

**BERGEN COUNTY UTILITIES AUTHORITY  
MINUTES OF THE REGULAR MEETING  
MARCH 22, 2018**

**In the matter of the 468<sup>th</sup> Regular Meeting of  
The Bergen County Utilities Authority**

1. The **proof of meeting notice** calling the March 22, 2018, meeting was read into the record by Michael Henwood, Board Secretary.

2. Roll Call:

**COMMISSIONERS PRESENT:**

Ronald Phillips, Chairman  
Louis J. DeLisio, Vice Chairman  
Bruce Bonaventuro, Commissioner  
Paul A. Juliano, Commissioner  
Thomas S. Kelley, Commissioner  
Peter C. Massa, Jr. Commissioner  
Jon Warms, 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 February 22, 2018 Work Session be approved was moved by Commissioner Massa and Seconded by Commissioner Warms 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 18-1-022 - Approve bills and the claims supported by vouchers totaling \$4,751,777.32 for the month of March and authorize the Acting Treasurer to issue the necessary checks therefor, and to charge the accounts indicated, all as more fully set forth on the Acting Treasurer's check list. Motion to adopt the resolution was made by Commissioner DeLisio and Seconded by Commissioner Juliano. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 18-1-023 - Authorize Amendment of Professional Services Contract to Shenehon Company – Professional Appraisal Services - Edgewater WPCF Project. Motion to adopt the resolution was made by Commissioner DeLisio and Seconded by Commissioner Juliano. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 18-1-024 - Amend and Supplement Resolution 18-1-021 to authorize payments to mediator for NYS&W Easement Negotiations. Motion to adopt the resolution was made by Commissioner DeLisio and Seconded by Commissioner Juliano. A roll call was taken and the resolution was adopted as reflected in these minutes.

6. CONSTRUCTION & ENGINEERING COMMITTEE:

Resolution 18-2-019 – Authorize acceptance of Qualifications of firms pursuant to N.J.S.A. 19:44A-20 et seq. Motion to adopt the resolution was made by Commissioner Juliano and Seconded by Commissioner Kelley. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 18-2-020 - Award Contract 18-01 to AB Energy USA, L.L.C. - Furnish and Deliver Jenbacher Service and Parts (Two (2) Year with Two (2) – One (1) Year Options). Motion to adopt the resolution was made by Commissioner Juliano and Seconded by Commissioner Kelley. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 18-2-021 - Authorize NJ State Contract T-2581 to GovDeals, Inc. - Auction of Surplus Property. Motion to adopt the resolution was made by Commissioner Juliano and Seconded by Commissioner Kelley. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 18-2-022 - Authorize Amendment to Professional Services Contract – Engineer Consulting – Preliminary Design for Edgewater Force Main Project - Alaimo Group. Motion to adopt the resolution was made by Commissioner Juliano and Seconded by Commissioner Kelley. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 18-2-023 - Award Professional Services Contract - Special Consulting Engineer – Greeley and Hansen, L.L.C. Motion to adopt the resolution was made by Commissioner Juliano and Seconded by Commissioner Kelley. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 18-2-024 - Award ESCNJ Cooperative Pricing System Job Order Contract No. ESCNJ 16/17-54 GC2 to Murray Paving and Concrete, Inc. - Interior Restoration of Remediated Areas of the Control Building. Motion to adopt the resolution was made by Commissioner Juliano and Seconded by Commissioner Kelley. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 18-2-025 - Award New Jersey State Contract SC – 87236 to Active Environmental Technologies, Inc. - Water Damage and Mold Remediation of the Control Building Second Floor. Motion to adopt the resolution was made by Commissioner

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

7. PERSONNEL & ADMINISTRATION:

Resolution 18-3-004 - Award Contract – General Insurance Consultant - Otterstedt Insurance Agency. Motion to adopt the resolution was made by Commissioner Juliano and Seconded by Commissioner DeLisio. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 18-3-005- Establish Title – Manager of Payroll Processing. Motion to adopt the resolution was made by Commissioner Juliano and Seconded by Commissioner DeLisio. A roll call was taken and the resolution was adopted as reflected in these minutes.

8. STRATEGIC PLANNING

Resolution 18-6-003- Authorize acceptance of Qualifications of firms pursuant to N.J.S.A. 19:44A-20 et seq. Motion to adopt the resolution was made by Commissioner Warms and Seconded by Commissioner Juliano. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 18-6-004 - Award Contract – Advertising, Marketing, Branding, Media Agency for Recycling Marketing Campaign - Gateway Media. Motion to adopt the resolution was made by Commissioner Warms and Seconded by Commissioner Juliano. A roll call was taken and the resolution was adopted as reflected in these minutes.

9. Chairman Phillips announced a short recess to allow time for the Board Secretary to prepare minutes of this Regular Meeting.

10. Chairman Phillips announced the Regular Meeting would reconvene.

11. The Board Secretary then distributed proposed minutes of the March 22, 2018 Regular Meeting for review by the Commissioners.

12. Motion to approve the Minutes of the Regular Meeting March 22, 2018 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 March 22, 2018 was made by Commissioner DeLisio and Seconded by Commissioner Massa and was unanimously carried.

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

**BERGEN COUNTY UTILITIES AUTHORITY**

**Minutes of the Regular Meeting**

**March 22, 2018**

<b>Resolution #</b>	<b>18-1-022</b>	<b>18-1-023</b>	<b>18-1-024</b>	<b>18-2-019</b>	<b>18-2-020</b>	<b>18-2-021</b>	<b>18-2-022</b>
Chairman Phillips	Y	Y	Y	Y	Y	Y	Y
V. Chair. DeLisio	Y	Y	Y	Y	Y	Y	Y
Comm. Bentz	-	-	-	-	-	-	-
Comm. Bonaventuro	Y	Y	Y	Y	Y	Y	Y
Comm. Gumble	-	-	-	-	-	-	-
Comm. Juliano	Y	Y	Y	Y	Y	Y	Y
Comm. Kelley	Y	Y	Y	Y	Y	Y	Y
Comm. Massa, Jr.	Y	Y	Y	Y	Y	Y	Y
Comm. Warms	Y	Y	Y	Y	Y	Y	Y
<b>Resolution #</b>	<b>18-2-023</b>	<b>18-2-024</b>	<b>18-2-025</b>	<b>18-3-004</b>	<b>18-3-005</b>	<b>18-6-003</b>	<b>18-6-004</b>
Chairman Phillips	Y	Y	Y	Y	Y	Y	Y
V. Chair. DeLisio	Y	Y	Y	Y	Y	Y	Y
Comm. Bentz	-	-	-	-	-	-	-
Comm. Bonaventuro	Y	Y	Y	Y	Y	Y	Y
Comm. Gumble	-	-	-	-	-	-	-
Comm. Juliano	Y	Y	Y	Y	Y	Y	Y
Comm. Kelley	Y	Y	Y	Y	Y	Y	Y
Comm. Massa, Jr.	Y	Y	Y	Y	Y	Y	Y
Comm. Warms	Y	Y	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: March 22, 2018**

**BERGEN COUNTY UTILITIES AUTHORITY  
RESOLUTION**

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

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

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

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

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

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

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

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

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

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

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

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

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

**WHEREAS**, as part of the Edgewater WPCF Project, the Authority determined that specialized **Professional Appraisal Services** were required to be performed by a real estate appraiser with significant experience in the specialized practice of appraising railroad corridors and railroad property, including the application of the "across the fence" methodology, in connection with the Edgewater WPCF Project; and

**WHEREAS**, the specialized **Professional Appraisal Services** required to be provided include the providing of appraisals for railroad owned properties, which the

