOR VERIZON NETWORK FLEET

CONTRACT NUMBER NJPA 051613-NWF

REASON PURCHASE OF GPS FLEET MANAGEMENT SYSTEMS

AMOUNT \$41,945.50

CONTRACT LENGTH _____



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 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 16-2-014 adopted February 25, 2016, appointed Alaimo Group to serve as General Consulting 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 16-2-014 Authorized the Chairman of the Board of Commissioners of the Authority to execute an agreement by and between the Authority and Alaimo Group (the "Agreement") memorializing the services to be provided by Alaimo Group to the Authority as General Consulting Engineer and providing the budget for compensation to be paid by the Authority to Alaimo Group 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 Alaimo Group on March 1, 2016; and

WHEREAS, Alaimo Group, operating under the Agreement, has continued to provide significant necessary and valuable services to the Authority as the Authority's General Consulting 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:

- General scoping of miscellaneous engineering projects;
- PST No. 5 & 6 Design and Construction;
- Underground Storage Tank Evaluation;

16-2-080

- Administration, Control and Bar Screen Building Roof Evaluation;
- Administration & Control Building Fire Suppression Evaluation;
- PST Tanks 1 thru 4 and Pipe Gallery Evaluation and Remediation;
- FST Tanks 1 thru 16 Weir and Trough Replacements;
- Edgewater TWP Odor Evaluation;
- Miscellaneous HUD funded projects;
- Culvert Load Evaluations;
- Sludge Transfer and Trucking area Modifications; and
- Fort Lee Interceptor Sewer Capacity Evaluation;

; and

WHEREAS, by written correspondence dated November 16, 2016, Alaimo Group advised the Authority that as of November 16, 2016, Alaimo Group had expended approximately \$100,000.00 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 Alaimo Group for services performed pursuant thereto; and

WHEREAS, Alaimo Group, by the November 16, 2016 written correspondence, requested that the Authority increase the compensation budget provided for by the Agreement by the total sum of \$150,000.00, resulting in an amended Agreement compensation budget of an amount not to exceed the total sum of \$250,000.00; and

WHEREAS, the Authority's Director of Engineering has determined that Alaimo Group has performed all services under the Agreement in an effective and efficient manner and further determined that the remaining work to be performed by Alaimo Group 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 November 16, 2016 written correspondence of Alaimo Group, including the request of Alaimo Group to increase the compensation budget under the Agreement for the total compensation to be paid by the Authority to Alaimo Group, and based upon the above determinations and his review of the November 16, 2016 written correspondence of Alaimo Group, 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 Alaimo Group pursuant to the Agreement in the total sum of \$150,000.00, resulting in an amended

16-2-080

compensation budget under the Agreement in an amount not to exceed the total sum of \$250,000.00 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 Alaimo Group 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 \$150,000.00 and the total amount of compensation to now be paid by the Authority to Alaimo Group pursuant to the modified Agreement shall not exceed the total sum of \$250,000.00 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 Alaimo Group, 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 Alaimo Group 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 Alaimo Group 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 December 22, 2016.

Michael Henwood, Secretary

Dated: December 22, 2016

Page 3 of 3

16-2-080

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 12/22/2016
RESOLUTION #: 16-2-080

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

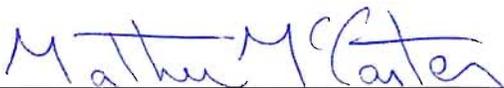
VENDOR ALAIMO GROUP

CONTRACT NUMBER 16022514

REASON INCREASE IN REQUIRED ENGINEERING SERVICES

AMOUNT \$150,000.00

CONTRACT LENGTH DECEMBER 1, 2016 TO FEBRUARY 28, 2017


ACTING TREASURER

**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, in 2007, in accordance with its charter, the Authority acquired the Edgewater wastewater treatment plant located at 520 River Road, Edgewater, New Jersey, from the Edgewater Municipal Utilities Authority (the "Edgewater MUA"); 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 MUA's wastewater treatment plant, now known as the Authority's Edgewater Water Pollution Control Facility (the "Edgewater WPCF"), the Authority assumed responsibility for the compliance plan for the outfall extension project; and

