

**BERGEN COUNTY UTILITIES AUTHORITY  
MINUTES OF THE REGULAR MEETING  
MARCH 28, 2019**

**In the matter of the 480<sup>th</sup> Regular Meeting of  
The Bergen County Utilities Authority**

1. The **proof of meeting notice** calling the March 28, 2019, meeting was read into the record by Michael Henwood, Board Secretary.

2. Roll Call:

**COMMISSIONERS PRESENT:**

Ronald Phillips, Chairman  
Louis J. DeLisio, Vice Chairman  
Catherine T. Bentz, Commissioner  
Bruce Bonaventuro, Commissioner  
Daniel Gumble, Commissioner  
Paul A. Juliano, Commissioner  
Thomas S. Kelley, Commissioner  
Peter C. Massa, Commissioner  
Jon Warms, Commissioner

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

3. Motion that the Minutes covering the February 28, 2019 Work Session be approved was moved by Commissioner Warms and Seconded by Commissioner Massa and was carried. Commissioner Bentz abstained.
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 19-1-022 - Approve bills and the claims supported by vouchers totaling \$4,776,521.18 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 Kelley. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 19-1-023 - Authorize Professional Services Contract – General Legal Counsel - Kaufman, Semeraro & Leibman, L.L.P. Motion to adopt the resolution was made by Commissioner DeLisio and Seconded by Commissioner Kelley. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 19-1-024 - Authorize agreement by and among the Authority and Avalon Teaneck LLC providing for the settlement of Litigation. Motion to adopt the resolution was made by Commissioner DeLisio and Seconded by Commissioner Kelley. A roll call was taken and the resolution was adopted as reflected in these minutes.

6. CONSTRUCTION & ENGINEERING COMMITTEE:

Resolution 19-2-014 – Award Contract 19-01 to - Fisher Scientific Company, LLC Furnish and Deliver Lab Supplies (Two (2) years). 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 19-2-015 - Award Contract 19-05 to George S. Coyne Chemical Company, Inc. - Furnish and Deliver Endimal SH Odor Control (Two (2) years). 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 19-2-016 – Award Contract 19-02 to PVS Chemical Solutions, Inc. - Furnish and Deliver Sodium Bisulfite (Two (2) Years). 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 19-2-017 - Award Contract 19-06 to North Jersey Landcare Services, LLC - Grounds Maintenance (One (1) Year with Two (2) One (1) Year Options). 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 19-2-018 – Award Contract 19-07 to Air Nova, Inc. - Stack Retest for Cogeneration Engine Number three (3). 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 19-2-019 - Authorize Change Order No. 2 to (decrease) Contract No.17-21 – Weiss Acquisition, LLC - Scada System Upgrade. 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 19-2-020 – Authorize and prepare bid for TELOG in accordance with N.J.S.A. 40A:11-13(d). 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 19-2-021- Approve Name Change from National Joint Powers Alliance (NJPA) Purchasing Cooperative to Sourcwell National Cooperative Pricing System. 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 19-2-022 – Authorize purchase of Two (2) Collector Drivers from Motions Industries, Inc., under Cooperative Purchase Sourcwell Contract No. 011614-MII. 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 19-2-023 - Authorize Amendment to Professional Services Contract – Sludge Digester Improvements – AECOM. 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 19-2-024 – Authorize Professional Services Contract – Engineer Consulting – Settling Tanks 1 through 12 Improvement Project – Alaimo Group. 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 19-2-025 – Authorize Professional Services Contract - Energy Management and Related Air Pollution Control Permit Engineering Services – Remington & Vernick Engineers. 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 19-2-026 – Termination of authorizations previously provided in connection with the Edgewater WPCF Project by and pursuant to Resolution 18-2-057 adopted September 25, 2018. 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 19-2-027 – Authorize compensation budget for purchase orders submitted by North Bergen Liberty Generating, LLC under the Work Product Sharing Agreement dated December 17, 2018 entered into by the Authority in connection with the Edgewater WPCF Project as authorized by Resolution 18-2-071. 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 19-2-028 – Authorize purchase orders for North Bergen Liberty Generating, LLC for acquisition of due diligence work product materials in connection with the Edgewater WPCF Project as previously authorized by Resolution 18-2-071. Motion to

**BERGEN COUNTY UTILITIES AUTHORITY**  
**Minutes of the Regular Meeting**  
**March 28, 2019**

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.

**7. PERSONNEL AND ADMINISTRATION COMMITTEE:**

Resolution 19-3-005 – Amend Resolutions 17-3-007 and 17-3-011 to correct the terms of qualification and Contract with Delta Dental of New Jersey, Inc., as a two (2) year period through December 31, 2019. 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 19-3-006 – Personnel Action. 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. Chairman Phillips announced a short recess to allow time for the Board Secretary to prepare minutes of this Regular Meeting.
9. Chairman Phillips announced the Regular Meeting would reconvene.
10. The Board Secretary then distributed proposed minutes of the March 28, 2019 Regular Meeting for review by the Commissioners.
11. Motion to approve the Minutes of the Regular Meeting March 28, 2019 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 28, 2019 was made by Commissioner Kelley and Seconded by Commissioner Massa and was unanimously carried.
12. Upon motion duly made, seconded and unanimously carried, the meeting was adjourned.

<b>Resolution #</b>	<b>19-1-022</b>	<b>19-1-023</b>	<b>19-1-024</b>	<b>19-2-014</b>	<b>19-2-015</b>	<b>19-2-016</b>	<b>19-2-017</b>
Chairman Phillips	Y	Y	Y	Y	Y	Y	Y
V. Chair. DeLisio	Y	Y	Y	Y	Y	Y	Y
Comm. Bentz	Y	Y	Y	Y	Y	Y	Y
Comm. Bonaventuro	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

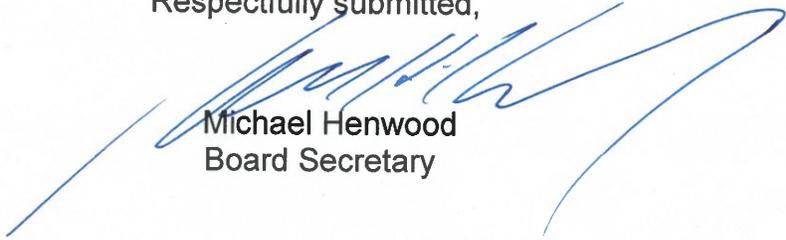
BERGEN COUNTY UTILITIES AUTHORITY  
 Minutes of the Regular Meeting  
 March 28, 2019

Resolution #	19-2-018	19-2-019	19-2-020	19-2-021	19-2-022	19-2-023	19-2-024
Chairman Phillips	Y	Y	Y	Y	Y	Y	Y
V. Chair. DeLisio	Y	Y	Y	Y	Y	Y	Y
Comm. Bentz	Y	Y	Y	Y	Y	Y	Y
Comm. Bonaventuro	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

Resolution #	19-2-025	19-2-026	19-2-027	19-2-028	19-3-005	19-3-006
Chairman Phillips	Y	Y	Y	Y	Y	Y
V. Chair. DeLisio	Y	Y	Y	Y	Y	Y
Comm. Bentz	Y	Y	Y	Y	Y	Y
Comm. Bonaventuro	Y	Y	Y	Y	Y	Y
Comm. Gumble	-	-	-	-	-	-
omm. Juliano	Y	Y	Y	Y	Y	Y
Comm. Kelley	Y	Y	Y	Y	Y	Y
Comm. Massa, Jr.	Y	Y	Y	Y	Y	Y
Comm. Warms	Y	Y	Y	Y	Y	Y

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

Respectfully submitted,



Michael Henwood  
 Board Secretary

Date: March 28, 2019

**BERGEN COUNTY UTILITIES AUTHORITY  
RESOLUTION**

**WHEREAS**, there exists the need to retain legal counsel to perform requisite legal services to represent the Bergen County Utilities Authority (the "Authority") as its **General Legal Counsel**; and

**WHEREAS**, the professional legal services performed by **General Legal Counsel** are recognized as "professional services" as such services 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**, **Kaufman, Semeraro & Leibman, L.L.P** submitted a written proposal dated February 1, 2019 (the "Proposal") to serve as **General Legal Counsel** to the Authority, which proposal was reviewed by the Authority; and

**WHEREAS**, the Authority's Board of Commissioners determined that **Kaufman, Semeraro & Leibman, L.L.P.** is competent and qualified to serve as the Authority's **General Legal Counsel** and by Resolution 19-1-012 adopted February 28, 2019 appointed **Kaufman, Semeraro & Leibman, L.L.P.** to serve as **General Legal Counsel** to the Authority for a **Sixty (60) Day Term** (commencing March 1, 2019), until a successor is selected, or at the pleasure of the Authority, whichever shall first occur or be exercised, respectively; and

**WHEREAS**, the Authority now desires to appoint and retain **Kaufman, Semeraro & Leibman, L.L.P.** to serve as the Authority's **General Legal Counsel** for a **One (1) Year Term**, retroactive to March 1, 2019, until a successor is selected, or at the pleasure of the Authority, whichever shall first occur or be exercised, respectively; 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 **Kaufman, Semeraro & Leibman, L.L.P.** to serve as **General Legal Counsel** to the Authority; and

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

19-1-023

**WHEREAS**, N.J.S.A. 40A:11-1, et seq. requires that the resolution authorizing the award of contracts 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.

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

1. Resolution 19-1-012 adopted February 28, 2019 shall be and hereby is amended, and the contract entered into by and between the Authority and **Kaufman, Semeraro & Leibman, L.L.P.** pursuant thereto shall be amended, to provide that **Kaufman, Semeraro & Leibman, L.L.P.** shall be and is hereby appointed to serve as **General Legal Counsel** to the Authority for a **One (1) Year Term**, with said **One (1) Year Term** commencing March 1, 2019, until a successor is selected, or at the pleasure of the Authority, whichever shall first occur or be exercised, respectively, and the total amount authorized to be paid pursuant to the contract awarded pursuant to Resolution 19-1-012, and which contract is now amended by the adoption of this Resolution, shall not exceed the total sum of **\$210,000.00** without further action by the Board of Commissioners.

2. The Chairman shall be and is hereby authorized to execute a contract amending the contract previously entered into by and between the Authority and **Kaufman, Semeraro & Leibman, L.L.P.** engaging **Kaufman, Semeraro & Leibman, L.L.P.** to serve as **General Legal Counsel** to the Authority as authorized by Resolution 19-1-012 by extending the term thereof to a **One (1) Year Term**, commencing March 1, 2019, and increasing the compensation budget thereof to an amount not to exceed the total sum of **\$210,000.00**, as is now provided for by the adoption of this Resolution, in such final form as is acceptable to the Authority, as evidenced by the Chairman's signature thereon.

3. A copy of this Resolution, a copy of Resolution 19-1-012 adopted February 28, 2019, a copy of the contract retaining **Kaufman, Semeraro & Leibman, L.L.P.** to serve as **General Legal Counsel** to the Authority awarded pursuant to Resolution 19-1-012 and a copy of the contract amending said contract 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 **Kaufman, Semeraro & Leibman, L.L.P.** and the Authority.

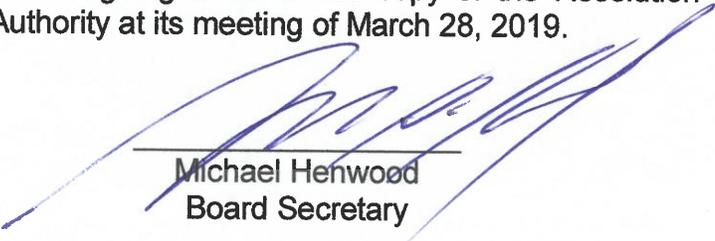
4. The Acting Treasurer's Certification that funds are available shall be placed on file and made available for public inspection at the Authority and made a part hereof.

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

**19-1-023**

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 28, 2019.