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

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

**WHEREAS**, these services were solicited through a fair and open process, pursuant to N.J.S.A. 19:44A-20.4 et seq., seeking a real estate appraiser with significant experience in the specialized practice of appraising railroad corridors and railroad property and familiarity with the "across the fence" methodology in connection with the Edgewater WPCF Project; and

**WHEREAS**, Resolution 17-1-014, adopted February 23, 2017 by the Board of Commissioners of the Authority, authorized the Authority's General Legal Counsel to retain, and further authorized the Authority's General Legal Counsel to execute a contract (the "Contract") to retain, **Shenehon Company** to provide the aforesaid specialized **Professional Appraisal Services** in connection with the Edgewater WPCF Project for an amount not to exceed the total sum of \$29,000.00 without further approval of the Board of Commissioners of the Authority; and

**WHEREAS**, the Contract was executed by and on behalf of General Legal Counsel and **Shenehon Company** on February 24, 2017; and

**WHEREAS**, **Shenehon Company**, operating under the Contract, continued to provide significant and necessary specialized **Professional Appraisal Services** in connection with the Edgewater WPCF Project, including but not limited to completing and providing to the Authority a written appraisal dated July 26, 2017, placing a fair market value of Seven Hundred Twenty-Three Thousand and 00/100THS (\$723,000.00) Dollars on all property interests which the Authority must acquire in properties owned by The New York Susquehanna & Western Railway (NYS&W) as part of the Edgewater WPCF Project resulting in the Board of Commissioners of the Authority, by Resolution 17-1-028 adopted July 27, 2017, modifying the Contract by authorizing an increase in the total amount of compensation to be paid to **Shenehon Company** pursuant thereto in the sum of \$26,000.00, resulting in an increase in the total amount of compensation to be paid to **Shenehon Company** pursuant to the Contract to the total sum of \$55,000.00 without further approval of the Board of Commissioners of the Authority; and

**WHEREAS**, in furtherance of the Edgewater WPCF Project, by Resolution 18-1-021 adopted February 22, 2018, the Board of Commissioners of the Authority authorized Kaufman, Semeraro & Leibman, LLP, as General Legal Counsel to the Authority, and the

Executive Director of the Authority to engage in a non-binding mediation process with NYS&W for the purpose of and in an attempt to amicably resolve the fair market value of the property interests which the Authority must acquire in properties owned by NYS&W as part of the Edgewater WPCF Project; and

**WHEREAS**, the Authority requires **Shenehon Company** to participate on behalf of the Authority in the aforementioned non-binding mediation process with NYS&W; and

**WHEREAS**, the Contract, as amended by Resolution 17-1-028 adopted July 27, 2017, provides for a compensation budget of \$55,000.00 to be paid to **Shenehon Company** for services performed pursuant thereto and, by written correspondence dated March 19, 2018, **Shenehon Company** advised that it requires that the Contract compensation budget be increased by the sum of \$20,000.00 to pay for the necessary work to be performed by **Shenehon Company** as requested by the Authority in connection with the non-binding mediation process with NYS&W; and

**WHEREAS**, **Shenehon Company**, by the March 19, 2018 written correspondence, requested that the compensation budget provided for by the Contract be increased by the total sum of \$20,000.00, resulting in an amended Contract compensation budget of an amount not to exceed the total sum of \$75,000.00; and

**WHEREAS**, the Executive Director of the Authority has determined that **Shenehon Company** has performed all services under the Contract in an effective and efficient manner and further determined that the remaining work to be performed by **Shenehon Company** under the Contract 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 March 19, 2018 written correspondence of **Shenehon Company**, including the request of **Shenehon Company** to increase the compensation budget for the total compensation to be paid to **Shenehon Company** under the Contract, and based upon that review and the above determinations, he has concluded and recommended that the Authority should consent to the amending of the Contract by increasing the budget for compensation to be paid to **Shenehon Company** pursuant to the Contract in the total sum of \$20,000.00, resulting in an amended compensation budget under the Contract in an amount not to exceed the total sum of \$75,000.00 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 this purpose.

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

1. That the Authority's General Legal Counsel shall be and is hereby authorized to amend the Contract to provide that the compensation to be paid to **Shenehon Company** pursuant thereto shall be increased in the amount of \$20,000.00 and the total amount of compensation to now be paid to **Shenehon Company** pursuant to the amended Contract shall not exceed the total sum of \$75,000.00 without further approval of the Board of Commissioners of the Authority.

2. The Authority's General Legal Counsel shall be and is hereby authorized to execute a contract with **Shenehon Company** amending the Contract as approved and authorized by this Resolution.

3. A copy of this Resolution shall be placed on file and made available for public inspection in the Office of the Executive Director.

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

5. A notice of this modification of the Contract shall be published in the form prescribed by law.

6. The formal action(s) of the Commissioners of 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 March 22, 2018.



Michael Henwood  
Secretary

Dated: March 22, 2018

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 3/22/2018

RESOLUTION #: 18-1-023

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

SHENEHON COMPANY

CONTRACT NUMBER

17022307

REASON

INCREASE IN THE PROFESSIONAL SERVICE  
NEEDS OF THE AUTHORITY FOR  
PROFESSIONAL APPRAISAL SERVICES

AMOUNT

\$20,000.00

CONTRACT LENGTH

TO COMPLETION

  
ACTING TREASURER

**BERGEN COUNTY UTILITIES AUTHORITY  
RESOLUTION**

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

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

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

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

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

**WHEREAS**, the Edgewater MUA entered into a consent order with the New Jersey Department of Environmental Protection (the "NJDEP") which included 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 WPCF at the bulkhead, and more than one thousand (1,000) feet into the Hudson River to provide an adequate dilution and mixing zone resulting in additional treatment; and

**WHEREAS**, after acquiring the Edgewater WPCF, the Authority assumed responsibility for the compliance plan, including the required extension of the existing outfall sewer; and

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

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

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

**WHEREAS**, as a result of the March 3, 2015 meeting and due to the Army Corps of Engineers denying the Authority a permit to extend the Edgewater WPCF outfall into the Hudson River, the NJDEP entered into an Administrative Consent Order (the "2015 ACO") with the Authority on May 29, 2015 in order to memorialize an engineering and construction schedule for the Edgewater WPCF Project and provide for interim enforcement effluent limitations for copper, ammonia-nitrogen and zinc; and

**WHEREAS**, upon completion of the Edgewater WPCF Project, the wastewater flows from the Edgewater WPCF will be treated in a more efficient, effective, and cost effective manner at the Authority's Little Ferry WPCF; and

**WHEREAS**, in order to advance the Edgewater WPCF Project, which includes the construction of a sanitary sewer force main extending from the Edgewater WPCF to the Little Ferry WPCF pursuant to and consistent with the terms of the 2015 ACO, the Authority is required to acquire title to, or an easement or other similar interests in, certain properties identified by the Authority's engineers together with access and construction easements/agreements; and

**WHEREAS**, the Authority initiated negotiations with The New York Susquehanna & Western Railway ("NYS&W") to acquire certain easements along the proposed route for the sanitary sewer force main project; and

**WHEREAS**, NYS&W obtained an appraisal of the easements prepared by RMI Midwest dated October 5, 2016 placing a fair market value of \$9,460,000 for the permanent easements on the property interests required to be acquired by the Authority.