WHEREAS, based upon a value engineering study and report, the Authority ultimately determined that the outfall extension project is not the best and most cost efficient means of achieving compliance with the Authority's NJPDES Surface Water Discharge Permit for the Edgewater WPCF; and

WHEREAS, the value engineering report recommended the closure of the Edgewater WPCF and outfall sewer in favor of the construction of a wastewater pump station and force main project (the "Edgewater Sewage Force Main Project"), resulting in the pumping of wastewater from the Edgewater WPCF influent pumping station to the

16-2-081

Little Ferry Water Pollution Control Facility (the "Little Ferry WPCF") collection system;
and

WHEREAS, in furtherance of the Authority providing essential services, and in furtherance of the Phase 1 Services for the Edgewater WPCF Project, the Board of Commissioners of the Authority, by Resolution 15-2-057 adopted September 24, 2015, appointed ARCADIS US, Inc. to serve as Engineer to the Authority for the Phase 1 Services for the Edgewater WPCF Project for the duration of the project or until a successor is selected or at the pleasure of the Authority, whichever shall first occur or be exercised; and

WHEREAS, Resolution 15-2-057 Authorized the Chairman of the Board of Commissioners of the Authority to execute an agreement by and between the Authority and ARCADIS US, Inc. (the "Agreement") memorializing the services to be provided by ARCADIS US, Inc. to the Authority as Engineer for the Phase 1 Services for the Edgewater WPCF Project and providing the budget for compensation to be paid by the Authority to ARCADIS US, Inc. for the providing of those services, pursuant to which payment is not to exceed the total sum of \$281,390.00 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 US, Inc. on September 24, 2015; and

WHEREAS, ARCADIS US, Inc., operating under the Agreement, has continued to provide significant necessary and valuable services to the Authority as the Authority's Engineer for the Phase 1 Services for the Edgewater WPCF Project since the commencement of the term of the Agreement, which tasks include:

- Prepare for and participate in up to 16 coordination meetings with the BCUA, its legal counsel and force main engineering consultants for the Edgewater project;
- Update the project schedule on a weekly basis;
- Prepare the quarterly status reports for the Edgewater pump station portion of the project for submission by legal counsel to NJDEP;
- Coordinate with the force main consultant; and
- Provide as requested technical support, review documents and draft submittals.

; and

WHEREAS, by written correspondence dated December 12, 2016, ARCADIS US, Inc. advised the Authority that, as of December 12, 2016, ARCADIS US, Inc. had expended approximately \$281,390.00 in services to the Authority under the Agreement; and

16-2-081

WHEREAS, the Agreement provides for a compensation budget of \$281,390.00 to be paid by the Authority to ARCADIS US, Inc. for services performed pursuant thereto; and

WHEREAS, ARCADIS US, Inc., by the December 12, 2016 written correspondence, requested that the Authority increase the compensation budget provided for by the Agreement by the total sum of \$25,000.00, resulting in an amended Agreement compensation budget of an amount not to exceed the total sum of \$306,390.00 without further approval of the Board of Commissioners of the Authority; and

WHEREAS, the Authority's Director of Engineering has determined that ARCADIS US, 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 US, 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 necessary for the completion of Phase 1 Services for the Edgewater WPCF Project; and

WHEREAS, the Authority's Director of Engineering has reviewed the December 12, 2016 written correspondence of ARCADIS US, Inc., including the request of ARCADIS US, Inc. to increase the compensation budget under the Agreement for the total compensation to be paid by the Authority to ARCADIS US, Inc. for services provided by ARCADIS US, Inc. to the Authority pursuant to the Agreement, and based upon the above determinations and his review of the December 12, 2016 written correspondence of ARCADIS US, Inc., the Authority's Director of Engineering has concluded and recommended that the Authority should amend the Agreement by increasing the budget for compensation to be paid by the Authority to ARCADIS US, Inc. pursuant to the Agreement in the total sum of \$25,000.00, resulting in an amended compensation budget under the Agreement in an amount not to exceed the total sum of \$306,390.00 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 US, 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 \$25,000.00 and the total amount of compensation to now be paid by the Authority to ARCADIS US, Inc. pursuant to the modified Agreement

16-2-081

16-2-081

shall not exceed the total sum of \$306,390.00 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 US, 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.