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Michael Henwood  
Board Secretary

**DATED: March 28, 2019**

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 3/28/2019

RESOLUTION #: 19-1-023

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

LEGAL  
W-350-50800-000

VENDOR

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

CONTRACT NUMBER

19022803

REASON

GENERAL LEGAL COUNSEL

**CONTRACT PERIOD CUMULATIVE AMENDED**

AMOUNT

**TOTAL WILL BE:**

\$210,000.00

CONTRACT LENGTH

MARCH 1, 2019 - FEBRUARY 29, 2020

Matthew Carter  
ACTING TREASURER

**BERGEN COUNTY UTILITIES AUTHORITY  
RESOLUTION**

**WHEREAS**, the Bergen County Utilities Authority (the "Authority") is a county utilities authority organized and existing pursuant to the Municipal and County Utilities Authority Law, N.J.S.A. 40:14B-1 et seq. (the "MCUA Law") 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**, Avalon Teaneck LLC ("Avalon"), a limited liability company of the State of New Jersey, and the owner of property located in the Township of Teaneck (the "Township"), Bergen County, New Jersey, designated on the official tax map of the Township as Block 5201, Lots 1 and 2, and commonly known as 1775 Windsor Road (the "Property"); and

**WHEREAS**, during or about 2016, Avalon applied for and received preliminary and final site plan approval from the Township Planning Board to construct a multifamily residential development and associated improvements (the "Project") on the Property; and

**WHEREAS**, during or about November 2016, Avalon submitted a treatment works application ("TWA") to the Authority for its endorsement; and

**WHEREAS**, the Authority, pursuant to the MCUA Law and the Authority's Rules and Regulations, is permitted to charge a connection fee to Avalon as the owner of the Property for connection to the Authority's sanitary sewer system; and

**WHEREAS**, Avalon disputed the connection fee imposed by the Authority for connection of the Project being constructed on the Property to the Authority's sanitary sewer system and challenged the same by filing an action in the Superior Court of New Jersey, Law Division, Bergen County Vicinage, captioned Avalon Teaneck LLC v. Bergen County Utilities Authority and bearing Docket No. BER-L-1603-18 (the "Litigation") seeking entry of final judgment in favor of Avalon and against the Authority requiring the Authority to refund the connection fee paid by Avalon to the Authority; and

**WHEREAS**, Avalon has presented an offer to the Authority pursuant to which Avalon has agreed to accept the sum of \$20,000.00 from the Authority in full satisfaction of any and all claims asserted by Avalon against the Authority in the Litigation, including the demand for full reimbursement of the connection fee paid by Avalon to the Authority; and

**WHEREAS**, the Authority, acknowledging the costs and risks associated with the Litigation, has determined that it would be advantageous to, and in the best interests of, the Authority and its ratepayers, to accept the offer of settlement presented by Avalon to the Authority to resolve the Litigation and make payment to Avalon in the amount of \$20,000.00 pursuant to the terms of a settlement agreement, particularly as the costs of litigation, including discovery and potential trial would far exceed the settlement offer, and that it would be in the best interest of the ratepayers that the Authority accept the settlement for such reasons; and

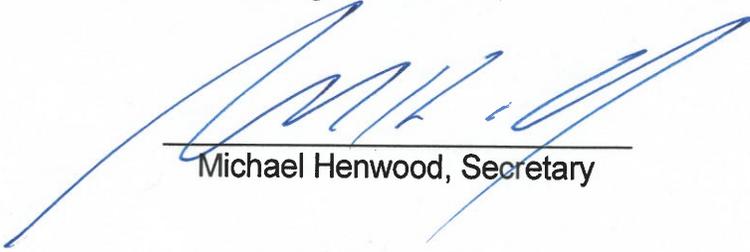
**WHEREAS**, the Authority's Acting Treasurer has certified that funds are available for this purpose.

**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 an agreement by and among the Authority and Avalon Teaneck LLC providing for the settlement of the Litigation, which terms shall include the payment in the amount of \$20,000.00 by the Authority to Avalon Teaneck LLC, in the form acceptable to the Executive Director and satisfactory to the Authority as evidenced by his signature thereon.
2. The Authority's General Legal Counsel shall be and is hereby authorized to prepare and execute any and all documents necessary to finalize and dismiss the Litigation pursuant to the agreement to be executed by the Executive Director of the Authority pursuant hereto.
3. A copy of this Resolution and a copy of the agreement 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 upon execution by Avalon Teaneck LLC and the Authority.
4. The Acting Treasurer's Certification that funds are available shall be maintained on file at the Authority and made a part hereof.
5. The formal action(s) of the Commissioners of Authority embodied herein are expressly contingent upon and subject to the provisions of N.J.S.A. 40:14B-14(b).

**19-1-024**

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 28, 2019.



\_\_\_\_\_  
Michael Henwood, Secretary

**Dated: March 28, 2019**

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 3/28/2019

RESOLUTION #: 19-1-024

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

CONNECTION FEE REBATES  
W-000-81800-000

VENDOR

AVALON TEANECK LLC

CONTRACT NUMBER

N/A

REASON

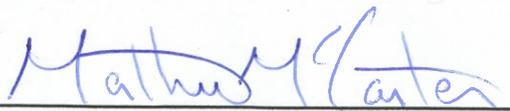
SETTLEMENT REFUND OF TREATMENT WORKS FEE

AMOUNT

\$20,000.00

CONTRACT LENGTH

N/A



ACTING TREASURER

**BERGEN COUNTY UTILITIES AUTHORITY  
RESOLUTION**

**WHEREAS**, on prior occasion, upon advertisement and pursuant to specifications, the Bergen County Utilities Authority (the "Authority") solicited bid proposals to **Furnish and Deliver Lab Supplies** for a **Two (2) Year Period**, pursuant to and in accordance with **Contract No. 19-01**; and

**WHEREAS**, the following sole bid proposal was received by the Authority on **March 14, 2019** for **Contract No.19-01**:

Vendor	Total Bid Price for Two (2) Years
Fisher Scientific Company, LLC Pittsburgh, PA	\$420,240.30

; and

**WHEREAS**, the Authority's **Interim Qualified Purchasing Agent** and the **Director of Engineering** has reviewed the sole bid proposal and has recommended that **Fisher Scientific Company, LLC** be awarded **Contract No. 19-01** 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 **Fisher Scientific Company, LLC** constitutes the lowest complying and responsible bidder for **Contract No. 19-01**, 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. **Fisher Scientific Company, LLC** shall be and is hereby determined to be the lowest complying and responsible bidder to **Furnish and Deliver Lab Supplies**, constituting **Contract No. 19-01** for a **Two (2) Year Period** for a total amount not to exceed the sum of **\$420,240.30**.

2. The Chairman shall be and is hereby authorized to execute a contract with **Fisher Scientific Company, LLC** of 300 Industry Drive, Pittsburgh, PA 15275 to **Furnish and Deliver**

19-2-014

**Lab Supplies, constituting Contract No.19-01 for a Two (2) Year Period for a total amount not to exceed the sum of \$420,240.30.**

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. 19-01, shall be placed on file and made available for public inspection in the Office of the Executive Director upon execution by **Fisher Scientific Company, 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 28, 2019.



Michael Henwood  
Secretary

**Dated: March 28, 2019**

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 3/28/2019

RESOLUTION #: 19-2-014

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

COMPLIANCE - SUPPLIES  
W-240-56400-000

VENDOR

FISHER SCIENTIFIC COMPANY, LLC

CONTRACT NUMBER

19-01

REASON

FURNISH & DELIVER LAB SUPPLIES

AMOUNT

\$420,240.30

CONTRACT LENGTH

APRIL 1, 2019 - MARCH 31, 2021

  
ACTING TREASURER

**BERGEN COUNTY UTILITIES AUTHORITY  
RESOLUTION**

**WHEREAS**, on prior occasion, upon advertisement and pursuant to specifications, the Bergen County Utilities Authority (the "Authority") solicited bid proposals to **Furnish and Deliver Endimal SH Odor Control** for a **Two (2) Year Period**, pursuant to and in accordance with **Contract No. 19-05**; and

**WHEREAS**, the following sole bid proposal was received by the Authority on **March 14, 2019** for **Contract No.19-05**:

Vendor	Unit Price (per gallon)	Total Bid Price for Two (2) Years
George S. Coyne Chemical Company, Inc. Croydon, PA	\$10.4496	\$83,596.80

; and

**WHEREAS**, the Authority's **Interim Qualified Purchasing Agent and Director of Water Pollution Control** has reviewed the sole bid proposal and has recommended that **George S. Coyne Chemical Company, Inc.** be awarded **Contract No. 19-05** 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 **George S. Coyne Chemical Company, Inc.** constitutes the lowest complying and responsible bidder for **Contract No. 19-05**, 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. **George S. Coyne Chemical Company, Inc.** shall be and is hereby determined to be the lowest complying and responsible bidder to **Furnish and Deliver Endimal SH Odor Control**, constituting **Contract No. 19-05** for a **Two (2) Year Period** for a unit price of \$10.4496 per gallon and for a total amount not to exceed the sum of **\$83,596.80**.

2. The Chairman shall be and is hereby authorized to execute a contract with **George S. Coyne Chemical Company, Inc.** of 3015 State Road, Croydon, PA 19021-6997 to **Furnish and Deliver Endimal SH Odor Control**, constituting **Contract No.19-05** for a **Two (2)**

19-2-015

**Year Period** for a unit price of \$10.4496 per gallon and for a total amount not to exceed the sum of **\$83,596.80**.

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.

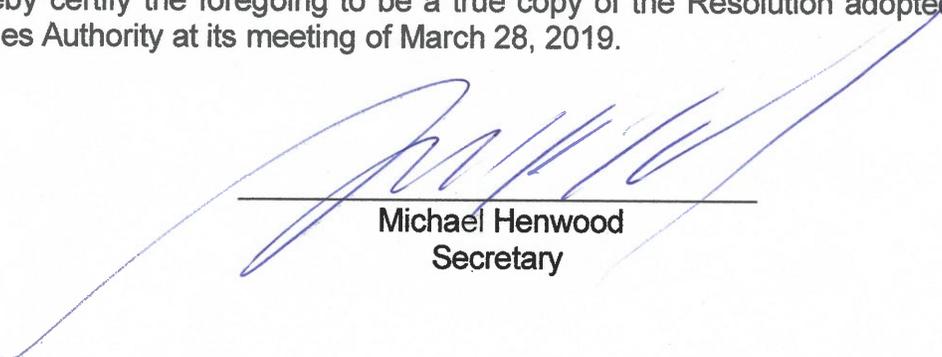
4. The Acting Treasurer's Certification that funds are available shall be maintained on file at the Authority and made a part hereof.

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. 19-05, shall be placed on file and made available for public inspection in the Office of the Executive Director upon execution by **George S. Coyne Chemical Company, Inc.** 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 28, 2019.



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Michael Henwood  
Secretary

**Dated: March 28, 2019**

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 3/28/2019

RESOLUTION #: 19-2-015

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

SUPPLIES - CHEMICALS  
W-630-63300-000

VENDOR

GEORGE S. COYNE CHEMICAL COMPANY, INC.