**WHEREAS**, in furtherance of the Edgewater WPCF Project, and as an initial step in the Authority acquiring title to or an easement interest in the identified properties owned by NYS&W, the Board of Commissioners of the Authority, by Resolution 17-1-014 adopted February 23, 2017, authorized the Authority's General Legal Counsel to engage Shenehon Company to provide professional appraisal services in connection with the Edgewater WPCF Project; and

**WHEREAS**, Shenehon Company completed and provided to the Authority a written appraisal dated July 26, 2017, placing a fair market value of Seven Hundred Twenty-Three Thousand and 00/100THS (\$723,000.00) Dollars on all property interests which the Authority must acquire in properties owned by NYS&W as part of the Edgewater WPCF Project; and

**WHEREAS**, as the Authority was desirous of engaging in non-binding mediation with NYS&W in an attempt to amicably resolve the fair market value of the property interests required to be acquired by the Authority in properties owned by NYS&W as part of the Edgewater WPCF Project prior to formally proceeding with the condemnation process, the Board of Commissioners of the Authority, by Resolution 18-1-021 adopted February 22, 2018, authorized Kaufman, Semeraro & Leibman, LLP, as General Legal Counsel to the Authority, and the Executive Director of the Authority to engage in a non-binding mediation process with NYS&W for the purpose of and in an attempt to amicably resolve the fair market value of the property interests to be acquired by the Authority in properties owned by NYS&W as part of the Edgewater WPCF Project; and

**WHEREAS**, the Authority and NYS&W have agreed upon the designation of an independent mediator to conduct the aforementioned non-binding mediation and the joint retention of that independent mediator shall require the payment of a joint initial retainer fee by the Authority and NYS&W in an amount not greater than the sum of \$30,000.00, the cost of which is to, and shall, be shared equally by and between the Authority and NYS&W; and

**WHEREAS**, it is in the best interests of the Authority to fund the retainer fee required to be paid to the independent mediator in furtherance of its efforts to amicably resolve the valuation of the property interests required to be acquired by the Authority in properties owned by NYS&W as part of the Edgewater WPCF Project prior to formally proceeding with the condemnation process.

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

1. Resolution 18-1-021 adopted February 22, 2018 by the Board of Commissioners of the Authority shall be and hereby is amended and supplemented as follows:

A. The Executive Director or his designee shall be and is hereby authorized to execute a purchase order, or purchase orders as may be required, for the retention and payment of the fees of the independent mediator engaged by the Authority pursuant to Resolution 18-1-021 in an amount not to exceed the total sum of \$15,000.00.

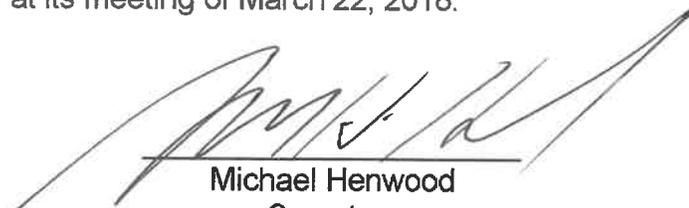
2. Nothing contained in this Resolution shall be construed to otherwise amend or supplement Resolution 18-1-021 adopted February 22, 2018 by the Board of Commissioners of the Authority except as specifically provided for in resolved Paragraph 1(A) hereof.

3. A copy of this Resolution, and Resolution 18-1-021 adopted February 22, 2018 by the Board of Commissioners of the Authority, shall be placed on file and made available for public inspection in the Office of the Executive Director.

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

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 March 22, 2018.



Michael Henwood  
Secretary

**Dated: March 22, 2018**

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 3/22/2018

RESOLUTION #: 18-1-024

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

MEDIATOR TO BE DETERMINED

CONTRACT NUMBER

N/A

REASON

TO RETAIN AN INDEPENDENT  
MEDIATOR FOR EASEMENT  
VALUE NEGOTIATIONS

AMOUNT

\$15,000.00

CONTRACT LENGTH

TO COMPLETION

Matthew M Carter  
ACTING TREASURER

**BERGEN COUNTY UTILITIES AUTHORITY  
RESOLUTION**

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

**WHEREAS**, on or about March 6, 2018 the Authority issued a Request for Qualifications for General Consulting Engineer, in accordance with the requirements of N.J.S.A. 19:44A-20 et. seq.; and

**WHEREAS**, the Authority received and opened Qualifications for the above listed position on **March 16, 2018**; and

**WHEREAS**, pursuant to the Request for Qualifications, the Authority's review team conducted a review of the responses received and recommends that the firms listed below be deemed qualified to provide the following services; and

**WHEREAS**, the Authority's Construction & Engineering Committee recommends that the firms listed below be deemed qualified to provide said services.

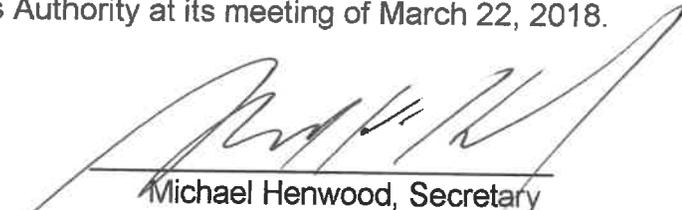
**NOW, THEREFORE, BE IT RESOLVED** by the Commissioners of the Bergen County Utilities Authority that the following firms be and are hereby qualified to render the following services on behalf of the Authority for the year of 2018.

**GENERAL CONSULTING ENGINEERS**

**Greeley and Hansen, L.L.C.  
D& B Engineers and Architects, P.C.**

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

I hereby certify the forgoing to be a true copy of the resolution adopted by the Bergen County Utilities Authority at its meeting of March 22, 2018.



Michael Henwood, Secretary

Dated: March 22, 2018

**BERGEN COUNTY UTILITIES AUTHORITY  
RESOLUTION**

**WHEREAS**, on prior occasion, upon advertisement and pursuant to specifications, the Bergen County Utilities Authority (the "Authority") solicited bid proposals to **Furnish and Deliver Jenbacher Service and Parts (for a Two (2) Year Period with Two (2) One (1) Year Options)**, pursuant to and in accordance with **Contract No. 18-01**; and

**WHEREAS**, no bid proposals were received by the Authority on January 11, 2018, the date set forth in the Invitation to Bid for the receipt of bid proposals pursuant to and in accordance with **Contract No. 18-01**; and

**WHEREAS**, the Board of Commissioners of the Authority, by way of Resolution 18-2-022 adopted January 25, 2018, authorized the Executive Director, or his designee, to re-advertise for the solicitation of bid proposals for **Contract No. 18-01 (Rebid)**, pursuant to N.J.S.A. 40A:11-1 et seq.; and

**WHEREAS**, the following bid proposals were received by the Authority on **February 21, 2018** for **Contract 18-01 (Rebid)**:

Vendor	Total Amount Bid Two (2) Year Period
AB Energy USA, LLC Rockaway, NJ	\$1,924,000.00
Penn Power Group, LLC (d/b/a Northeast Energy Systems, a division of Penn Power Group, LLC) Bristol, PA	\$2,102,500.00

**WHEREAS**, the Authority's **Qualified Purchasing Agent** has reviewed the bid proposals and has recommended that **AB Energy USA, LLC** be awarded **Contract No. 18-01 (Rebid)** in accordance with N.J.S.A. 40:11-1 et seq., as the lowest complying and responsible bidder; and

**WHEREAS**, on the basis of the foregoing, the Authority has determined that **AB Energy USA, LLC** constitutes the lowest complying and responsible bidder for **Contract No. 18-01 (Rebid)**, in accordance with N.J.S.A. 40A:11-1 et seq.; and

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

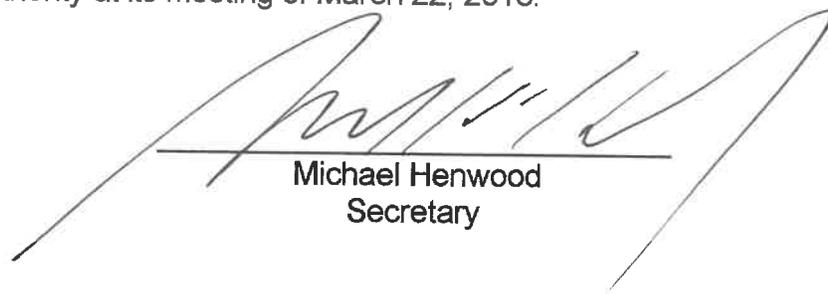
**WHEREAS**, the award of this contract is necessary for the efficient operation of the Authority; and