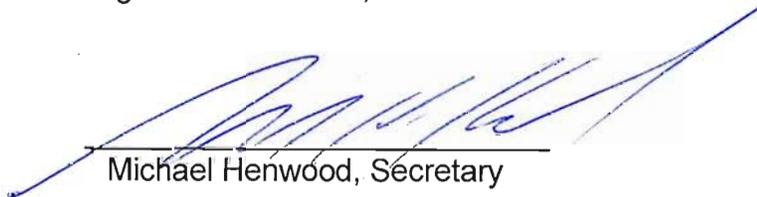
3. A copy of this Resolution, and the agreement modifying the Agreement with ARCADIS US, Inc. pursuant to this Resolution, shall be placed on file and made available for public inspection in the Office of the Executive Director, upon execution by ARCADIS US, Inc. and the Authority.

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).

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of December 22, 2016.



Michael Henwood, Secretary

Dated: December 22, 2016

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 12/22/2016
RESOLUTION #: 16-2-081

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

FUNDS AVAILABLE X

FUNDS ARE NOT AVAILABLE _____

BUDGET ACCOUNT CONSTRUCTION COSTS TO BE REIMBURSED
W-000-11960-000

VENDOR ARCADIS US, INC.

CONTRACT NUMBER 15092402

REASON INCREASE IN REQUIRED ENGINEERING SERVICES

AMOUNT \$25,000.00

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 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, and in order to realize significant energy cost savings, the Authority constructed its Combined Heat and Power Facility (the "CHP Facility") on site of the Authority's Little Ferry Water Pollution Control Facility (the "LFWPCF"), with construction of the CHP Facility being completed in June 2008; and

WHEREAS, the Authority subsequently sought to expand its CHP Facility to include the installation of a third cogeneration unit for generating heat and electricity powered by the biogas generated at the LFWPCF (the "Biopower Expansion Project")

WHEREAS, Remington, Vernick & Arango Engineers ("RVA") prepared a grant application that resulted in the Authority receiving a \$2,500,000.00 Renewable Energy Incentive Program grant (the "REIP Grant") awarded by the New Jersey Board of Public Utilities ("NJBP") for up to forty percent of the estimated project cost of \$6,592,000 for the Biopower Expansion Project; and

WHEREAS, the REIP Grant was awarded, and the grant funds are to be utilized, for the Biopower Expansion Project; and

WHEREAS, in furtherance of the Authority providing essential services, and in furtherance of the Biopower Expansion Project, the Board of Commissioners of the Authority, by Resolution 13-2-074 adopted November 26, 2013, appointed RVA to serve as Project Manager for the Biopower Expansion Project for the duration of the project or until a successor is selected or at the pleasure of the Authority, whichever shall first occur or be exercised; and

WHEREAS, Resolution 13-2-074 Authorized the Chairman of the Board of Commissioners of the Authority to execute an agreement by and between the Authority and RVA (the "Agreement") memorializing the services to be provided by RVA to the Authority as Project Manager for the Biopower Expansion Project and providing the budget for compensation to be paid by the Authority to RVA for the providing of those services,

pursuant to which payment is not to exceed the total sum of \$512,300.00 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 RVA on November 26, 2013; and

WHEREAS, RVA, operating under the Agreement, has continued to provide significant necessary and valuable services to the Authority as the Authority's Project Manager for the Biopower Expansion Project on an as-requested basis; and

WHEREAS, by written correspondence dated December 15, 2016, RVA advised the Authority that as of December 15, 2016, RVA had expended approximately \$512,300.00 in services to the Authority under the Agreement and the Agreement provides for a compensation budget of \$512,300.00 to be paid by the Authority to RVA for services performed pursuant thereto; and

WHEREAS, RVA, by the December 15, 2016 written correspondence, requested that the Authority increase the compensation budget provided for by the Agreement by the total sum of \$70,000.00, resulting in an amended Agreement compensation budget of an amount not to exceed the total sum of \$582,300.00 without further approval of the Board of Commissioners of the Authority; and

WHEREAS, the Authority's Director of Engineering has determined that RVA has performed all services under the Agreement in an effective and efficient manner and further determined that the remaining work to be performed by RVA 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 December 15, 2016 written correspondence of RVA, including the request of RVA to increase the compensation budget under the Agreement for the total compensation to be paid by the Authority to RVA for Project Management Services provided by RVA to the Authority in connection with the Biopower Expansion Project pursuant to the Agreement, and based upon the above determinations and his review of the December 15, 2016 written correspondence of RVA, 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 RVA pursuant to the Agreement in the total sum of \$70,000.00, resulting in an amended compensation budget under the Agreement in an amount not to exceed the total sum of \$582,300.00 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 RVA 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 \$70,000.00 and the total amount of compensation to now be paid by the Authority to RVA pursuant to the modified Agreement shall not exceed the total sum of \$582,300.00 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 an agreement by and among the Authority and RVA, 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 RVA 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 RVA 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 December 22, 2016.