CONTRACT NUMBER

19-05

REASON

FURNISH & DELIVER ENDIMAL SH ODOR CONTROL

AMOUNT

\$83,596.80

CONTRACT LENGTH

APRIL 1, 2019 - MARCH 31, 2021

Matthew Carter  
ACTING TREASURER

**BERGEN COUNTY UTILITIES AUTHORITY  
RESOLUTION**

**WHEREAS**, on prior occasion, upon advertisement and pursuant to specifications, the Bergen County Utilities Authority (the "Authority") solicited bid proposals to **Furnish and Deliver Sodium Bisulfite** for a **Two (2) Year Period**, pursuant to and in accordance with **Contract No. 19-02**; and

**WHEREAS**, the following bid proposals were received by the Authority on **March 14, 2019** for **Contract No.19-02**:

<b>Vendor</b>	<b>Unit Price (per gallon)</b>	<b>Total Bid Price for Two (2) Years</b>
PVS Chemical Solutions, Inc. Detroit, MI	\$1.21	\$484,000.00
Southern Ionics Incorporated West Point, MS	\$1.32	\$528,000.00
Holland Company, Inc. Adams, MA	\$1.75/\$1.86	\$722,000.00
George S. Coyne Chemical Company, Inc. Croydon, PA	No Bid	No Bid

; and

**WHEREAS**, the Authority's **Interim Qualified Purchasing Agent and Director of Water Pollution Control**. has reviewed the bid proposals and has recommended that **PVS Chemical Solutions, Inc.** be awarded **Contract No. 19-02** 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 **PVS Chemical Solutions, Inc.** constitutes the lowest complying and responsible bidder for **Contract No. 19-02**, 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. **PVS Chemical Solutions, Inc.** shall be and is hereby determined to be the lowest complying and responsible bidder to **Furnish and Deliver Sodium Bisulfite**, constituting

19-2-016

**Contract No. 19-02 for a Two (2) Year Period** for a unit price of \$1.21 per gallon and for a total amount not to exceed the sum of **\$484,000.00**.

2. The Chairman shall be and is hereby authorized to execute a contract with **PVS Chemical Solutions, Inc.** of 10900 Harper Avenue, Detroit, MI 48213 to **Furnish and Deliver Sodium Bisulfite**, constituting **Contract No.19-02 for a Two (2) Year Period** for a unit price of \$1.21 per gallon and for a total amount not to exceed the sum of **\$484,000.00**.

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

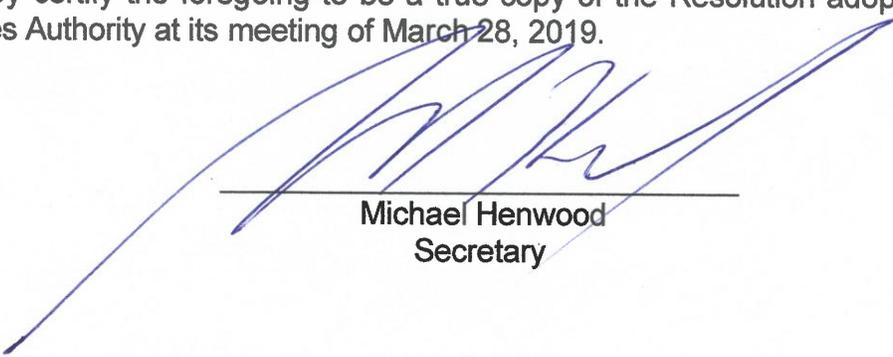
4. The Acting Treasurer's Certification that funds are available shall be maintained on file at the Authority and made a part hereof.

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

6. A copy of this Resolution and the contract executed pursuant to this Resolution, along with Contract No. 19-02, shall be placed on file and made available for public inspection in the Office of the Executive Director upon execution by **PVS Chemical Solutions, Inc.** 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 28, 2019.



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Michael Henwood  
Secretary

**Dated: March 28, 2019**

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 3/28/2019

RESOLUTION #: 19-2-016

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

FUNDS AVAILABLE

X

FUNDS ARE NOT AVAILABLE

BUDGET ACCOUNT

W-320-60250-000  
SODIUM BISULFITE

VENDOR

PVS CHEMICAL SOLUTIONS, INC.

CONTRACT NUMBER

19-02

REASON

FURNISH & DELIVER SODIUM BISULFITE

AMOUNT

\$484,000.00

CONTRACT LENGTH

APRIL 1, 2019 - MARCH 31, 2021

  
ACTING TREASURER

**BERGEN COUNTY UTILITIES AUTHORITY  
RESOLUTION**

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

**WHEREAS**, the following bid proposals were received by the Authority on **March 14, 2019** for **Contract No.19-06**:

Vendor	Total Amount Bid for One (1) Year
North Jersey Landcare Services, LLC Moonachie, NJ	\$67,580.00
LTI, Inc. Little Ferry, NJ	\$80,000.00
Better Image Landscapes, Inc. Englewood, NJ	\$219,830.00

**WHEREAS**, the Authority's **Interim Qualified Purchasing Agent and Coordinator of Contractual Operations** have reviewed the bid proposals and have recommended that **North Jersey Landcare Services, LLC** be awarded **Contract No. 19-06** 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 **North Jersey Landcare Services, LLC** constitutes the lowest complying and responsible bidder for **Contract No. 19-06**, 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. North Jersey Landcare Services, LLC** shall be and is hereby determined to be the lowest complying and responsible bidder for **Grounds Maintenance Services (One (1) Year Period with Two (2) One (1) Year Options)**, constituting **Contract No. 19-06** for a **One (1) Year Period** for an amount not to exceed the total sum of **\$67,580.00**.

19-2-017

2. The Chairman shall be and is hereby authorized to execute an agreement with **North Jersey Landcare Services, LLC** of 500 W. Commercial Ave., Moonachie, NJ 07074 for **Grounds Maintenance Services (One (1) Year Period with Two (2) One (1) Year Options)**, constituting **Contract No.19-06** for a **One (1) Year Period** for an amount not to exceed the total sum of **\$67,580.00**.

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

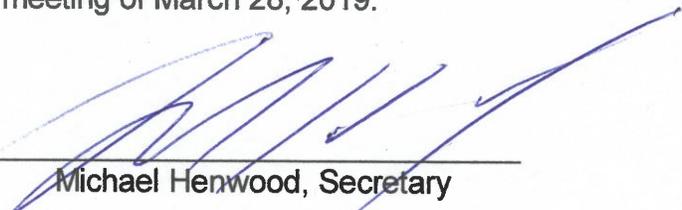
4. The Acting Treasurer's Certification that funds are available shall be maintained on file at the Authority and made a part hereof.

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

6. A copy of this Resolution and the agreement executed pursuant to this Resolution, along with Contract No. 19-06, shall be placed on file and made available for public inspection in the Office of the Executive Director upon execution by **North Jersey Landcare Services, LLC** and the Authority.

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 28, 2019.



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Michael Henwood, Secretary

Dated: **March 28, 2019**

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 3/28/2019

RESOLUTION #: 19-2-017

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

BUILDING & GROUNDS OUTSOURCING  
A-620-56200-000

VENDOR

NORTH JERSEY LANDCARE SERVICES, LLC

CONTRACT NUMBER

19-06

REASON

GROUNDS MAINTENANCE SERVICES

AMOUNT

\$67,580.00

CONTRACT LENGTH

APRIL 1, 2019 - MARCH 31, 2020



ACTING TREASURER

**BERGEN COUNTY UTILITIES AUTHORITY  
RESOLUTION**

**WHEREAS**, on prior occasion, upon advertisement and pursuant to specifications, the Bergen County Utilities Authority (the "Authority") solicited bid proposals for **Stack Retest for Cogeneration Engine 3 (Ninety (90) Consecutive Days Period - commencing after receipt of a purchase order from the Authority)**, pursuant to and in accordance with **Contract No. 19-07**; and

**WHEREAS**, the following bid proposals were received by the Authority on **March 19, 2017** for **Contract No. 19-07**:

<b>Vendor</b>	<b>Total Amount Bid for Ninety (90) Day Period</b>
AirNova, Inc. Pennsauken, NJ	\$34,050.00

**WHEREAS**, the Authority's **Interim Qualified Purchasing Agent and Director of Engineering** has reviewed the sole bid proposal and has recommended that **AirNova, Inc.** be awarded **Contract No. 19-07** 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 **AirNova, Inc.** constitutes the lowest complying and responsible bidder for **Contract No. 19-07**, 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. **AirNova, Inc.** shall be and is hereby determined to be the lowest complying and responsible bidder for **Stack Retest for Cogeneration Engine 3**, constituting **Contract No. 19-07** for a **Ninety (90) Consecutive Days Period commencing after AirNova, Inc.'s receipt of a purchase order from the Authority** for an amount not to exceed the total sum of **\$34,050.00** without further approval of the Commissioners of the Authority.

2. The Chairman shall be and is hereby authorized to execute a contract with **AirNova, Inc.** of 5845 Clayton Avenue, Pennsauken, NJ 08109 for **Stack Retest for**

**Cogeneration Engine 3, constituting Contract No.19-07 for a Ninety (90) Consecutive Days Period commencing after AirNova, Inc.'s receipt of a purchase order from the Authority for an amount not to exceed the total sum of \$34,050.00 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. 19-07**, shall be placed on file and made available for public inspection in the Office of the Executive Director upon execution by **AirNova, Inc.** 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 28, 2019.



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Michael Henwood  
Secretary

**Dated: March 28, 2019**

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 3/28/2019

RESOLUTION #: 19-2-018

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

AIRNOVA, INC.

CONTRACT NUMBER

19-07

REASON

STACK RETEST FOR COGENERATION ENGINE 3

AMOUNT

\$34,050.00

CONTRACT LENGTH

90 CONSECUTIVE DAYS AFTER DATE  
P.O. RECEIVED BY VENDOR

  
ACTING TREASURER

**BERGEN COUNTY UTILITIES AUTHORITY  
RESOLUTION**

**WHEREAS**, on prior occasion, upon advertisement and pursuant to specifications, the Bergen County Utilities Authority (the "Authority") solicited bid proposals for **Scada System Upgrade for a One (1) Year Period**, pursuant to and in accordance with **Contract No. 17-21**; and

**WHEREAS**, on December 21, 2017, the Board of Commissioners of the Authority adopted Resolution 17-2-086, finding **Schneider Electric Systems, USA, Inc.** to be the lowest complying and responsible vendor for **Scada System Upgrade for a One (1) Year Period** pursuant to and in accordance with **Contract No. 17-21** and authorizing the execution of a contract with **Schneider Electric Systems, USA, Inc.** for **Scada System Upgrade for a One (1) Year Period**, constituting **Contract No. 17-21** for a total sum of **\$268,784.45**; and

**WHEREAS**, pursuant to Article 4 of the Procurement Agreement of **Contract No. 17-21**, the contract time of **Contract No. 17-21** was a **One (1) Year Period**, which **One (1) Year Period**, pursuant to the terms of the Procurement Agreement of **Contract No. 17-21**, commenced January 1, 2018 and terminated December 31, 2018; and

**WHEREAS**, **Schneider Electric Systems, USA, Inc.** submitted to the Authority a change order proposal dated December 11, 2018 ("Change Order No. 1"), requesting that the **One (1) Year Period** of **Contract No. 17-2** be extended for a term of thirty-one (31) calendar days, which extension of time was then being requested by **Schneider Electric Systems, USA, Inc.** as being additional necessary time required to successfully complete all work pursuant to **Contract No. 17-21** as requested by the Authority; and

**WHEREAS**, the Board of Commissioners of the Authority, by Resolution 18-2-079 adopted December 20, 2018, approved Change Order No. 1 and authorized an extension of the **One (1) Year Period** of **Contract No. 17-21** for a period of thirty-one (31) calendar days as requested by Change Order No. 1, with the termination date of **Contract No. 17-21** being extended from December 31, 2018 to January 31, 2019, pursuant to, and consistent with, the terms contained in Article 12 of the Procurement General Conditions of **Contract No. 17-21**; and

**WHEREAS**, the Authority, prior to completion of all work pursuant to **Contract No. 17-21** by **Schneider Electric Systems, USA, Inc.**, determined that a quantity adjustment reduction was necessary for the total sum of \$4,800.00, which total sum was not required to be expended in order to complete the **Scada System Upgrade**, resulting in a decrease in the amount of \$4,800.00 for the total contract price of **Contract No. 17-21**; and

19-2-019

**WHEREAS, Schneider Electric Systems, USA, Inc.** has submitted to the Authority a change order proposal dated November 27, 2018 ("Change Order No. 2"), requesting a decrease in the total sum of **\$4,800.00**, which sum shall fully satisfy the decreased costs for the adjustments to complete all work under **Contract No. 17-21** as requested by the Authority and which sum does not substantially change the quality or character of the items or work to be provided and are now required in order to successfully complete **Contract No. 17-21**; and

**WHEREAS,** the Authority's **Director of Engineering** has reviewed, approved and recommended Change Order No. 2 submitted by **Schneider Electric Systems, USA, Inc.** to Process the Net Decrease in the sum of **\$4,800.00** for **Scada System Upgrade**, in accordance with **Contract No. 17-21**, for the adjusted total amended sum of **\$263,984.45**; and

**WHEREAS,** Change Order No. 2 to Process the Net Decrease in the sum of **\$4,800.00** is necessary for the efficient operation of the Authority; and

**WHEREAS, Schneider Electric Systems, USA, Inc.** has submitted payment application no.4 (final) to the Authority in the total sum of **\$22,078.45**, which payment application is the final payment application to be submitted to the Authority by **Schneider Electric Systems, USA, Inc.** pursuant to and in accordance with **Contract No. 17-21** and includes request for payment of Change Order No. 2 submitted to the Authority by **Schneider Electric Systems, USA, Inc.**; and

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

1. The Chairman, or his designee, shall be and is hereby authorized to execute Change Order No. 2 to Process the Net Decrease in the sum of **\$4,800.00** as stated in the November 27, 2018 change order proposal of **Schneider Electric Systems, USA, Inc.** for **Scada System Upgrade** in accordance with the terms of **Contract No. 17-21** for an adjusted total amended sum of **\$263,984.45**.