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

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

1. **AB Energy USA, LLC** shall be and is hereby determined to be the lowest complying and responsible bidder to **Furnish and Deliver Jenbacher Service and Parts (for a Two (2) Year Period with Two (2) One (1) Year Options)**, constituting **Contract No. 18-01 (Rebid)** for a total amount not to exceed the sum of **\$1,924,000.00** without further approval of the Commissioners of the Authority.
2. The Chairman shall be and is hereby authorized to execute a contract with **AB Energy USA, LLC** of 10 Astro Place, Rockaway, New Jersey 07866 to **Furnish and Deliver Jenbacher Service and Parts (for a Two (2) Year Period with Two (2) One (1) Year Options)**, constituting **Contract No. 18-01 (Rebid)** for a total amount not to exceed the sum of **\$1,924,000.00** without further approval of the Commissioners of the Authority.
3. The bid security of all unsuccessful bidders, if any, shall be returned in accordance with N.J.S.A. 40A:11-1 et seq.
4. The Acting Treasurer's Certification that funds are available shall be maintained on file at the Authority and made a part hereof.
5. A notice of this contract award shall be published in the form prescribed by law.
6. A copy of this Resolution and the contract executed pursuant to this Resolution, along with Contract No. 18-01 (Rebid), shall be placed on file and made available for public inspection in the Office of the Executive Director upon execution by **AB Energy USA, LLC** and the Authority.
7. The formal action(s) of the Commissioners of the Bergen County Utilities Authority embodied herein are expressly contingent upon and subject to the provisions of N.J.S.A. 40:14B-14b.

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of March 22, 2018.



Michael Henwood  
Secretary

**Dated: March 22, 2018**

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 3/22/2018

RESOLUTION #: 18-2-020

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

COGENERATION  
W-550-62450-000

VENDOR

AB ENERGY USA, LLC

CONTRACT NUMBER

18-01

REASON

FURNISH & DELIVER JENBACHER  
SERVICE & PARTS

AMOUNT

\$1,924,000.00

CONTRACT LENGTH

APRIL 1, 2018 - MARCH 31, 2020

  
ACTING TREASURER

## BERGEN COUNTY UTILITIES AUTHORITY RESOLUTION

**WHEREAS**, the Bergen County Utilities Authority (the "Authority") has determined that it is the owner of certain items, including but not limited to, two (2) vehicles, one (1) fork lift, one (1) Perkin Elmer ICP unit and miscellaneous lab items, e.g., beakers, sample jars and pipets, that are each surplus property no longer needed by the Authority for public use; and

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

**WHEREAS**, the Authority is desirous of selling the surplus property owned by the Authority which is listed in **Schedule "A"**, attached hereto and incorporated herein by reference, in an "as is" condition, without express or implied warranties.

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

1. The Executive Director, or his designee, shall be and is hereby authorized to execute a purchase order memorializing the Authority's entry into an agreement with GovDeals, Inc. for the sale of surplus property owned by the Authority which sale shall be conducted online through GovDeals.com pursuant to State Contract T-2581 in accordance with the terms and conditions of State Contract T-2581 and as follows:

Online Auction Site:	<a href="http://www.govdeals.com">www.govdeals.com</a>
Length of Auction:	Ten (10) Days.
List of Surplus Property to be sold:	See Schedule "A"
Auction Fees:	Authority pays zero (0%) percent and the winning bidder pays a twelve and one-half (12.50%) percent buyer's premium
Shipping:	All shipping arrangements and shipping costs are the responsibility of the buyer. Item pickup on location: Foot of Empire Blvd, Moonachie, NJ 07074.

**18-2-021**

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

Other Terms: The sale is being conducted pursuant to Local Finance Notice 2008-9. The surplus property is being sold in "as is, where is" condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property. Payment by the bidder must be submitted to GovDeals within five (5) business days (excluding holidays) of winning the bid. Pickup of items auctioned must be made within ten (10) business days (excluding holidays) of winning bid unless other arrangements have been made prior.

2. The Authority reserves the right to accept or reject any bid submitted.

3. The terms and conditions of the agreement entered into with GovDeals, Inc. is available online at govdeals.com and also available for public inspection at the administrative offices of the Authority.

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

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of March 22, 2018.



Michael Henwood  
Secretary

**Dated: March 22, 2018**

**18-2-021**

**Schedule A**

1. **Auction 1:** Hyster H50XM LPG Fork Lift: VIN # D177B42326U

**Bid Start: To Be Determined upon Advertisement**

**Bid Stop:**

2. **Auction 2:** Two Vehicles:

Vehicle 1 – 2002 Astro Van Vin # 1GCDM19X22B146533

Vehicle 2 – 2003 Ford E-250 Van Vin # 1FTNE24W23HB16131

**Bid Start: To Be Determined upon Advertisement**

**Bid Stop:**

3. **Auction 3:** Lab Items:

Perkin Elmer ICP Unit

Misc. items: beakers and sample jars

**Bid Start: To Be Determined upon Advertisement**

**Bid Stop:**

**BERGEN COUNTY UTILITIES AUTHORITY  
RESOLUTION**

**WHEREAS**, in 1947, the Bergen County Utilities Authority (the "Authority"), known at 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 WPCF Project"), resulting in the pumping of wastewater from the Edgewater WPCF influent pumping station to the Little Ferry Water Pollution Control Facility (the "Little Ferry WPCF") collection system; and

**18-2-022**

**WHEREAS**, in furtherance of the Authority providing essential services, and in furtherance of the Edgewater WPCF Project, the Board of Commissioners of the Authority, by Resolution 15-2-058 adopted September 24, 2015, appointed Alaimo Group to provide Preliminary Design Phase Services to the Authority 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 15-2-058 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 Preliminary Design Phase Services to be provided by Alaimo Group to the Authority for the Edgewater WPCF Project 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 \$505,000.00 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 September 24, 2015; and

**WHEREAS**, Alaimo Group, operating under the Agreement, continued to provide significant necessary and valuable Preliminary Design Phase Services to the Authority for the Edgewater WPCF Project since the commencement of the term of the Agreement, resulting in the Board of Commissioners of the Authority, by Resolution 17-2-042 adopted June 22, 2017, modifying the Agreement by authorizing an increase in the total amount of compensation to be paid by the Authority to Alaimo Group pursuant thereto in the sum of \$100,000.00, resulting in an increase in the total amount of compensation to be paid by the Authority to Alaimo Group pursuant to the Agreement to the total sum of \$605,000.00 without further approval of the Board of Commissioners of the Authority; and

**WHEREAS**, since the adoption of Resolution 17-2-042 by the Board of Commissioners on June 22, 2017, Alaimo Group, operating under the Agreement, has continued to provide significant necessary and valuable Preliminary Design Phase Services to the Authority for the Edgewater WPCF Project, which tasks include:

- Constructability evaluation and design within the Authority's proposed easements across certain properties not owned by the Authority;
- Additional Geotechnical consulting for linear route of proposed line;
- Expanded Cultural Resource Studies for linear route inside as well as outside the tunnel;
- Drainage improvement design outside East Tunnel Portal across properties not owned by the Authority;

**18-2-022**

**18-2-022**

- Multiple HDD alignments and pit locations on properties not owned by the Authority;
- Utilization of proposed 25' forcemain easements across properties not owned by the Authority for construction of necessary line;
- Utilization of existing 20' Overpeck relief and 30' 60" Overpeck interceptor Authority easements for construction of proposed line across property not owned by the Authority;
- Revise Bellman's Creek crossing location;
- Expand East portal ramp configuration and Old River road access;
- Permit coordination efforts;
- Amendment of design and construction schedules;
- Conduct test pits at two (2) splicing chamber locations inside tunnel and configure duct bank design at proposed route conflict location;
- Recommend Green Route alignment and incorporate the Green Route alignment into the overall Edgewater WPCF Project plans; and
- Address permitting issues.