Michael Henwood, Secretary

Dated: December 22, 2016

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 12/22/2016
RESOLUTION #: 16-2-082

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 2015 NJEIT BOND

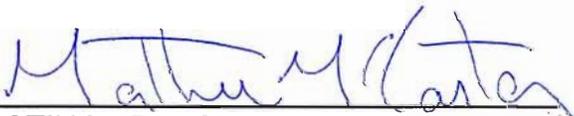
VENDOR REMINGTON VERNICK & ARANGO ENGINEERS, INC.

CONTRACT NUMBER 13112601

REASON INCREASE IN REQUIRED ENGINEERING SERVICES

AMOUNT \$70,000.00

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 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 16-2-011 adopted February 25, 2016, appointed Remington, Vernick and Arango Engineers to serve as Energy Management and Related Air Pollution Control Permit Engineering 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 16-2-011 Authorized the Chairman of the Board of Commissioners of the Authority to execute an agreement by and between the Authority and Remington, Vernick and Arango Engineers (the "Agreement") memorializing the services to be provided by Remington, Vernick and Arango Engineers to the Authority as Energy Management and Related Air Pollution Control Permit Engineering Consultant and providing the budget for compensation to be paid by the Authority to Remington, Vernick and Arango Engineers for the providing of those services, pursuant to which payment is not to exceed the total sum of \$300,000.00 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 Remington, Vernick and Arango Engineers on March 1, 2016; and

WHEREAS, Remington, Vernick and Arango Engineers, operating under the Agreement, has continued to provide significant necessary and valuable services to the Authority as the Authority's Energy Management and Related Air Pollution Control Permit Engineering Consultant 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:

-
- Preparing third and fourth quarter energy reports;
 - Monitor existing Title V permit and file necessary affirmative defense letters;
 - Answer notice of violation pertaining to the 2014 annual emission statement;

16-2-083

- Prepare the annual compliance certification report for Title V permit;
- Continuance of conceptual design services for the proposed Fats, Oils and Grease (FOG) receiving station; and

WHEREAS, by written correspondence dated December 15, 2016, Remington, Vernick and Arango Engineers advised the Authority that as of December 15, 2016, Remington, Vernick and Arango Engineers had expended approximately \$300,000.00 in services to the Authority under the Agreement and the Agreement provides for a compensation budget of \$300,000.00 to be paid by the Authority to Remington, Vernick and Arango Engineers for services performed pursuant thereto; and

WHEREAS, Remington, Vernick and Arango Engineers, by the December 15, 2016 written correspondence, requested that the Authority increase the compensation budget provided for by the Agreement by the total sum of \$85,000.00, resulting in an amended Agreement compensation budget of an amount not to exceed the total sum of \$385,000.00; and

WHEREAS, the Authority's Director of Engineering has determined that Remington, Vernick and Arango Engineers has performed all services under the Agreement in an effective and efficient manner and further determined that the remaining work to be performed by Remington, Vernick and Arango Engineers 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 December 15, 2016 written correspondence of Remington, Vernick and Arango Engineers, including the request of Remington, Vernick and Arango Engineers to increase the compensation budget under the Agreement for the total compensation to be paid by the Authority to Remington, Vernick and Arango Engineers, and based upon the above determinations and his review of the December 15, 2016 written correspondence of Remington, Vernick and Arango Engineers, 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 Remington, Vernick and Arango Engineers pursuant to the Agreement in the total sum of \$85,000.00, resulting in an amended compensation budget under the Agreement in an amount not to exceed the total sum of \$385,000.00 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:

16-2-083

16-2-083

1. The Agreement entered into by and between the Authority and Remington, Vernick and Arango Engineers 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 \$85,000.00 and the total amount of compensation to now be paid by the Authority to Remington, Vernick and Arango Engineers pursuant to the modified Agreement shall not exceed the total sum of \$385,000.00 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 Remington, Vernick and Arango Engineers, 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 Remington, Vernick and Arango Engineers 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 Remington, Vernick and Arango Engineers 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 December 22, 2016.