2. The total aggregate amount awarded for **Contract No. 17-21**, together with this amendment, shall not exceed the sum of **\$263,984.45** without further action by the Board of Commissioners of the Authority.

3. All other terms of **Contract No. 17-21** shall remain in full force and effect without modification.

4. A copy of this Resolution and **Contract No. 17-21** and Change Order No. 1 and Change Order No. 2 shall be placed on file and made available for public inspection in the Office of the Executive Director.

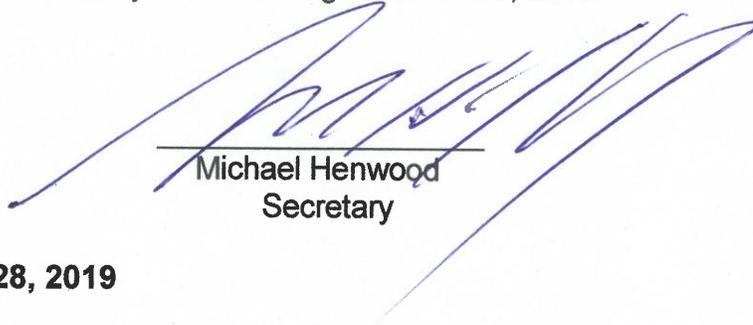
19-2-019

**19-2-019**

5. A notice of this amendment of **Contract No. 17-21** 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-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 28, 2019.



Michael Henwood  
Secretary

**Dated: March 28, 2019**

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

**WHEREAS**, pursuant to N.J.S.A. 40A:11-13(d), the Authority is permitted to acquire goods and or services of a proprietary nature provided that the acquisition meets the definition set forth in the statute; and

**WHEREAS**, N.J.A.C. 5:34-9.1 of the Local Public Contracts Law Regulations sets forth the requirements that must be followed by the Authority in order for the Authority to acquire said goods and/or services of a proprietary nature; and

**WHEREAS**, it has been brought to the attention of the Board of Commissioners of the Authority that there is a need to invoke this statute for the acquisition of two hundred one (201) modems and associated parts and services ("Required Parts") for the Authority's Flow Information Management System ("FIMS") which design calls for the use of a cellular-based remote telemetry unit at metering sites within the Authority's collection system to measure and record sewage flow data as well as the use of information management software; and

**WHEREAS**, Telog Company designed the FIMS that the Authority utilizes and Telog Company is the sole and exclusive manufacturer of the Required Parts specifically designed to fit in the FIMS which are now needed to be acquired by the Authority; and

**WHEREAS**, based upon the above, the Authority must acquire the specific Required Parts that are essential for the operation of the Authority's FIMS and which Required Parts are solely and exclusively manufactured by Telog Company and a "brand name or equivalent" bid is not feasible for the acquisition of the Required Parts, along with the associated computer software system; and

**WHEREAS**, based upon the above, the Required Parts are "proprietary" under N.J.S.A. 40A:11-2(39); and

**WHEREAS**, acquisition of the Required Parts by the Authority is necessary for the efficient operation of the Authority.

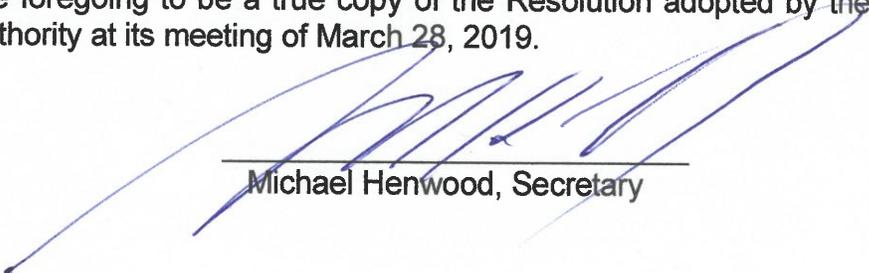
**NOW THEREFORE, BE IT RESOLVED** by the Commissioners of the Bergen County Utilities Authority as follows:

1. The Authority's Interim Qualified Purchasing Agent shall be and is hereby authorized to prepare bid specifications for the acquisition of the Required Parts, and for acquisition of the associated computer software system to the extent public bidding is required for same, for the Authority's FIMS using proprietary language pursuant to N.J.S.A. 40A:11-13(d) and N.J.A.C. 5:34-9.1.

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

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

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of March 28, 2019.



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Michael Henwood, Secretary

**Dated: March 28, 2019**

**BERGEN COUNTY UTILITIES AUTHORITY  
RESOLUTION**

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

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

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

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

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

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

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

**WHEREAS**, by Resolution 16-2-078 adopted December 22, 2016, the Board of Commissioners, finding it to be in the Authority's best interests, ratified and approved

the Authority's continuing participation as a member in the NJPA National Cooperative Pricing System for the procurement of goods and services; and

**WHEREAS**, NJPA has now advised the Authority that it has changed its name to "Sourcewell", no longer engaging in business under "National Joint Powers Alliance" or "NJPA"; and

**WHEREAS**, the Authority, as a result of the information provided by Sourcewell and through its own investigation, has confirmed that the change by NJPA was one in name only, with Sourcewell now otherwise being the same entity formerly known and conducting business as NJPA and continuing to now engage in the same business under the name Sourcewell as it did when known and conducting business as NJPA; and

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

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

1. Pursuant to the provisions of N.J.S.A. 52:34-6.2, the membership of the Authority in the Sourcewell (f/k/a NJPA) National Cooperative Pricing System, Member #55381, shall be and is hereby ratified and approved and the Executive Director or his designee shall be and is hereby authorized to execute and enter into a member participation agreement or such other documents as may be necessary to allow the Authority to continue to participate as a member in the Sourcewell National Cooperative Pricing System.

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

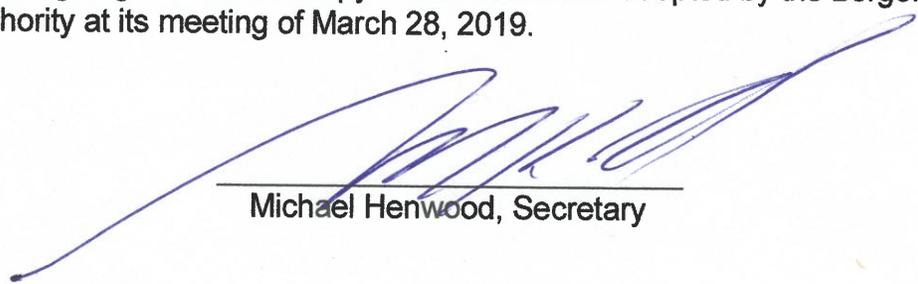
3. A copy of this Resolution and a copy of the member participation agreement entered into by the Authority with Sourcewell pursuant to this Resolution, if any, and a copy of the Certificate of Membership issued by Sourcewell to the Authority, shall be placed on file and made available for public inspection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

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

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

19-2-021

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 28, 2019.



\_\_\_\_\_  
Michael Henwood, Secretary

**Dated: March 28, 2018**

**BERGEN COUNTY UTILITIES AUTHORITY  
RESOLUTION**

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

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

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

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

**WHEREAS**, by Resolution 16-2-078 adopted December 22, 2016, the Board of Commissioners of the Authority ratified and affirmed the membership of the Authority (Membership #55381) with nationally recognized National Joint Powers Alliance ("NJPA"), allowing the Authority to continue to participate in the NJPA National Cooperative Pricing System to purchase goods and contract for services, making the procurement process more efficient and providing cost savings to the Authority and its ratepayers; and

**WHEREAS**, NJPA has now advised the Authority that it has changed its name to "Sourcewell", no longer conducting business under the name "National Joint Powers Alliance" or "NJPA"; and

**WHEREAS**, by Resolution 19-2-022 adopted March 28, 2019, the Board of Commissioners of the Authority ratified and affirmed the membership of the Authority with Sourcewell (f/k/a NJPA), allowing the Authority to continue to participate in the Sourcewell National Cooperative Pricing System to purchase goods and contract for services, making the procurement process more efficient and providing cost savings to the Authority and its ratepayers; and

**WHEREAS**, the Authority currently has the need to purchase two (2) Collector Drivers; and

**WHEREAS**, Sourcewell previously awarded a contract to Motion Industries Inc. of 141 Market Street, Unit 8, Kenilworth, NJ 07608, under Sourcewell Contract No. 121218-MII, for the purchase of, among other things, Collector Drivers; and

**WHEREAS**, the Authority, as a member of the Sourcewell National Cooperative Pricing System, is able to procure two (2) Collector Drivers from Motion Industries Inc. under Sourcewell Contract No. 121218-MII for the total sum of \$63,799.32 as set forth and contained in the written quotation dated February 27, 2019 submitted to the Authority by Motion Industries Inc.; and

**WHEREAS**, it has been recommended by the Authority's Interim Qualified Purchasing Agent that it would be advantageous to the Authority, and result in a cost savings to the Authority and its ratepayers, to procure the two (2) Collector Drivers from Motion Industries Inc. through Sourcewell Contract No. 121218-MII; and

**WHEREAS**, Sourcewell National Cooperative Pricing System Contract No. 121218-MII meets the "Fair and Open" process requirements of N.J.S.A. 19:44A-20.4 et seq.; and

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

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

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

1. The Executive Director, or his designee, shall cause notice of the action to be taken pursuant to this Resolution, specifically the procurement of two (2) Collector Drivers, from Motion Industries Inc. under Sourcewell Contract No. 121218-MII for an amount not to exceed the total sum of \$63,799.32, to be published once in The Record and The Herald News, the official newspapers of the Authority, which publication shall provide for a ten (10) day comment period and shall be published not less than ten (10) days prior to the Authority taking subsequent action as authorized by this Resolution.

2. Pursuant to the provisions of N.J.S.A. 52:34-6.2(b)(3), upon the expiration of the ten (10) day publication comment period as provided for herein, the Authority shall be and is hereby authorized to procure two (2) Collector Drivers, from Motion Industries Inc. under Sourcewell Contract No. 121218-MII for an amount not to exceed the total sum of \$63,799.32, and the Chairman, or his designee, shall be and is hereby authorized to execute and enter into any contract and/or any other necessary documents as may be required for the Authority to complete this authorized purchase in accordance with the

terms of Sourcewell Contract No. 121218-MII as a member of the Sourcewell National Cooperative Pricing System.