; and

**WHEREAS**, by written correspondence dated March 13, 2018, Alaimo Group advised the Authority that, as of March 13, 2018, Alaimo Group had expended the authorized fee of \$605,000.00 in services to the Authority under the Agreement as amended by Resolution 17-2-042; and

**WHEREAS**, Alaimo Group, by the March 13, 2018 written correspondence, requested that the Authority increase the compensation budget provided for by the Agreement by the total sum of \$125,000.00, resulting in an amended Agreement compensation budget of an amount not to exceed the total sum of \$730,000.00 without further approval of the Board of Commissioners of the Authority; 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

**18-2-022**

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 the Edgewater WPCF Project; and

**WHEREAS**, the Authority's Director of Engineering has reviewed the March 13, 2018 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 for services provided by Alaimo Group to the Authority pursuant to the Agreement, and based upon the above determinations and his review of the March 13, 2018 written correspondence of Alaimo Group, 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 Alaimo Group pursuant to the Agreement in the total sum of \$125,000.00, resulting in an amended compensation budget under the Agreement in an amount not to exceed the total sum of \$730,000.00 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 \$125,000.00 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 \$730,000.00 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, the Agreement, the agreement modifying the Agreement entered into as authorized by Resolution 17-2-042 and the agreement modifying the Agreement as authorized by 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.

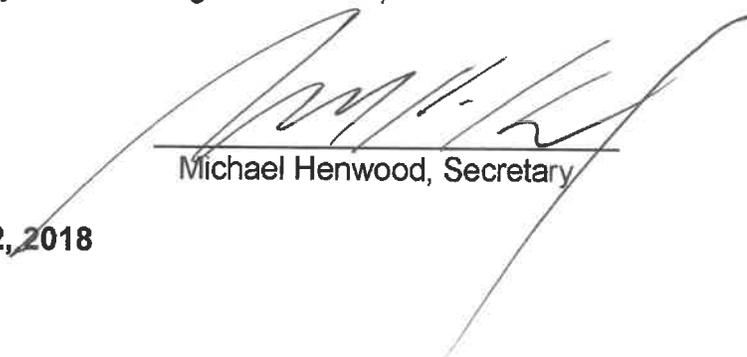
**18-2-022**

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 March 22, 2018.



Michael Henwood, Secretary

**Dated: March 22, 2018**

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 3/22/2018

RESOLUTION #: 18-2-022

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

ALAIMO GROUP

CONTRACT NUMBER

15092401

REASON

INCREASE IN THE PROFESSIONAL SERVICE  
NEEDS OF THE AUTHORITY FOR  
EDGEWATER WPCF

AMOUNT

\$125,000.00

CONTRACT LENGTH

TO COMPLETION

Matthew Carter  
ACTING TREASURER

**BERGEN COUNTY UTILITIES AUTHORITY  
RESOLUTION**

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

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

**WHEREAS**, there exists the need to engage the services of an engineering firm authorized to provide professional engineering services in the State of New Jersey to serve as **Special Consulting Engineer** to the Authority; and

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

**WHEREAS**, these services were solicited through a fair and open process, pursuant to N.J.S.A. 19:44A-20.4 et seq. through a publicly advertised Request for Qualifications ("RFQ"); and

**WHEREAS** **Greeley and Hansen, L.L.C.** has submitted a Statement of Qualifications and the Commissioners of the Authority have previously determined that **Greeley and Hansen, L.L.C.** is competent, qualified and experienced to serve as the Authority's **Special Consulting Engineers**; and

**WHEREAS**, based on **Greeley and Hansen, L.L.C.** Statement of Qualifications, the Authority issued a Request for Proposal ("RFP") dated March 20, 2018; and

**WHEREAS**, the RFP provided a scope of work including meeting preparation and attendance; monthly reports; user charge and connection change calculations and supporting report assistant; and completion of pre-existing general consulting projects; and

**WHEREAS**, the RFP specified that the **Special Consulting Engineer** indemnify the Authority and provide insurance required by the Authority; and

**WHEREAS**, the RFP specified that the proposal include a schedule of hourly billing rates; and

**WHEREAS**, the RFP specified that payment for services rendered shall be computed-based on an hourly billing rate, plus reimbursables, not to exceed the total sum of \$10,000.00 without further written authorization by contract amendment; and

**WHEREAS**, **Greeley and Hansen, L.L.C.** has submitted a proposal to serve as **Special Consulting Engineer**, dated **March 20, 2018**, on a time and material basis, not to exceed \$10,000.00, which proposal has been reviewed by the Authority's Director of Engineering; and

**WHEREAS**, the proposal included attachments including hourly billing rates, Certificate of Liability Insurance naming the Authority as an additional insured, New Jersey Business Registration Certificate, Ownership Disclosure Statement, Affirmative Action Compliance Notice, Certificate of Employee Information Report, Exhibit A, Mandatory Equal Employment Opportunity Language, Iran Disclosure Form, W-9 Form and Certificate of Authorization; and

**WHEREAS**, the Authority has determined, based upon the foregoing, that it is necessary for its efficient operation to retain the services of **Greeley and Hansen, L.L.C.** to serve as **Special Consulting Engineer** to the Authority; and

**WHEREAS**, the Authority desires to appoint and retain **Greeley and Hansen, L.L.C.** to serve as **Special Consulting Engineer** to the Authority for a **One (1) Year Term**, until a successor is selected, or at the pleasure of the Authority, whichever shall first occur or be exercised, respectively; and

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

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

**WHEREAS**, the Acting Treasurer of the Authority has certified that funds are available for this purpose; and

**WHEREAS**, the health and safety of the individuals visiting, living, and working in the Authority's sewer service district necessitate the on-going operation and maintenance of the Authority's water pollution control assets, including, but not limited to, the appointment of a **Special Consulting Engineer**; and

**WHEREAS**, failure to ensure those continued operations and maintenance of the Authority's water pollution control assets would result in unacceptable threats to the health and safety of Bergen County residents, most immediately those in the Authority's sewer service district, which would be too large in scope to be handled by ordinary municipal and county entities.

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

1. That **Greeley and Hansen, L.L.C.** shall be and is hereby appointed to serve as **Special Consulting Engineer** to the Authority for a **One (1) Year Term**, until a successor is selected, or at the pleasure of the Authority, whichever shall first occur or be exercised, respectively.

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

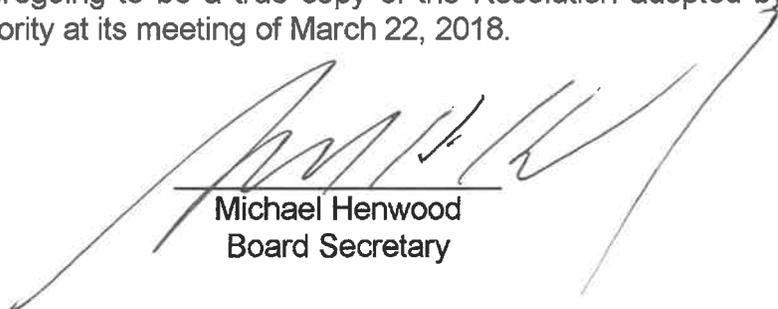
3. A copy of this resolution and the agreement retaining **Greeley and Hansen, L.L.C.** as **Special Consulting Engineer** shall be placed on file and made available for public inspection in the office of the Executive Director, upon execution by **Greeley and Hansen, L.L.C.** and the Authority.