Michael Henwood, Secretary

Dated: December 22, 2016

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 12/22/2016

RESOLUTION #: 16-2-083

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

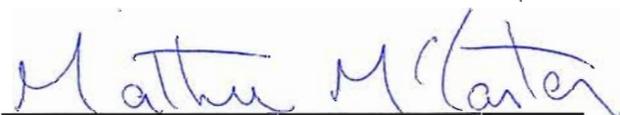
VENDOR REMINGTON VERNICK & ARANGO ENGINEERS, INC.

CONTRACT NUMBER 16022511

REASON INCREASE IN REQUIRED ENGINEERING SERVICES

AMOUNT \$85,000.00

CONTRACT LENGTH DECEMBER 1, 2016 TO FEBRUARY 28, 2017


ACTING TREASURER

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

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

WHEREAS, Insurance Design Administrators ("IDA") has submitted a proposal received December 15, 2016 to provide third-party administration services on behalf of the Authority in furtherance of its self-insured benefits program, which proposal is on file at the Authority and made a part hereof; and

WHEREAS, the cost to perform the third-party administration services proposed by IDA, is based upon a monthly fee, per covered employee, in amounts not to exceed: ***Medical \$18.35; Prescription \$2.50; Vision \$1.10; and***

WHEREAS, the Authority desires to appoint and retain IDA to serve as Third-Party Administrator for the Authority's self-insured health benefits program effective January 1, 2017, for a period of one (1) year or at the pleasure of the Authority, whichever shall first occur or be exercised, respectively; and

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

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

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

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

WHEREAS, pursuant to and in accordance with N.J.A.C. 5:34-2.3, the Authority's Executive Director has provided the Authority's Commissioners with a Certification, dated December 22, 2016 describing the nature of the work to be done, stating that it is not reasonably possible to draft specifications, and describing why the contract satisfies the ~~Statutory and Administrative Code requirements for Extraordinary Unspecifiable Services~~ pursuant to N.J.S.A. 40A:11-5 (1)(m); and

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

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

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

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

1. IDA shall be and is hereby appointed to serve as Third-Party Administrator to The Bergen County Utilities Authority's self-insured health benefits program effective January 1, 2017, for a period of one (1) year or at the pleasure of the Authority, whichever shall first occur or be exercised, respectively.

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

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

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

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

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of December 22, 2016.



Michael Henwood
Secretary

DATED: December 22, 2016

**CERTIFICATION FOR AN EXTRAORDINARY
UNSPECIFIABLE SERVICES CONTRACT**

TO: Members of the Board of Commissioners

FROM: Robert Laux
Executive Director, Bergen County Utilities Authority

SUBJECT:

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

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

Firm: Insurance Design Administrators (“Contractor”)

Duration: One Year

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

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

I do hereby certify to the following:

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

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

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

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

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

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

IV. Describe the informal solicitation of quotations:

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

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

Respectfully,



Robert Laux, Executive Director

December 22, 2016

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

Re: Resolution 16-3-007

**THE BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

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

WHEREAS, by prior Resolution, the Authority appointed Insurance Design Administrators (“IDA”) as the third party administrator for the Authority’s Cafeteria Plan (the “Cafeteria Plan Administrator”) for a one year term through December 31, 2016 or at the pleasure of the Authority, whichever shall first occur or be exercised, respectively;

WHEREAS, the Authority is desirous of reappointing Insurance Design Administrators (“IDA”) as the third party administrator for the Authority’s Cafeteria Plan (the “Cafeteria Plan Administrator”) for a one (1) year period of commencing on January 1, 2017 or at the pleasure of the Authority, whichever shall first occur or be exercised, respectively; and

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

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

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

WHEREAS, IDA has submitted a proposal received December 15, 2016, which proposes to continue the administration services upon the same terms, conditions and fees as set forth the existing Agreement, (in accordance with the original Proposal dated as of Feb. 23, 2011) and as described in “Schedule F – FSA Administration Services” (the “Schedule”) for the prices set forth therein with no increase in the monthly administrative fee; and