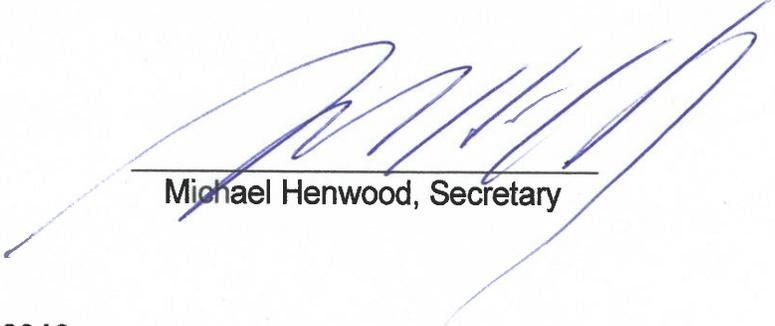
3. The Authority shall be responsible to ensure that that goods and/or services procured through the Sourcewell National Cooperative Pricing System comply with all applicable provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., and all other provisions of the revised statutes of the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

4. A copy of this Resolution, a copy of the Certificate of Membership issued by Sourcewell 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.

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

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

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of March 28, 2019.



\_\_\_\_\_  
Michael Henwood, Secretary

**Dated: March 28, 2019**

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 3/28/2019

RESOLUTION #: 19-2-022

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 CAPITAL - MISCELLANEOUS EQUIPMENT  
W-200-80800-000

VENDOR MOTION INDUSTRIES, INC.

CONTRACT NUMBER SOURCEWELL CONTRACT NO. 011614-MII

REASON AUTHORIZE PURCHASE OF TWO (2)  
COLLECTOR DRIVERS

AMOUNT \$63,799.32

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 (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**, the Authority has determined that it is necessary, and in the best interest of the Authority and its ratepayers, to improve the resiliency of certain facilities of the Authority so that the facilities of the Authority may continue to function and provide critical services to Authority ratepayers in extreme and adverse weather conditions which are likely to cause flooding in and around the Authority, such as Superstorm Sandy, as has been experienced in the past; and

**WHEREAS**, the Authority has identified certain projects as necessary to improving the resiliency of the Authority in such extreme and adverse weather conditions, which projects include the purchase, acquisition or construction and installation of a 175,000 cubic feet biogas storage system or membrane storage and related instrumentation at the Authority's plant located in the Borough of Little Ferry and all work and costs necessary and ancillary thereto, making the system more resilient by allowing the Authority to stabilize the fluctuation in biogas supply and demand by providing the Authority with the capability to augment the biogas supply feeding the Authority's three (3) existing Combined Heat and Power Cogeneration units during power outages (the "**Little Ferry Water Pollution Control Facilities Energy Resilience Bank Biogas Storage System Project**" or "**Project**"); and

**WHEREAS**, the New Jersey Energy Resilience Bank ("NJERB") has been established by the State of New Jersey to provide assistance in funding resiliency projects such as the **Project**; and

**WHEREAS**, the Board of Commissioners of the Authority, by Resolution 16-1-033 adopted June 23, 2016, authorized the Authority to prepare and submit an application for grant monies and/or a low interest loan from the NJERB to provide necessary financing for the **Project** (the "NJERB Application"); and

**WHEREAS**, by written memorandum of the New Jersey Economic Development Authority (the "NJEDA") dated July 14, 2016, the Authority was advised that the Authority's NJERB Application was awarded preliminary approval by the NJEDA and, as a result of that preliminary approval, the Authority's NJERB Application would be moving forward to

the next phase of review and approval and NJERB funds would be reserved to provide the Authority with necessary financing for the **Project**; and

**WHEREAS**, the Authority has been conditionally awarded funding for the **Project** in the form of a combination of grant monies and a low interest loan from the NJERB and the Authority then determined to procure engineering and construction professionals to implement the **Project**; and

**WHEREAS**, the Board of Commissioners of the Authority, by Resolution 16-2-059 adopted August 25, 2016, authorized the Authority to utilize the competitive contracting process of the Local Public Contracts Law (the "LPCL"), pursuant to and in accordance with N.J.S.A. 40A:11-4.1 et seq., to procure professional engineering services to undertake and complete the **Project**; and

**WHEREAS**, on February 8, 2017, the Authority issued a Request for Proposals for Professional Engineering Services ("RFP") pursuant to the competitive contracting process of the LPCL, N.J.S.A. 40A:11-4.3, seeking the submission of proposals from qualified and experienced engineering consultants for the Authority's **Little Ferry Water Pollution Control Facilities Energy Resilience Bank Biogas Storage System Project**; and

**WHEREAS**, on March 8, 2017, the Authority received proposals submitted in response to the RFP from the following five (5) firms: CDM Smith, CME Associates, Remington, Vernick & Arango, Aecom Technical Services, Inc. and Alaimo Group; and

**WHEREAS**, the proposals were reviewed the Authority's Review Committee, Special Counsel and staff of the NJEDA and evaluated in accordance with the requirements of the RFP and the requirements of the competitive contracting process set forth in the LPCL; and

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

**WHEREAS**, as set forth in the Report, the Review Committee recommended that a contract award be made to Aecom Technical Services, Inc. for the reasons set forth in the Report, and the Board of Commissioners of the Authority desired to award a contract to Aecom Technical Services, Inc., in accordance with the Report of the Review Committee and the recommendations set forth and contained therein; and

**WHEREAS**, Aecom Technical Services, Inc. was retained by the Authority pursuant to Resolution 17-2-019 adopted by the Board of Commissioners of the Authority on March 23, 2017; and

**WHEREAS**, pursuant to Resolution 17-2-019, Aecom Technical Services, Inc. and the Authority entered into a contract on April 6, 2017 (the "2017 Contract") that included the scope of services set forth and included in the RFP and in the written proposal submitted by Aecom Technical Services, Inc. to the Authority in response thereto; and

**WHEREAS**, based upon Aecom Technical Services, Inc.'s Technical Memorandum entitled "Comparison of Biogas Storage Options" dated September 18, 2017 (the "Memorandum"), the Authority has determined that the membrane storage approach will best serve the Authority in connection with its goal of capturing and storing a higher volume of biogas; and

**WHEREAS**, the Memorandum also recommended improvements to the digester system and the Authority has determined that the improvements to the digester system are necessary to enhance biogas production and energy resiliency; and

**WHEREAS**, the Authority then asked the NJEDA to consider a change to the **Project** scope to include the membrane storage approach and the digester system improvements; and

**WHEREAS**, the NJEDA adopted a resolution on August 10, 2018 that approved the change to the **Project** scope to include, among other changes, the membrane storage approach and the digester system improvements; and

**WHEREAS**, the NJEDA August 10, 2018 resolution included a statement that the changes to the **Project** scope will result in a more resilient and green Authority with the ability to capture additional fuel supply and maximize the storage capacity and that the revised **Project** is an eligible project at a public critical facility which meets all NJERB funding requirements; and

**WHEREAS**, based upon the change to the **Project** scope, additional engineering design work ("Additional Services") is needed that is outside the scope of services set forth in the 2017 Contract; and

**WHEREAS**, Aecom Technical Services, Inc. provided to the Authority an expanded scope of services proposal (the "Aecom Proposal") dated March 21, 2019 to provide the Additional Services; and

**WHEREAS**, the Authority has reviewed and evaluated the Aecom Proposal and has determined Aecom Technical Services, Inc. is the logical engineering firm to undertake and complete the Additional Services required for the membrane storage approach and digester system improvements for the **Project** based upon several factors including the price of the Additional Services work, Aecom Technical Services, Inc.'s detailed familiarity with the **Project** based on the work conducted by Aecom Technical Services, Inc. to date, the delays to the **Project** that would be caused by the issuance of a new request for proposals for the Additional Services, and the additional

cost of the potential duplication of work that may have to be done if an engineering firm other than Aecom Technical Services, Inc. was contracted to provide the Additional Services for the **Project**; and

**WHEREAS**, in accordance with the requirements of the LPCL and the NJEDA CDBG-DR Administrative Manual, and based upon consultation with the staff of the NJEDA and with the recommendation of the Authority's Director of Engineering, the Authority wishes to amend the 2017 Contract to expand the scope of services to be undertaken and completed by Aecom Technical Services, Inc. for the **Project** to include the Additional Services; and

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

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

1. The Authority's contract with Aecom Technical Services, Inc. dated April 6, 2017, authorized by Authority Resolution 17-2-019 adopted March 23, 2017, shall be and is hereby amended to provide the Additional Services to the Authority for the Authority's **Little Ferry Water Pollution Control Facilities Energy Resilience Bank Biogas Storage System Project** in accordance with the Aecom Proposal for an amount not to exceed the total sum of \$5,230,000 which sum is computed based on hourly rates plus all reimbursable items for tasks performed as set forth in the written proposal submitted to the Authority by Aecom Technical Services, Inc. dated March 21, 2019, without further approval of the Commissioners of the Authority.

2. The Chairman shall be and he is hereby authorized to execute an amendment to the April 6, 2017 contract by and between the Authority and Aecom Technical Services, Inc. memorializing the Additional Services to be performed by Aecom Technical Services, Inc. for the Authority's **Little Ferry Water Pollution Control Facilities Energy Resilience Bank Biogas Storage System Project** and the compensation to be paid therefore, in final form acceptable to the Chairman and satisfactory to the Authority, as evidenced by the Chairman's signature thereon.

3. A copy of this Resolution and the contract amendment retaining Aecom Technical Services, Inc. to provide the Additional Services to the Authority for the **Little Ferry Water Pollution Control Facilities Energy Resilience Bank Biogas Storage System Project** pursuant to this Resolution shall be placed on file and made available for public inspection in the Office of the Executive Director, upon execution by Aecom Technical Services, Inc. and the Authority.

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

**19-2-023**

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

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

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of March 28, 2019.



Michael Henwood  
Secretary

**DATED: March 28, 2019**

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 3/28/2019  
RESOLUTION #: 19-2-023

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 ERB GRANT

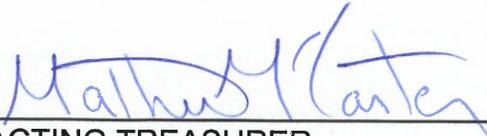
VENDOR AECOM TECHNICAL SERVICES, INC.

CONTRACT NUMBER 17032302

REASON INCREASE IN THE ENGINEERING SERVICES  
LITTLE FERRY WPC FACILITIES ENERGY RESILIENCE  
BANK BIOGAS STORAGE SYSTEM PROJECT

AMOUNT \$5,230,000.00

CONTRACT LENGTH TO COMPLETION

  
\_\_\_\_\_  
ACTING TREASURER

**BERGEN COUNTY UTILITIES AUTHORITY  
RESOLUTION**

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

**WHEREAS**, the operation and maintenance of an effective and efficient water pollution control system, including but not limited to the daily operation of the Authority's Water Pollution Control Facility situated in the Borough of Little Ferry, Bergen County, New Jersey (the "Little Ferry WPCF"), 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, Alaimo Group**, the Authority's General Consulting Engineer, at the request of the Authority, previously evaluated Final Settling Tanks 1 through 8, issuing a written report to the Authority captioned "Evaluation of Cross Trough and Weir Replacement Final Settling Tanks 1 thru 8" dated March 2017 (the "2017 Report"); and

**WHEREAS**, subsequent to the review of the 2017 Report by the Authority's Director of Engineering, the Authority requested that the **Alaimo Group** expand its review of the Final Settling Tanks to include Final Settling Tanks 9, 10, 11 and 12 (the "Expanded Review"), which Expanded Review was completed by the **Alaimo Group** as was requested by the Authority; and

**WHEREAS**, based upon the findings of the 2017 Report and the Expanded Review, the Authority determined that certain engineering services are required for designing, developing specifications and providing construction management for the **Final Settling Tanks 1 through 12 Improvements Project** located at the Authority's Little Ferry WPCF; and

**WHEREAS**, as part of the **Final Settling Tanks 1 through 12 Improvements Project**, 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 provide those services as are needed for the completion of the **Final Settling Tanks 1 through 12 Improvements Project**; and

**WHEREAS**, said engineering 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. as **Alaimo Group** responded to the Authority's publicly advertised "Request for Qualifications" and was qualified as competent to provide consulting engineering services by Resolution 19-2-001 adopted January 24, 2019 by the Commissioners of the Authority; and

**WHEREAS**, based on **Alaimo Group's** Statement of Qualifications and prior history, the Authority issued a Request for Proposal providing a scope of work for the **Final Settling Tanks 1 through 12 Improvements Project**; and

**WHEREAS**, **Alaimo Group** has submitted to the Authority a written proposal dated February 19, 2019 (the "Proposal") to provide the aforesaid professional engineering services for **Final Settling Tanks 1 through 12 Improvements Project**, for an amount not to exceed the total sum of **\$300,000.00** as more fully set forth and contained in the Proposal, which Proposal has been reviewed and determined to be fair and reasonable by the Director of Engineering of the Authority; and

**WHEREAS**, the proposal included certain attachments, including hourly billing rates; and

**WHEREAS**, **Alaimo Group** previously provided to the Authority a Certificate of Liability Insurance naming the Authority as additional insured, New Jersey Business Registration Certificate, Ownership Disclosure Statement, Affirmative Action Compliance Notice and Certificate of Employee Information Report; and

**WHEREAS**, the Authority has determined, based upon the foregoing, that it is necessary for the efficient operation of the Authority to retain the services of **Alaimo Group** to provide these engineering services to the Authority in connection with the **Final Settling Tanks 1 through 12 Improvements Project**; and

**WHEREAS**, the Authority desires to appoint and retain **Alaimo Group** for the providing of the engineering services to the Authority for the **Final Settling Tanks 1 through 12 Improvements Project** for an amount not to exceed the total sum of **\$300,000.00**; 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.