4. The total amount authorized to be paid pursuant to the contract herein awarded shall not exceed **\$10,000.00** without further action by the Board of Commissioners.

5. The Acting Treasurers Certification that funds are available shall be placed on file and made available for public inspection at the Authority and made a part hereof.

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

7. The formal action(s) of the Commissioners of the 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 March 22, 2018.



Michael Henwood  
Board Secretary

Dated: March 22, 2018

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 3/22/2018

RESOLUTION #: 18-2-023

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

GREELEY AND HANSEN, L.L.C.

CONTRACT NUMBER

18032201

REASON

SPECIAL CONSULTING ENGINEER

AMOUNT

\$10,000.00

CONTRACT LENGTH

APRIL 1, 2018 - MARCH 31, 2019

Matthew M Carter  
ACTING TREASURER

**BERGEN COUNTY UTILITIES AUTHORITY  
RESOLUTION**

**WHEREAS**, the Bergen County Utilities Authority (the "Authority") is a county utilities authority organized and existing pursuant to the Municipal and County Utilities Authority Law, N.J.S.A. 40:14B-1 et seq. to provide the services enumerated in N.J.S.A. 40:14B-2 in the County of Bergen, including but not limited to sewage collection and disposal services and the relief of waters in or bordering the State from pollution arising from causes within the district and the relief of waters in, bordering or entering the district from pollution or threatened pollution on behalf of its constituent members; and

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

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

**WHEREAS**, the Authority, pursuant to N.J.S.A. 40A:11-12(a) and N.J.S.A. 52:34-6.2, is authorized to purchase goods and contract for services through the use of a New Jersey State Approved Co-op and accepted cooperative purchasing agreement that has been developed utilizing a competitive bidding process by another contracting unit within the State of New Jersey, when available, for its administration; and

**WHEREAS**, by Resolution 17-1-005 adopted January 26, 2017, the Board of Commissioners of the Authority ratified and affirmed the membership of the Authority in the Educational Services Commission of New Jersey (the "ESCNJ"), allowing the Authority to continue to participate in the ESCNJ 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 for the **Interior Restoration of Remediated Areas of the Control Building**; and

**WHEREAS**, the ESCNJ previously awarded a contract to **Murray Paving & Concrete, Inc.** of 17 Park Place, Paramus, NJ 07652, under Job Order Contract No. ESCNJ 16/17-54 GC2, for job order contracting – repair and maintenance – general contracting; and

**WHEREAS**, the Authority, as a member of the ESCNJ Cooperative Pricing System, is able to procure the needed services from **Murray Paving & Concrete, Inc.** under ESCNJ Job Order Contract No. ESCNJ 16/17-54 GC2 for the total sum of \$15,906.73 as set forth and contained in the written proposal dated March 19, 2018 submitted to the Authority by **Murray Paving & Concrete, Inc.**; and

**WHEREAS**, it has been recommended by the Authority's Qualified Purchasing Agent that it would be advantageous to the Authority, and result in a cost savings to the Authority and its ratepayers, for the Authority to engage **Murray Paving & Concrete, Inc.** through ESCNJ Job Order Contract No. ESCNJ 16/17-54 GC2 to provide the necessary services to complete the **Interior Restoration of Remediated Areas of the Control Building**; and

**WHEREAS**, ESCNJ Cooperative Pricing System Job Order Contract No. ESCNJ 16/17-54 GC2 meets the "Fair and Open" process requirements of N.J.S.A. 19:44A-20.4 et seq.; and

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

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

1. The Executive Director or his designee shall be and is hereby authorized to execute a purchase order, or purchase orders as may be required, for the completion of **Interior Restoration of Remediated Areas of the Control Building** for the total sum of \$15,906.73 as set forth and contained in the written proposal dated March 19, 2018 submitted to the Authority by **Murray Paving and Concrete, Inc.**, and in accordance with the terms of ESCNJ Job Order Contract No. ESCNJ 16/17-54 GC2.

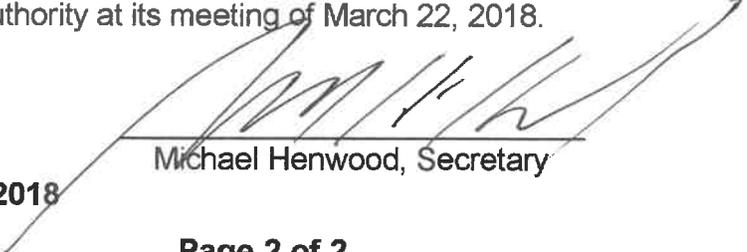
2. The Authority shall be responsible to ensure that that goods and/or services procured through the ESCNJ Cooperative Pricing System pursuant to this Resolution comply with all applicable provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., and all other provisions of the revised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

3. A copy of this Resolution, a copy of the Certificate of Membership issued by the ESCNJ to the Authority and a copy of any contract(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.

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

5. The formal action(s) of the Commissioners of 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 March 22, 2018.



Michael Henwood, Secretary

**Dated: March 22, 2018**

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 3/22/2018

RESOLUTION #: 18-2-024

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

CAPITAL OUTLAY  
W-200-80800-000

VENDOR

MURRAY PAVING & CONCRETE, INC.

CONTRACT NUMBER

ESCNJ 16/17-54 GC2

REASON

INTERIOR RESTORATION OF REMEDIATED  
AREAS OF THE CONTROL BUILDING

AMOUNT

\$15,906.73

CONTRACT LENGTH

TO COMPLETION

Matthew M. Carter  
ACTING TREASURER

**BERGEN COUNTY UTILITIES AUTHORITY  
RESOLUTION**

**WHEREAS**, there exists the need for **Water Damage and Mold Remediation of the Control Building Second Floor** in order to ensure the ongoing necessary and efficient operations of the Bergen County Utilities Authority (the "Authority"); and

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

**WHEREAS**, **Active Environmental Technologies, Inc.** has been awarded New Jersey State Contract **SC - 87236** for **Water Damage Restoration Services**; and

**WHEREAS**, **Active Environmental Technologies, Inc.** provided the Authority with a written proposal dated January 29, 2018 for **Water Damage and Mold Remediation of the Control Building Second Floor** under New Jersey State Contract **SC - 87236 (Index T - 2881)**, in the total amount of **\$18,301.93**; and

**WHEREAS**, **Water Damage and Mold Remediation of the Control Building Second Floor** may be procured through State Contract **SC – 87236 (Index T - 2881)** for a total cost of **\$18,301.93** as set forth and contained in the written quote dated January 29, 2018 submitted to the Authority by **Active Environmental Technologies, Inc.**; and

**WHEREAS**, it has been recommended by the Authority's Qualified Purchasing Agent that it would be advantageous to the Authority, and result in a cost savings to the Authority and its ratepayers, for the Authority to procure **Water Damage and Mold Remediation of the Control Building Second Floor** from **Active Environmental Technologies, Inc.** through New Jersey State Contract **SC – 87236 (Index T - 2881)**; and

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

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

**WHEREAS**, the award of this contract is necessary for the efficient operation of the Authority.

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

1. The Executive Director or his designee shall be and is hereby authorized to execute a purchase order, or purchase orders as may be required, for **Water Damage and**

18-2-025

**Mold Remediation of the Control Building Second Floor** in the total amount of **\$18,301.93**, as set forth and contained in the written proposal dated January 29, 2018 submitted to the Authority by **Active Environmental Technologies, Inc.**, and in accordance with the terms of New Jersey State Contract **SC - 87236 (Index T - 2881)**.

