

**BERGEN COUNTY UTILITIES AUTHORITY
MINUTES OF THE REGULAR MEETING
NOVEMBER 19, 2018**

**In the matter of the 476th Regular Meeting of
The Bergen County Utilities Authority**

1. The **proof of meeting notice** calling the November 19, 2018, meeting was read into the record by Michael Henwood, Board Secretary.

2. Roll Call:

COMMISSIONERS PRESENT:

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

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

3. Motion that the Minutes covering the October 23, 2018 Work Session be approved was moved by Commissioner Warms and Seconded by Commissioner DeLisio and was carried. Commissioners Juliano, Kelley and Bonaventuro abstained.
4. Chairman Phillips opened the meeting to the public and asked if anyone present wished to be heard. George Zilocchi, Liaison to the BCUA from the Borough of Little Ferry thanked the BCUA Board of Commissions for the continued authorization of the Shared Services Agreement with the Borough of Little Ferry for the Provision of Municipal Services. The meeting was closed to the public.

5. FINANCE AND LEGAL COMMITTEE:

Resolution 18-1-052 - Approve bills and the claims supported by vouchers totaling \$3,711,437.32 for the month of November 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 Bonaventuro. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 18-1-053 - Authorize Shared Services Agreement with the Borough of Little Ferry for the Provision of Municipal Services. Motion to adopt the resolution was made by

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

Resolution 18-1-054 - Resolution to Establish the Annual Schedule of Meetings for 2019. Motion to adopt the resolution was made by Commissioner DeLisio and Seconded by Commissioner Bonaventuro. A roll call was taken and the resolution was adopted as reflected in these minutes.

6. CONSTRUCTION & ENGINEERING COMMITTEE:

Resolution 18-2-067 – Award Contract No. 18-10 to Praxair, Inc. - Furnish and Deliver Bulk Liquid Oxygen to the Edgewater Plant. Motion to adopt the resolution was made by Commissioner Juliano and Seconded by Commissioner Gumble. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 18-2-068 - Award Contract No. 18-07 to Standard Aero Limited - Yearly Inspection of Turbines. Motion to adopt the resolution was made by Commissioner Juliano and Seconded by Commissioner Gumble. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 18-2-069 - Authorize Amendment of Professional Engineering Services Contract – Special Consulting Engineering - Greeley & Hansen, L.L.C.). Motion to adopt the resolution was made by Commissioner Juliano and Seconded by Commissioner Gumble. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 18-2-070 - Authorize Professional Services Agreement - Asset Hierarchy Analysis and Design Services in connection with design of ERP System – Arcadis U.S. Inc. Motion to adopt the resolution was made by Commissioner Juliano and Seconded by Commissioner Gumble. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 18-2-071 – Authorize negotiation of a cost sharing agreement with North Bergen Liberty Generating, LLC – For services provided by professionals engaged by the Authority and NBLG to in connection with the Edgewater WPCF Project, the Effluent Pipeline and the Transmission Lines. Motion to adopt the resolution was made by Commissioner Juliano and Seconded by Commissioner Gumble. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 18-2-072 – Authorize and direct Arcadis U.S. Inc., to complete professional engineering services required to be rendered to the Authority for reimbursement by FEMA to the Authority for payment for services provided by Arcadis, U.S., Inc. for Hurricane Sandy Disaster Recovery and Mitigation Grant Administration (New Jersey - Hurricane Sandy FEMA - 4086 - DR) and authorize payment to Arcadis, U.S., Inc. for payment of remaining invoice amounts subject to reimbursement by FEMA.. Motion to adopt the

BERGEN COUNTY UTILITIES AUTHORITY
Minutes of the Regular Meeting
November 19, 2018

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

7. STRATEGIC PLANNING COMMITTEE:

Resolution 18-6-009 – Authorize execution of a Shared Services Agreement arranging and providing for a Certified Recycling Professional to Prepare the Annual Recycling Tonnage Report with municipalities wishing to participate. Motion to adopt the resolution was made by Commissioner Warms 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 November 19, 2018 Regular Meeting for review by the Commissioners.

11. Motion to approve the Minutes of the Regular Meeting November 19, 2018 as distributed by the Secretary, such minutes to include this motion approving the minutes, without the requirement of further review or approval at a subsequent Regular Meeting. Motion to adopt the Minutes of the Regular Meeting November 19, 2018 was made by Commissioner DeLisio and Seconded by Commissioner Warms and was unanimously carried.