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

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

WHEREAS, the Authority desires to appoint and retain IDA to serve as its Cafeteria Plan Administrator for the Authority’s Cafeteria Plan, effective January 1, 2017 for a period of one (1) year or at the pleasure of the Authority, whichever shall first occur or be exercised, respectively; and

WHEREAS, the Authority proposes to enter into the Cafeteria Plan Agreement memorializing the scope of services to be performed by IDA and the compensation to be paid for its services as Cafeteria Plan Administrator in accordance with the Schedule but not to exceed the sum of two-thousand (\$2,000); and

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

WHEREAS, pursuant to and in accordance with N.J.A.C. 5:34-2.3, the Authority's Executive Director has provided the Authority's Commissioners with a Certification, dated December 17, 2015, describing the nature of the work to be done, stating that it is not reasonably possible to draft specifications, and describing why the contract satisfies the Statutory and Administrative Code requirements for Extraordinary Unspecifiable Services pursuant to N.J.S.A. 40A:11-5 (1)(m); and

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

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

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

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

1. IDA shall be and is hereby appointed to serve as Cafeteria Plan Administrator to The Bergen County Utilities Authority effective January 1, 2017 for a period of one (1) year or at the pleasure of the Authority, whichever shall first occur or be exercised, respectively; and
2. The Chief Financial Officer's Certification that funds are available shall be maintained on file at the Authority and made a part hereof.
3. The Chairman shall be and is hereby authorized to execute a Cafeteria Plan Agreement with IDA memorializing the scope of services and compensation to be paid, in such final form as is acceptable to the Authority, as evidenced by the Chairman's signature thereon, all for a sum not to exceed two-thousand (**\$2,000**).
4. ~~A copy of this Resolution and the Agreement retaining IDA as Cafeteria Plan Administrator shall be placed on file and made available for public inspection in the Office of the Executive Director, upon execution by the Authority.~~
5. A notice of this contract award shall be published in the form prescribed by law.

**CERTIFICATION FOR AN EXTRAORDINARY
UNSPECIFIABLE SERVICES CONTRACT**

TO: Members of the Board of Commissioners

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

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

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

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

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

Duration: One Year

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

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

I do hereby certify to the following:

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

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

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

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

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

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

IV. Describe the informal solicitation of quotations:

Under the circumstances the solicitation of competitive quotations from a vendor other than the Contractor is impracticable. There is a close relationship between the services already being rendered by the Contractor as the Third Party Administrator (with respect to the Authority's self-insured health benefits program) to the BCUA, and the services to be rendered as Cafeteria Plan Administrator. Under such circumstances, the retention of another vendor would result in increased costs and duplicative effort and work, as no other vendor is currently providing Third Party Administrator Services, and the current contract for such services with the Contractor expires in December 2016. Moreover, the Contractor, by virtue of its existing service contract, currently maintains access to member's health records protected by HIPPPAA laws. I have determined the proposal of the Contractor to be fair and reasonable. It is my recommendation that an award for the Provision of Cafeteria Plan Services be provided to the Contractor, price and other factors considered.

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

Respectfully,



Robert Laux, Executive Director

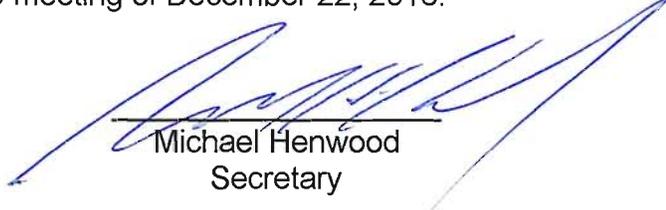
December 22, 2016

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

Re: Resolution 16-3-008

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

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of December 22, 2016.