2. The Authority shall be responsible to ensure that that goods and/or services procured through New Jersey State Contract **SC - 87236 (Index T - 2881)** pursuant to this Resolution 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 any contract(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.

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

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

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of March 22, 2018.



Michael Henwood  
Secretary

**Dated: March 22, 2018**

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 3/22/2018

RESOLUTION #: 18-2-025

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

CAPITAL OUTLAY  
W-200-80800-000

VENDOR

ACTIVE ENRIONMENTAL TECHNOLOGIES, INC.

CONTRACT NUMBER

STATE CONTRACT 87236

REASON

WATER DAMAGE AND MOLD REMEDIATION  
OF THE CONTROL BUILDING SECOND FLOOR

AMOUNT

\$18,301.93

CONTRACT LENGTH

TO COMPLETION

Matthew M Carter  
ACTING TREASURER

**BERGEN COUNTY UTILITIES AUTHORITY  
RESOLUTION**

**WHEREAS**, the Bergen County Utilities Authority (the "Authority") deems it necessary to engage the services of a **General Insurance Consultant** on its behalf to provide insurance advisory services to the Authority; and

**WHEREAS**, N.J.S.A. 40A:11-5 (1)(m) authorizes and permits the procurement of **General Insurance Consultant** services without competitive bidding, where said services are in the nature of an "extraordinary unspecifiable service"; and

**WHEREAS**, **General Insurance Consultant** services are recognized as "extraordinary unspecifiable services" as said services are specialized and qualified in nature, requiring expertise, extensive training and proven reputation in the field of endeavor, pursuant to and in accordance with N.J.S.A. 40A:11-2(7); and

**WHEREAS**, the Authority's Chief Financial Officer has determined that the engagement of an **General Insurance Consultant** is necessary to provide for the efficient operation of the Authority; and

**WHEREAS**, pursuant to and in accordance with N.J.A.C. 5:34-2.3, the Authority's Chief Financial Officer has provided the Authority's Commissioners with a Certification, dated March 22, 2018, describing the nature of the work to be done, stating that it is not reasonably possible to draft specifications, and describing why the contract satisfies the Statutory and Administrative Code requirements for extraordinary unspecifiable services; and

**WHEREAS**, **Otterstedt Insurance Agency** has submitted a proposal to serve as **General Insurance Consultant** to the Authority, which proposal has been reviewed by the Authority's Executive Director and Chief Financial Officer and determined to be fair and reasonable; and

**WHEREAS**, the Authority has determined, based upon the foregoing, that it is necessary for its efficient operation to retain the services of **Otterstedt Insurance Agency** to provide **General Insurance Consultant** services to the Authority for the term March 1, 2018 through February 28, 2021, until a successor is selected, or at the pleasure of the Authority, whichever shall first occur or be exercised, respectively; and

**WHEREAS**, the Commissioners of the Authority have determined that **Otterstedt Insurance Agency** is competent, qualified, experienced and has a proven reputation in the field of **General Insurance Consultant** services; and

**WHEREAS**, this contract was awarded through a fair and open process, pursuant to N.J.S.A. 19:44A-20.4 et seq. through a publicly advertised Request for Qualifications ("RFQ"), and **Otterstedt Insurance Agency** was found to be qualified to provide these services; and

**WHEREAS**, the Authority desires to enter into a contract with **Otterstedt Insurance Agency** to serve as **General Insurance Consultant** to the Authority for the term March 1, 2018 through February 28, 2021, until a successor is selected, or at the pleasure of the Authority, whichever shall first occur or be exercised, respectively; and

**WHEREAS**, N.J.S.A. 40A:11-1, et seq. requires that the resolution authorizing the award of a contract for extraordinary unspecifiable services without public bidding and the contract itself be available for public inspection; 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. **Otterstedt Insurance Agency** shall be and is hereby appointed to serve as **General Insurance Consultant** to the Authority for the term March 1, 2018 through February 28, 2021, until a successor is appointed, 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 a contract, similar in form and substance to the contract attached hereto, by and between the Authority and **Otterstedt Insurance Agency** memorializing the scope of services and compensation to be paid for such services, which is based upon commissions as set forth in the attached contract, in such final form as is acceptable to the Authority, as evidenced by the Chairman's signature thereon.

3. A copy of this Resolution and the contract retaining **Otterstedt Insurance Agency** as **General Insurance Consultant** 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 **Otterstedt Insurance Agency** and the Authority.

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

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

6. The formal action(s) of the Commissioners of 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).

**18-3-004**

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of March 22, 2018.



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Michael Henwood  
Board Secretary

**Dated: March 22, 2018**

**CERTIFICATION FOR AN EXTRAORDINARY  
UNSPECIFIABLE SERVICES CONTRACT**

**TO:** Members of the Board of Commissioners  
**FROM:** Robert E. Laux  
Executive Director, Bergen County Utilities Authority

**SUBJECT:**

This is a contract for the Provision of Consulting - General Insurance Consultant

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

**Firm:** Otterstedt Insurance ("Contractor")  
**Duration:** Three Years  
**Purpose:** To provide services to the Authority in regards to the provision of consulting services - General Insurance Consultant

---

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 General Insurance Consultant services. As Executive Director, I am familiar with the nature of the work to be done under the contract for p 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 General Insurance Consultant services be performed by an entity with expertise, extensive training and a proven reputation in the field of endeavor.

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

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

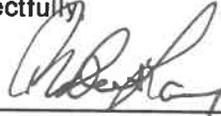
See II. Insurance consulting and administrative service contracts satisfy the criteria of Extraordinary Unspecifiable Services.

**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 General Insurance Consultant services was advertised on December 18, 2017, 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. The Contractor was duly qualified by resolution of the Authority dated January 25, 2018. Informal Quotations from the Contractor for General Insurance Consultant services were solicited, 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 General 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 E. Laux, Executive Director

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

**BERGEN COUNTY UTILITIES AUTHORITY  
RESOLUTION**

**WHEREAS**, pursuant to N.J.S.A. 40:14B-1 et seq, the Authority may appoint and employ such personnel as the Authority may determine necessary for its efficient operations.

**WHEREAS**, the Board of Commissioners have determined the need to establish the position of Manager of Payroll Processing (UUAE).

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

1. The Authority creates a position of Manager of Payroll Processing (UUAE) and the table of organization for the Authority is hereby amended accordingly; and

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

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of March 22, 2018.



Michael Henwood  
Secretary

**Dated: March 22, 2018**

**BERGEN COUNTY UTILITIES AUTHORITY  
RESOLUTION**

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

**WHEREAS**, on or about March 12, 2018 the Authority issued a Request For Qualifications for Public Relations and Media Consultant in accordance with the requirements of N.J.S.A. 19:44A-20, et seq.; and

**WHEREAS**, the Authority received and opened Qualifications for the above listed positions on **March 21, 2018**; and

**WHEREAS**, pursuant to the Request For Qualifications, the Authority's Review Team conducted a review of the responses received and recommends that the firms listed below be deemed qualified for the following positions; and

**WHEREAS**, the Authority's Personnel and Administration Committee recommends that the firms listed below be deemed qualified for the following positions.