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

1. The **Alaimo Group** shall be and is hereby appointed to serve as **Engineer** to the Authority for the **Final Settling Tanks 1 through 12 Improvements Project** for an amount not to exceed the total sum of **\$300,000.00** without further action by the Board of Commissioners of the Authority.

2. The Chairman shall be and is hereby authorized to execute a contract, similar in form and substance to the contract on file at the Authority, by and among the Authority and **Alaimo Group** 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 contract retaining **Alaimo Group** as **Engineer** as approved and 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.

4. The total amount authorized to be paid by the Authority to **Alaimo Group** pursuant to the contract herein awarded for the **Final Settling Tanks 1 through 12 Improvements Project** shall not exceed the total sum of **\$300,000.00** 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 Authority embodied herein are expressly contingent upon and subject to the provisions of N.J.S.A. 40:14B-14(b).

19-2-024

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 28, 2019.



Michael Henwood  
Secretary

Dated: March 28, 2019



**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 **Remington, Vernick and Arango Engineers ("RVA")** of Secaucus, New Jersey, a licensed professional engineer, to serve as **Energy Management and Related Air Pollution Control Permit Engineering Consultant** to the Authority; and

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

**WHEREAS**, the Authority has adopted a qualifications-based selection policy and a fair and open process for professional services, pursuant to N.J.S.A. 19:44A-20.4 et seq. through a publicly advertised Request for Qualifications ("RFQ") and Request for Proposals ("RFP"); and

**WHEREAS**, RVA submitted a written proposal dated February 15, 2019 (the "Proposal") to serve as **Energy Management and Related Air Pollution Control Permit Engineering Consultant** to the Authority, which proposal was reviewed by the Authority's Director of Engineering; and

**WHEREAS**, the Director of Engineering of the Authority determined from recent services and RVA's statement of qualifications that RVA is competent, qualified, and experienced to serve as **Energy Management and Related Air Pollution Control Permit Engineering Consultant** to the Authority and the Authority's Board of Commissioners, by Resolution 19-2-006 adopted February 28, 2019, appointed RVA to serve as **Energy Management and Related Air Pollution Control Permit Engineering Consultant** to the Authority for a **Sixty (60) Day Term** (commencing March 1, 2019), until a successor is selected, or at the pleasure of the Authority, whichever shall first occur or be exercised, respectively; and

**WHEREAS**, the Authority now desires to appoint and retain **RVA** to serve as **Energy Management and Related Air Pollution Control Permit Engineering Consultant** to the Authority for a **One (1) Year Term**, retroactive to March 1, 2019, until a successor is selected, or at the pleasure of the Authority, whichever shall first occur or be exercised, respectively; and

**WHEREAS**, the Authority has determined, based upon the foregoing, that it is necessary for its efficient operation to retain the services of **RVA** to serve as **Energy Management and Related Air Pollution Control Permit Engineering Consultant** to the Authority; and

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

**WHEREAS**, 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**, 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.

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

1. Resolution 19-2-006 adopted February 28, 2019 shall be and hereby is amended, and the contract entered into by and between the Authority and **RVA** pursuant thereto shall be amended, to provide that **RVA** shall be and is hereby appointed to serve as **Energy Management and Related Air Pollution Control Permit Engineering Consultant** to the Authority for a **One (1) Year Term**, with said **One (1) Year Term** commencing March 1, 2019, until a successor is selected, or at the pleasure of the Authority, whichever shall first occur or be exercised, respectively, and the total amount authorized to be paid pursuant to the contract awarded pursuant to Resolution 19-2-006, and which contract is now amended by the adoption of this Resolution, shall not exceed the total sum of **\$125,000.00** without further action by the Board of Commissioners.

2. The Chairman shall be and is hereby authorized to execute a contract amending the contract previously entered into by and between the Authority and **RVA** engaging **RVA** to serve as **Energy Management and Related Air Pollution Control Permit Engineering Consultant** to the Authority as authorized by Resolution 19-2-006 by extending the term thereof to a **One (1) Year Term**, commencing March 1, 2019, and

increasing the compensation budget thereof to an amount not to exceed the total sum of **\$125,000.00**, as is now provided for by the adoption of this Resolution, in such final form as is acceptable to the Authority, as evidenced by the Chairman's signature thereon.

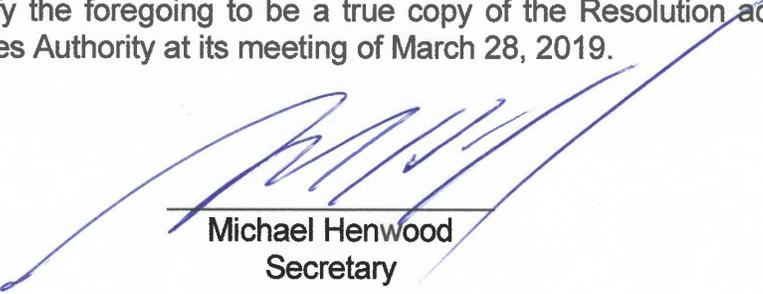
3. A copy of this Resolution, a copy of Resolution 19-2-006 adopted February 28, 2019, a copy of the contract retaining **RVA** to serve as **Energy Management and Related Air Pollution Control Permit Engineering Consultant** to the Authority awarded pursuant to Resolution 19-2-006 and a copy of the contract amending said contract 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 **RVA** and the Authority.

4. The Acting Treasurer's Certification that funds are available shall be placed on file and made available for public inspection in the Office of the Executive Director.

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

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

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of March 28, 2019.



Michael Henwood  
Secretary

**Dated: March 28, 2019**

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 3/28/2019

RESOLUTION #: 19-2-025

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

ENGINEERING  
W-350-50400-000

VENDOR

REMINGTON, VERNICK & ARANGO ENGINEERS

CONTRACT NUMBER

19022812

REASON

ENERGY MANAGEMENT & RELATED AIR POLLUTION  
CONTROL PERMIT ENGINEERING CONSULTANT

AMOUNT

CONTRACT PERIOD CUMULATIVE AMENDED  
TOTAL WILL BE:  
\$125,000.00

CONTRACT LENGTH

MARCH 1, 2019 - FEBRUARY 29, 2020

  
\_\_\_\_\_  
ACTING TREASURER

**BERGEN COUNTY UTILITIES AUTHORITY  
RESOLUTION**

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

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

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

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

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

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

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

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

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

**WHEREAS**, the Authority ultimately entered into an Administrative Consent Order (the "2015 ACO") with the NJDEP 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**, North Bergen Liberty Generating, LLC, a Delaware limited liability company having its principal offices at 633 West 5<sup>th</sup> Street, Suite 1000, Los Angeles, California 90071 ("NBLG"), is proposing the construction of a 1,200 megawatt, natural gas-fired electric generating facility to be located in North Bergen, New Jersey (the "NBLG Facility") along with the installation of underground electric power transmission lines (the "Transmission Lines") extending from the NBLG Facility to Edgewater, New Jersey and continuing under the Hudson River; and

**WHEREAS**, subsequent to the commencement of the Edgewater WPCF Project, the Authority was approached by NBLG for the purchase of treated effluent by NBLG from the Authority, to be delivered by a pipeline extending from the Authority's Little Ferry WPCF to the NBLG Facility (the "Effluent Pipeline") for reuse as a coolant for the NBLG Facility; and

**WHEREAS**, in furtherance of the Edgewater WPCF Project, the Authority has engaged professionals, and has continued to fund various activities by those professionals, in order to complete the necessary due diligence and gather the necessary data required by the Authority to complete the Edgewater WPCF Project pursuant to and consistent with the terms of the 2015 ACO; and

**WHEREAS**, the proposed routes of the Effluent Pipeline and the Transmission Lines traverse and overlap the same properties in the same general location as the proposed alignment of the sanitary sewer force main to be constructed by the Authority as part of the Edgewater WPCF Project, extending from the Authority's Edgewater WPCF to the Overpeck Trunk Sewer in Ridgefield, New Jersey; and

**WHEREAS**, as a result of the close proximity of the proposed routes of the Authority's sanitary sewer force main and the Effluent Pipeline and Transmission Lines, the professionals engaged by the Authority for the Edgewater WPCF Project have advised the Authority that certain due diligence work product obtained by NBLG relating to the proposed routes for the Effluent Pipeline and Transmission Lines, including title work, environmental reports and geotech investigation reports, are essentially the same due diligence reports required for the Authority's sanitary sewer force main and can be utilized by the Authority in furtherance of its continuing due diligence investigation for the Edgewater WPCF Project at a savings in cost; and

**WHEREAS**, NBLG previously advised the Authority that it would provide to the Authority the due diligence work product obtained by NBLG as was requested by the Authority in exchange for a payment by the Authority to NBLG in an approximate amount not to exceed the total sum of \$275,000.00, representing the Authority's proportionate share of the total costs incurred by NBLG for the production of the due diligence work product provided to the Authority by NBLG; and

**WHEREAS**, the Authority determined at that time that it was in the best interests of the Authority and its ratepayers to purchase the due diligence work product materials from NBLG as it would expedite the remaining due diligence work to be completed by the Authority for the Edgewater WPCF Project and would result in a significant cost savings to the Authority; and

**WHEREAS**, the Board of the Directors of the Authority, by Resolution 18-2-057 adopted September 25, 2018, authorized the acquisition of the due diligence work product materials by the Authority from NBLG and further authorized payment for the same in an amount not to exceed the total sum of \$275,000.00, representing the Authority's proportionate share of the cost of the due diligence work product; and

**WHEREAS**, the Authority obtained certain due diligence work product from NBLG as authorized by Resolution 18-2-057 and made payments to NBLG as authorized by Resolution 18-2-057 totaling the sum of \$80,060.36; and

**WHEREAS**, subsequent to the adoption of Resolution 18-2-057, the Board of Commissioners of the Authority, by Resolution 18-2-071 adopted November 19, 2018, authorized the Authority to enter into a work product sharing agreement with NBLG, expanding the scope of the due diligence work product to be both acquired from and provided to NBLG by the Authority; and

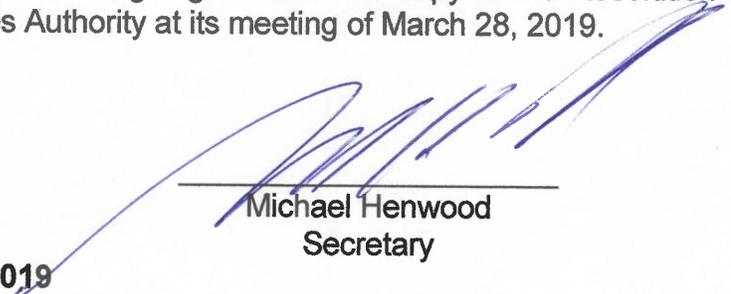
**WHEREAS**, the Authority, as authorized by Resolution 18-2-071, entered into a Work Product Sharing Agreement with NBLG dated December 17, 2018 (the "Agreement") and, as a result of the execution of that Agreement by the Authority and NBLG, the Authority no longer requires the acquisition of due diligence work product from NBLG as authorized by Resolution 18-2-057; and

**WHEREAS**, as the Authority no longer requires the acquisition of due diligence work product form NBLG under Resolution 18-2-057, it is in the best interests of the Authority, and the Authority now desires, to terminate Resolution 18-2-057 and the budget authorized to be expended pursuant thereto by the Authority.