Michael Henwood
Secretary

DATED: December 22, 2016

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 12/22/2016

RESOLUTION #: 16-3-008

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 HOSPITALIZATION
W-340-71000-000

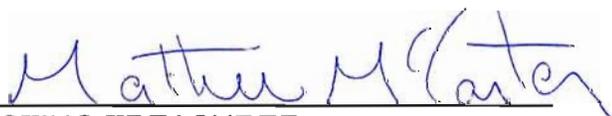
VENDOR INSURANCE DESIGN ADMINISTRATORS

CONTRACT NUMBER _____

REASON ADMINISTRATION OF THE AUTHORITY'S
CAFETERIA PLAN

AMOUNT \$2,000.00

CONTRACT LENGTH JANUARY 1, 2017 TO DECEMBER 31, 2017


ACTING TREASURER

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

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

WHEREAS, Delta Dental of New Jersey, Inc. ("Delta") has submitted a proposal received December 12, 2016 to provide third-party administration services on behalf of the Authority in furtherance of its self-insured benefits program, which proposal is on file at the Authority and made a part hereof; and

WHEREAS, the cost to perform the third-party administration services proposed by Delta, is based upon a monthly fee, per covered employee, of \$9.03 per month per employee.

WHEREAS, the Authority desires to appoint and retain Delta to serve as Third-Party Administrator for the Authority's self-insured dental benefits program effective January 1, 2017, for a period of one (1) year or at the pleasure of the Authority, whichever shall first occur or be exercised, respectively; and

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

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

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

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

WHEREAS, pursuant to and in accordance with N.J.A.C. 5:34-2.3, the Authority's Executive Director has provided the Authority's Commissioners with a Certification, dated December 22, 2016, describing the nature of the work to be done, stating that it is not reasonably possible to draft specifications, and describing why the contract satisfies the Statutory and Administrative Code requirements for Extraordinary Unspecifiable Services pursuant to N.J.S.A. 40A:11-5 (1)(m); and

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

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

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

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

1. Delta shall be and is hereby appointed to serve as Third-Party Administrator to The Bergen County Utilities Authority's self-insured dental benefits program effective January 1, 2017, for a period of one (1) year or at the pleasure of the Authority, whichever shall first occur or be exercised, respectively.

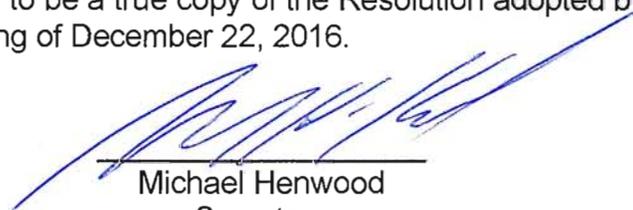
2. The Chairman shall be and is hereby authorized to execute an Agreement with Delta memorializing the scope of services and compensation to be paid, in such final form as is acceptable to the Authority, as evidenced by the Chairman's signature thereon.

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

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

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

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of December 22, 2016.



Michael Henwood
Secretary

DATED: December 22, 2016

**CERTIFICATION FOR AN EXTRAORDINARY
UNSPECIFIABLE SERVICES CONTRACT**

TO: Members of the Board of Commissioners

FROM: Robert Laux
Executive Director, Bergen County Utilities Authority

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

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

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

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

Duration: One Year

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

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

I do hereby certify to the following:

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

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

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

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

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

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

Extraordinary Unspecifiable Services.

IV. Describe the informal solicitation of quotations:

Under the circumstances the solicitation of competitive quotations from a vendor other than the Contractor is impracticable. There is an existing relationship with the Contractor as the Third Party Administrator (with respect to the Authority's self-insured dental benefits program). Under such circumstances, the retention of another vendor would result in increased costs and duplicative effort and work, as no other vendor is currently providing Third Party Administrator Services, and the current contract for such services with the Contractor expires in December 2016. Moreover, the Contractor, by virtue of its existing service contract, currently maintains access to member's health records protected by HIPAA laws. I have determined the proposal of the Contractor to be fair and reasonable. It is my recommendation that an award for the Provision of Dental Plan Services be provided to the Contractor, price and other factors considered.

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

Respectfully,



Robert Laux, Executive Director

December 22, 2016

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

Re: Resolution 16-3-009

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

BE IT RESOLVED by the Commissioners of the Bergen County Utilities Authority that for FY/CY 2016 & 2017 the Non-Bargaining Unit employees of the Authority shall be provided with a Two (2) percent increase in base salary together with all benefits as provided to all bargaining unit employees effective January 1, 2016.

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

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of December 22, 2016.



Michael Henwood
Board Secretary

DATED: December 22, 2016