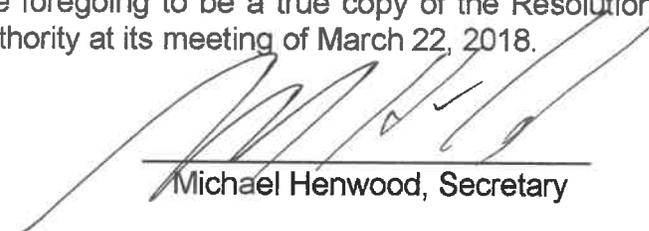
**NOW, THERERFORE, BE IT RESOLVED**, by the Commissioners of the Bergen County Utilities Authority that the following firms be and are hereby qualified to render services on behalf of the Authority:

**Public Relations and Media Consultant**

Gateway Media

**BE IT FURTHER RESOLVED** that the formal action(s) of the Commissioners of the Bergen County Utilities Authority embodied herein are expressly contingent upon and subject to the provisions of N.J.S.A. 40:14B-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 March 22, 2018.



Michael Henwood, Secretary

**Dated: March 22, 2018**

**BERGEN COUNTY UTILITIES AUTHORITY  
RESOLUTION**

**WHEREAS**, there exists the need for the Bergen County Utilities Authority (the "Authority") to engage a **Public Relations and Media Consultant** to provide public relations and media consulting services to the Authority; and

**WHEREAS**, N.J.S.A. 40A:11-5(1)(a)(ii) authorizes and permits the procurement of specialized services such as public relations and media services without competitive bidding, where said services are in the nature of "extraordinary unspecifiable services"; and

**WHEREAS**, public relations and media consulting services are considered "extraordinary unspecifiable services," as said services are specialized and qualified in nature requiring expertise, extensive training and proven reputation in the field of endeavor, pursuant to and in accordance with N.J.S.A. 40A:11-2(7); and

**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 March 22, 2018, attached hereto and made a part hereof, describing, *inter alia*, the nature of the work to be done and describing in detail how the contract satisfies the Statutory and Administrative Code requirements for "extraordinary unspecifiable services"; and

**WHEREAS**, this contract was awarded through a fair and open process, pursuant to N.J.S.A. 19:44A-20.4 et seq., through a publicly advertised Request for Qualifications ("RFQ"); and

**WHEREAS**, **Gateway Media** has submitted to the Authority a written proposal dated March 21, 2018 to serve as **Public Relations and Media Consultant** and to provide public relations and media consulting services to the Authority, which proposal has been reviewed by the Authority; and

**WHEREAS**, the Authority desires to enter into a contract with **Gateway Media** to serve as **Public Relations and Media Consultant** to the Authority and to provide public relations and media consulting services to the Authority for the development and implementation of an advertising, marketing and branding campaign for the Authority's recycling program for the duration of that project as outlined in the aforementioned written proposal or at the pleasure of the Authority, whichever shall first occur or be exercised, respectively; and

**WHEREAS**, the Board of Commissioners of the Authority has determined that **Gateway Media** is competent, qualified and experienced to serve as **Public Relations and Media Consultant** and to provide public relations and media consulting services to the Authority; and

**WHEREAS**, the Authority has determined, on the basis of the foregoing, that it is necessary for its efficient operation to retain the services of **Gateway Media** to serve as

**Public Relations and Media Consultant** and to provide public relations and media consulting services to the Authority; and

**WHEREAS**, N.J.S.A. 40A:11-1, et seq. requires that the resolution authorizing the award of a contract for extraordinary unspecifiable services without public bidding and the contract itself be available for public inspection; 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. **Gateway Media** shall be and is hereby appointed to serve as **Public Relations and Media Consultant** to the Authority and to provide public relations and media consulting services for the development and implementation of an advertising, marketing and branding campaign for the Authority's recycling program for the duration of that project as outlined in the aforementioned written proposal submitted to the Authority by **Gateway Media** dated March 21, 2018 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 a contract, similar in form and substance to the contract on file at the Authority, by and between the Authority and **Gateway Media** memorializing the scope of services and compensation to be paid for such services, in such final form as is acceptable to the Authority, as evidenced by the Chairman's signature thereon.

3. A copy of this Resolution and the contract retaining **Gateway Media** 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 **Gateway Media** and the Authority.

4. The total amount authorized to be paid by the Authority to **Gateway Media** pursuant to the contract herein awarded shall not exceed the total sum of \$200,600.00 without further action by the Board of Commissioners.

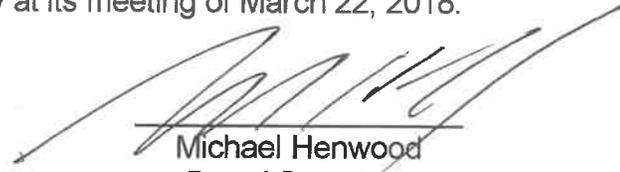
5. The Acting Treasurer's Certification that funds are available shall be placed on file and made available for public inspection at the Authority and made a part hereof.

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

7. The formal action(s) of the Commissioners of 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).

**18-6-004**

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of March 22, 2018.

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

Michael Henwood  
Board Secretary

**DATED: March 22, 2018**

**CERTIFICATION FOR AN EXTRAORDINARY  
UNSPECIFIABLE SERVICES CONTRACT**

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

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

**DATE:** March 22, 2018

**SUBJECT:** Award of Contract for Public Relations and Media Consultant

This is a contract for the Provision of Consulting – Public Relations/Media Consultant. This certification is submitted to request your approval of a resolution authorizing a contract to be executed as follows:

**Firm:** Gateway Media (“Contractor”)

**Duration:** For duration of project.

**Cost:** Not to exceed \$200,600.00.

**Purpose:** To serve as Public Relations and Media Consultant to the Authority and to provide public relations and media consulting services for the development and implementation of an advertising, marketing and branding campaign for the Authority’s recycling program.

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

I do hereby certify to the following:

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

The contract will be for the provision of public relations consulting services. Contractor will assist the Authority with the identification of public relations opportunities and the formulation and processing of public outreach and education for the Authority’s benefit and use in furtherance of its operations. As Executive Director, I am familiar with the nature of the work to be done under the contract for Public Relations Consultant 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 the services related to public relations consulting be performed by an entity with expertise, extensive training and a proven reputation in the field of endeavor of providing such consulting service.

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

This contract is a contract for extraordinary unspecifiable services, as provided for under N.J.S.A. 40A:11-5, as such services are of such a qualitative nature that the performance of the services cannot be reasonably described by written specifications. Written specifications cannot be drafted because the services to be undertaken will evolve depending upon the rapidly changing landscape that shapes public perception through the media.

- 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:**

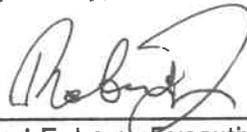
It is not reasonably possible to draft specifications for these services adequately defining the expertise and skill required in such complex type matters as covered by the contract to be let, such services being of such a qualitative nature as well as the scope of which is not reasonably determinable in advance of the receipt of proposals from those with certain expertise and skill. Written specifications cannot be drafted because the contracted services depend heavily upon expertise, knowledge and the experience in Public Communications.

- 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 Public Relations and Media Consultant Services was advertised on March 12, 2018, and statements of qualifications were received. The Contractor was duly qualified by resolution of the Authority dated March 22, 2018. Informal Quotations from qualified providers of Public Relations Services were informally solicited, 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 Public Relations Consultant 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 E. Laux, Executive Director

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

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 3/22/2018

RESOLUTION #: 18-6-004

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

FUNDS AVAILABLE

X

FUNDS ARE NOT AVAILABLE

BUDGET ACCOUNT

S-530-59910-000 - 2014 REA GRANT  
S-530-59920-000 - 2015 REA GRANT  
S-530-59930-000 - 2016 REA GRANT

VENDOR

GATEWAY MEDIA

CONTRACT NUMBER

18032202

REASON

PUBLIC RELATIONS AND MEDIA CONSULTANT

AMOUNT

2014 REA - \$26,000.00  
2015 REA - \$110,000.00  
2016 REA - \$64,600.00

CONTRACT LENGTH

TO COMPLETION

  
ACTING TREASURER