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

1. The authorizations granted to the Authority by and pursuant to Resolution 18-2-057 adopted September 25, 2018, including but not limited to the authorization to expend funds for the acquisition of due diligence work product in connection with the Edgewater WPCF Project, shall be and hereby are terminated in their entirety, as of the adoption of this Resolution.
2. A copy of this Resolution shall be placed on file and made available for public inspection in the Office of the Executive Director.
3. A notice of the adoption of this Resolution shall be published in the form prescribed by law.
4. The formal action(s) of the Commissioners of Authority embodied herein are expressly contingent upon and subject to the provisions of N.J.S.A. 40:14B-14(b).

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of March 28, 2019.



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Michael Henwood  
Secretary

**Dated: March 28, 2019**

**BERGEN COUNTY UTILITIES AUTHORITY  
RESOLUTION**

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

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

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

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

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

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

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

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

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

**WHEREAS**, the Authority ultimately entered into an Administrative Consent Order (the "2015 ACO") with the NJDEP 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**, North Bergen Liberty Generating, LLC, a Delaware limited liability company having its principal offices at 633 West 5<sup>th</sup> Street, Suite 1000, Los Angeles, California 90071 ("NBLG"), is proposing the construction of a 1,200 megawatt, natural gas-fired electric generating facility to be located in North Bergen, New Jersey (the "NBLG Facility") along with the installation of underground electric power transmission lines (the "Transmission Lines") extending from the NBLG Facility to Edgewater, New Jersey and continuing under the Hudson River; and

**WHEREAS**, subsequent to the commencement of the Edgewater WPCF Project, the Authority was approached by NBLG for the purchase of treated effluent by NBLG from the Authority, to be delivered by a pipeline extending from the Authority's Little Ferry WPCF to the NBLG Facility (the "Effluent Pipeline") for reuse as a coolant for the NBLG Facility; and

**WHEREAS**, in furtherance of the Edgewater WPCF Project, the Authority has engaged professionals, and has continued to fund various activities by those professionals, in order to complete the necessary due diligence and gather the necessary data required by the Authority to complete the Edgewater WPCF Project pursuant to and consistent with the terms of the 2015 ACO; and

**WHEREAS**, the proposed routes of the Effluent Pipeline and the Transmission Lines traverse and overlap the same properties in the same general location as the proposed alignment of the sanitary sewer force main to be constructed by the Authority as part of the Edgewater WPCF Project, extending from the Authority's Edgewater WPCF to the Overpeck Trunk Sewer in Ridgefield, New Jersey; and

**WHEREAS**, as a result of the close proximity of the proposed routes of the Authority's sanitary sewer force main and the Effluent Pipeline and Transmission Lines, the professionals engaged by the Authority for the Edgewater WPCF Project advised the Authority that certain due diligence work being undertaken and obtained by NBLG relating to the proposed routes for the Effluent Pipeline and Transmission Lines is essentially the same due diligence work required for the Authority's sanitary sewer force main and can be utilized by the Authority in furtherance of its continuing due diligence investigation for the Edgewater WPCF Project at a savings in cost; and

**WHEREAS**, the Authority determined that it is in the best interests of the Authority and its ratepayers for the Authority to enter into an agreement with NBLG providing for NBLG and the Authority sharing in, and contributing to the payment of, such due diligence expenses which relate to services provided by engineering consultants including, but not limited to, POWER Engineers, AKRF Environmental and Planning Consultants, GZA, Neglia Engineering Associates and Alaimo Group; and

**WHEREAS**, the Authority, as authorized by the Board of Commissioners pursuant to Resolution 18-2-071 adopted November 19, 2018, entered into the Work Project Sharing Agreement with NBLG dated December 17, 2018; and

**WHEREAS**, the Authority has determined that it is in the best interest of the Authority to adopt a compensation budget for the funds to be expended by the Authority pursuant to that Work Project Sharing Agreement entered into by the Authority with NBLG; 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. The Executive Director or his designee shall be and is hereby authorized and directed to execute a purchase order, or purchase orders as may be required, presented to the Authority by NBLG pursuant to the Work Product Sharing Agreement dated December 17, 2018 entered into by the Authority with NBLG in connection with the Edgewater WPCF Project as authorized by Resolution 18-2-071, for an amount not to exceed the total sum of \$300,000.00 without further approval of the Commissioners of the Authority.

2. A copy of this Resolution, and the Work Product Sharing Agreement dated December 17, 2018 previously executed on behalf of the Authority and NBLG, shall be placed on file and made available for public inspection in the Office of the Executive Director.

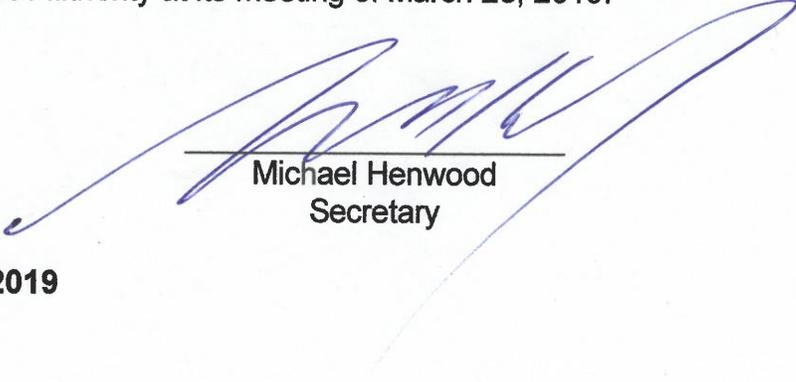
19-2-027

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

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

5. The formal action(s) of the Commissioners of 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 28, 2019.



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Michael Henwood  
Secretary

**Dated: March 28, 2019**

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 3/28/2019

RESOLUTION #: 19-2-027

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

NORTH BERGEN LIBERTY GENERATING, LLC

CONTRACT NUMBER

19032801

REASON

EDGEWATER WPCF PROJECT  
WORK PROJECT SHARING AGREEMENT

AMOUNT

\$300,000.00

CONTRACT LENGTH

TO COMPLETION

  
ACTING TREASURER

**BERGEN COUNTY UTILITIES AUTHORITY  
RESOLUTION**

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

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

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

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

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

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

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

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

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

**WHEREAS**, the Authority ultimately entered into an Administrative Consent Order (the "2015 ACO") with the NJDEP 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**, subsequent to the commencement of the Edgewater WPCF Project, the Authority was approached by, for the purchase of treated effluent by NBLG from the Authority's Little Ferry WPCF; and

**WHEREAS**, North Bergen Liberty Generating, LLC, a Delaware limited liability company having its principal offices at 633 West 5<sup>th</sup> Street, Suite 1000, Los Angeles, California 90071 ("NBLG"), is proposing the construction of a 1,200 megawatt, natural gas-fired electric generating facility to be located in North Bergen, New Jersey (the "NBLG Facility") along with the installation of underground electric power transmission lines (the "Transmission Lines") extending from the NBLG Facility to Edgewater, New Jersey and continuing under the Hudson River; and

**WHEREAS**, subsequent to the commencement of the Edgewater WPCF Project, the Authority was approached by NBLG for the purchase of treated effluent by NBLG from the Authority, to be delivered by a pipeline extending from the Authority's Little Ferry WPCF to the NBLG Facility (the "Effluent Pipeline") for reuse as a coolant for the NBLG Facility; and

**WHEREAS**, in furtherance of the Edgewater WPCF Project, the Authority has engaged professionals, and has continued to fund various activities by those professionals, in order to complete the necessary due diligence and gather the

necessary data required by the Authority to complete the Edgewater WPCF Project pursuant to and consistent with the terms of the 2015 ACO; and

**WHEREAS**, the proposed routes of the Effluent Pipeline and the Transmission Lines traverse and overlap the same properties in the same general location as the proposed alignment of the sanitary sewer force main to be constructed by the Authority as part of the Edgewater WPCF Project, extending from the Authority's Edgewater WPCF to the Overpeck Trunk Sewer in Ridgefield, New Jersey; and

**WHEREAS**, as a result of the close proximity of the proposed routes of the Authority's sanitary sewer force main and the Effluent Pipeline and Transmission Lines, the professionals engaged by the Authority for the Edgewater WPCF Project advised the Authority that certain due diligence work being undertaken and obtained by NBLG relating to the proposed routes for the Effluent Pipeline and Transmission Lines is essentially the same due diligence work required for the Authority's sanitary sewer force main and can be utilized by the Authority in furtherance of its continuing due diligence investigation for the Edgewater WPCF Project at a savings in cost; and

**WHEREAS**, the Authority, as authorized by the Board of Commissioners pursuant to Resolution 18-2-071 adopted November 19, 2018, entered into the Work Product Sharing Agreement with NBLG dated December 17, 2018, providing for NBLG and the Authority sharing in, and contributing to the payment of, expenses incurred in connection with services provided by those professionals engaged by NBLG and/or the Authority to provide services for and on behalf of NBLG and/or the Authority in connection with the Edgewater WPCF Project and/or the proposed route for the Effluent Pipeline and Transmission Lines, which expenses relate to services provided by engineering consultants including, but not limited to, POWER Engineers, AKRF Environmental and Planning Consultants, GZA, Neglia Engineering Associates and Alaimo Group; and

**WHEREAS**, the Board of Commissioners of the Authority, by Resolution 19-2-027 adopted March 28, 2019, authorized and directed the Executive Director of the Authority to execute purchase orders presented to the Authority by NBLG pursuant to the Work Product Sharing Agreement dated December 17, 2018 entered into by the Authority with NBLG in connection with the Edgewater WPCF Project as authorized by Resolution 18-2-071, for an amount not to exceed the total sum of \$300,000.00 without further approval of the Commissioners of the Authority; and

**WHEREAS**, NBLG has now submitted the following vouchers to the Authority for payment pursuant to the Work Product Sharing Agreement:

- Voucher dated January 9, 2019 for services provided by AKRF, requesting payment in the amount of \$344.53;
- Voucher dated February 21, 2019 for services provided by POWER Engineers, requesting payment in the amount of \$53,812.60;

- Voucher dated February 26, 2019 for services provided by AKRF, requesting payment in the amount of \$1,855.75;
- Voucher dated March 11, 2019 for services provided by AKRF, requesting payment in the amount of \$4,425.61; and
- Voucher dated March 14, 2019 for services provided by POWER Engineers, requesting payment in the amount of \$9,772.38.

; and

**WHEREAS**, NBLG, as supported by the vouchers submitted to the Authority, is now requesting payment in the amount of \$70,210.87, which sum represents the Authority's proportionate share of expenses incurred under the Work Product Sharing Agreement entered into by and between the Authority and NBLG; and

**WHEREAS**, the Authority's Director of Engineering has reviewed each of the above referenced vouchers, and all backup billing materials submitted to the Authority by NBLG herewith, and he has concluded and recommended that the Authority should now make payment to NBLG in the amount of \$70,210.87; and.

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

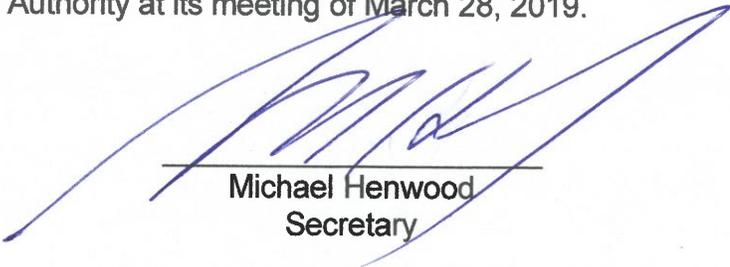
1. The Authority's Acting Director shall be and hereby is authorized and directed to make payment to NBLG in the amount of \$70,210.87 pursuant to the Work Product Sharing Agreement entered into by and between the Authority and NBLG as authorized by Resolution 18-2-071 and as is further authorized and permitted by Resolution 19-2-027.

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

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

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

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of March 28, 2019.



Michael Henwood  
Secretary

**19-2-028**

**Dated: March 28, 2019**

**BERGEN COUNTY UTILITIES AUTHORITY  
RESOLUTION**

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

**WHEREAS**, Delta Dental of New Jersey, Inc. ("Delta") submitted a written proposal to the Authority dated December 5, 2017 (the "Delta Proposal") to provide third-party administration services on behalf of the Authority in furtherance of its self-insured benefits program, which proposal is on file at the Authority and made a part hereof; and

**WHEREAS**, the cost to perform the third-party administration services proposed by Delta is based upon a monthly fee of **\$9.03** per month per covered employee, which price was guaranteed by Delta for a two (2) year period (commencing January 1, 2018 and continuing to, and terminating on, December 31, 2019); and

**WHEREAS**, the Board of Commissioners, by Resolution 17-3-007 adopted December 21, 2017, determined that Delta is qualified, competent and experienced to render such third-party administration services on behalf of the Authority by serving as the Authority's Third-Party Administrator for its self-insured dental benefits program; and

**WHEREAS**, the Board of Commissioners, by Resolution 17-3-011 adopted December 21, 2017, appointed and retained Delta to continue to serve as Third-Party Administrator for the Authority's self-insured dental benefits program effective January 1, 2018; and

**WHEREAS**, the Authority, as authorized by Resolution 17-3-011, entered into a contract with Delta memorializing the scope of services to be performed by Delta as Third-Party Administrator for the Authority's self-insured dental benefits program and the compensation to be paid by the Authority to Delta for providing such services; and

**WHEREAS**, the Authority has determined that Resolution 17-3-011 contains a scrivener's error as the Resolution provided for a contract term of a one (1) year period, commencing January 1, 2018 and terminating December 31, 2018, when the Authority intended to award a contract to Delta consistent with the terms of the Delta Proposal which contemplated and provided for a contract term of a two (2) year period, commencing January 1, 2018 and terminating December 31, 2019; and

**WHEREAS**, the Authority has determined that Resolution 17-3-007 also contains a scrivener's error as that Resolution provided for the qualification of Delta to provide Third-Party Administrator services for the Authority's self-insured dental benefits program "for the year of 2018" when the Authority intended to qualify Delta to provide such services for the entirety of the intended two (2) year term of the contract then being awarded to Delta, pursuant to and consistent with the terms of the Delta Proposal, by Resolution 17-3-011; and

**WHEREAS**, the Board of Commissioners has determined that it is necessary for its efficient operation to correct these scrivener's errors existing in Resolutions 17-3-007 and 17-3-

011 so that Delta may continue to serve as Third-Party Administrator for the Authority's self-insured dental benefits program at the same administrative fee rate as was guaranteed by Delta in the Delta Proposal submitted to the Authority and further agreed upon by and between Delta and the Authority; and

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

**WHEREAS**, pursuant to and in accordance with N.J.A.C. 5:34-2.3, the Authority's Executive Director previously provided the Authority's Commissioners with a Certification, dated December 21, 2017, describing the nature of the work to be done, stating that it is not reasonably possible to draft specifications, and describing why the contract satisfies the Statutory and Administrative Code requirements for Extraordinary Unspecifiable Services pursuant to N.J.S.A. 40A:11-5 (1)(m); and

**WHEREAS**, under the fair and open process pursuant to N.J.S.A. 19:44A-20 et seq., Delta responded to the Authority's publicly advertised Request for Qualifications and by the adoption of Resolution 17-3-007 Delta was qualified as competent to serve as Third-Party Administrator for the Authority's self-insured dental benefits program; and

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

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

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

1. Resolution 17-3-007 adopted December 21, 2017 shall be and is hereby corrected as follows: A. The reference to "Delta Dental" in the first Resolved paragraph shall be and is hereby deleted; and B. The following Resolved paragraph shall be added: "**BE IT FURTHER RESOLVED** that Delta Dental of New Jersey, Inc. shall be and is hereby qualified to serve as Third-Party Administrator for the Authority's self-insured dental benefits program for the term commencing January 1, 2018 and terminating December 31, 2019, which term coincides with the contract being entered into by the Authority with Delta Dental of New Jersey, Inc. for the providing of such services for and on behalf of the Authority."

2. Resolution 17-3-011 adopted December 21, 2017 shall be and is hereby corrected as follows: A. The terms set forth within paragraph number 1 shall be and are hereby deleted in their entirety and replaced with the following terms: "Delta shall be and is hereby appointed to serve as Third-Party Administrator for the Bergen County Utilities Authority's self-insured dental benefits program for a **Two (2) Year Period** (commencing January 1, 2018 and terminating December 31, 2019) or at the pleasure of the Authority, whichever shall first occur or be exercised, respectively."

3. The Chairman shall be and is hereby authorized to execute a contract with Delta amending the contract previously entered into by and between the Authority and Delta pursuant to Resolution 17-3-011 by modifying the term thereof to a Two (2) Year Period as is now provided for by the adoption of this Resolution correcting the scrivener's error identified by the Authority in Resolution 17-3-011, in such final form as is acceptable to the Authority, as evidenced by the Chairman's signature thereon.

4. A copy of this Resolution and the amending contract entered into by and between the Authority and Delta pursuant to this Resolution shall be placed on file and made available for public inspection in the Office of the Executive Director, upon execution by the Authority and Delta.

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

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

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of March 28, 2019.



Michael Henwood  
Secretary

DATED: March 28, 2019

**CERTIFICATION FOR AN EXTRAORDINARY  
UNSPECIFIABLE SERVICES CONTRACT**

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

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

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

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

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

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

**Duration: Two Year**

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

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

I do hereby certify to the following:

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

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

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

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

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

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

Extraordinary Unspecifiable Services.

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

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

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

Respectfully,



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Robert Laux, Executive Director

March 28, 2019

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

**Re: Resolution 19-3-005**

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 3/28/2019

RESOLUTION #: 19-3-005

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

FUNDS AVAILABLE

X

FUNDS ARE NOT AVAILABLE

BUDGET ACCOUNT

DENTAL  
W-340-71100-000

VENDOR

DELTA DENTAL OF NEW JERSEY, INC.

CONTRACT NUMBER

N/A

REASON

ESTIMATED CLAIMS ADMINISTRATIVE FEE AS  
THIRD-PARTY ADMINISTRATOR FOR  
SELF-INSURE DENTAL BENEFITS

AMOUNT

\$35,000.00

CONTRACT LENGTH

JANUARY 1, 2019 TO DECEMBER 31, 2019

  
ACTING TREASURER

## BERGEN COUNTY UTILITIES AUTHORITY RESOLUTION

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

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

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

**WHEREAS**, pursuant to N.J.S.A. 40:14B-18, the Authority is authorized to "appoint and employ, full or part-time...managerial personnel...as the Authority may determine necessary for its efficient operations"; and

**WHEREAS**, the Authority previously created the position of **Manager of Safety Training and Compliance (UAE)**, which position is currently held by James Carroll; and

**WHEREAS**, the Authority has contemplated increasing, and by the adoption of this Resolution does hereby increase the scope of responsibilities for the position of **Manager of Safety Training and Compliance (UAE)** as is more fully set forth in the Job Description which is annexed to this Resolution; and

**WHEREAS**, the Commissioners of the Authority consider **James Carroll**, who has been an employee of the Authority and who has served as the Authority's **Manager of Safety Training and Compliance (UAE)** since January 2016, as competent and qualified to continue to serve as the Authority's **Manager of Safety Training and Compliance (UAE)** at an annual compensation not to exceed the sum of \$91,183.00; and

**WHEREAS**, the Authority has concluded that the amendment of the job description for the position of **Manager of Safety Training and Compliance (UAE)** and accompanying continued appointment contemplated herein shall be and are hereby determined to be necessary for the efficient operations of the Authority.

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

1. The job description for the position of **Manager of Safety Training and Compliance (UAE)** shall be and hereby is amended to be as is contained and fully set forth in the Job Description annexed to this Resolution.

2. **James Carroll** shall be and is hereby appointed to continue to serve as **Manager of Safety Training and Compliance (UAE)** of the Authority effective immediately at an annual compensation not to exceed the sum of \$91,183.00.

3. Any and all resolutions, appointments, engagements and/or agreements inconsistent herewith shall, to the extent of their inconsistency, be and the same are hereby superseded, and this Resolution shall serve as authorization to implement the terms hereof.

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

I hereby certify the forgoing to be a true copy of the resolution adopted by the Bergen County Utilities Authority at its meeting of March 28, 2019.



Michael Henwood  
Secretary

Dated: **March 28, 2019**

## Job Description

### Manager of Safety Training and Compliance (UUAЕ)

The Manager of Safety Training & Compliance plans, organizes, leads and controls the facility safety compliance and training program; Assists management with key operational linkage with other safety and emergency response organizations including local and state agencies; Ensures compliance with the facility Emergency plan.

The manager reports to the Executive Director and other key management and supervisory personnel on a regular basis with respect to safety and related issues. He/she establishes and maintains communications with agencies of the County and State as well as risk management vendors on behalf of the Authority.

#### General Position Qualifications:

- Knowledge of principles, methods, and techniques of public administration
- Knowledge of agency policies, procedures and tasks
- Leadership characteristics
- Knowledge of laws, rules and regulations governing the Authority
- Practical experience in dealing with utility and public works operations
- Practical experience in transferring operational knowledge to the workforce

#### Specific Position Qualifications and Examples of daily duties:

- Shall possess and maintain OSHA 30 Certification.
- Performs routine inspections of all facilities and roving work-sites, checking from predetermined list, or set of well-defined procedures for obvious safety violations, hazardous conditions, or non-compliance with established laws or standards.
- Responsible for all aspects of training programs, coaching and assessing individuals or small groups on work-based training;
- Reviews all written reports of injuries and investigates all facts related to all accidents in order to determine if the reported injury is work-related;
- Reports the results of accident investigation to management and/or risk manager and renders an opinion and recommendation on causation and preventative measures;
- Tracks progress of all employees being treated for a work-related injury and provides a daily status report to management for both scheduling and risk

## Manager of Safety Training and Compliance (UUAЕ)

management needs; Reviews all restricted/light duty assignments for safety compliance;

- Prepares a monthly and annual report of all lost-time injuries;
- Prepares all PEOSHA required annual safety compliance reports;
- Represents management and serves as Chairperson of the monthly labor-management safety committee meetings as required by collective negotiation agreements; reports to management on all issues raised by Union representatives and recommends action as needed.
- Coordinates Mandatory Refresher courses such as Right to Know; Confined Space Entry.
- Review local training practices and make recommendations for improved Safety.
- Meet with Department heads or their representatives to discuss PPE and make recommendations.
- Conducts periodic safety meetings for office and building safety.
- Tracks and maintains records of monthly tailgate meetings for all skilled labor positions.
- Create a culture where job safety is the top priority - with the goal of establishing and maintaining a safe work place with zero lost time due to work-related accidents or injuries.
- Serves as BCUA liaison with all construction management professionals for all BCUA Capital Projects to ensure compliance with safety regulations.
- Prepares and maintains records of employee injuries and trainings.
- Review and report on contractor pre-qualification performance evaluations.
- Work with Operations Manager and contract representatives in the development of Job Hazard Analysis (JHA) and ensure compliance of same.