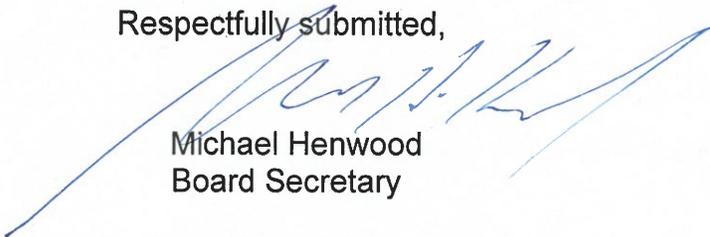
12. Upon motion duly made, seconded and unanimously carried, the meeting was adjourned.

Resolution #	18-1-052	18-1-053	18-1-054	18-2-067	18-2-068	18-2-069	18-2-070
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	Y	Y	Y	Y	Y	Y	Y
Comm. Juliano	Y	Y	Y	Y	Y	Y	Y
Comm. Kelley	Y	Y	Y	Y	Y	Y	Y
Comm. Massa, Jr.	-	-	-	-	-	-	-
Comm. Warms	Y	Y	Y	Y	Y	Y	Y

Resolution #	18-2-071	18-2-072	18-6-009
Chairman Phillips	Y	Y	Y
V. Chair. DeLisio	Y	Y	Y
Comm. Bentz	Y	Y	Y
Comm. Bonaventuro	Y	Y	Y
Comm. Gumble	Y	Y	Y
Comm. Juliano	Y	Y	Y
Comm. Kelley	Y	Y	Y
Comm. Massa, Jr.	-	-	-
Comm. Warms	Y	Y	Y

<p>Y = Yes R = Recuse A = Abstain N = No - = Absent</p>

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Michael Henwood", is written over the typed name.

Michael Henwood
Board Secretary

Date: November 19, 2018

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

WHEREAS, the Bergen County Utilities Authority ("Authority") is a county utilities authority, organized pursuant to N.J.S.A. 40:14B-1 et seq. and authorized to provide, inter alia, 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 Borough of Little Ferry ("Borough") is a municipal corporation of the State of New Jersey, organized pursuant to N.J.S.A. 40A:60-1 et seq., and authorized to provide essential municipal services to protect the public health, safety and welfare of its inhabitants; and

WHEREAS, the Borough is a constituent municipality in the Authority's sewer service district; and

WHEREAS, the Authority owns, operates and maintains a wastewater treatment plant located in the Borough; and

WHEREAS, the Authority's wastewater treatment plant and administrative facilities comprise approximately one-third (1/3) of the total land within the Borough; and

WHEREAS, in lieu of any other compensation or payment(s), the Authority agrees to pay to the Borough for the 2018 calendar year only, the sum of **\$155,000.00** for the Borough providing to the Authority extraordinary services above and beyond the providing of standard or routine municipal services historically and presently provided by the Borough to the Authority; and

WHEREAS, N.J.S.A. 40:14B-20 authorizes and permits the Authority to enter into any and all contracts, execute any and all instruments and do and perform any and all acts or things necessary, convenient or desirable for the purposes of the Authority or to carry out any power expressly given to the Authority pursuant to N.J.S.A. 40:14B-1 et seq., expressly subject to N.J.S.A. 40A:11-1 et seq. ("Local Public Contracts Law"); and

WHEREAS, the Authority has engaged in discussions with the Borough regarding the nature and extent of providing shared municipal services, and the Authority's payment of compensation for said services for the 2018 calendar year and considers the formation of an agreement to be necessary and/or desirable for the Authority's continued efficient operations; and

WHEREAS, the Executive Director has reviewed a proposed shared services agreement with the Borough and recommends that the Commissioners of the Authority accept the terms

18-1-053

of the proposed agreement with the Borough on file at the Authority offices, for the provision of extraordinary municipal services to the Authority for the calendar year 2018; and

WHEREAS, the Acting Chief Financial Officer of the Authority has certified that funds are available for this purpose and his Certificate is on file at the Authority.

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

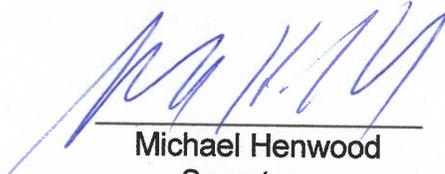
1. The Chairman shall be and he is hereby authorized to execute an Agreement with the Borough of Little Ferry in final form acceptable to the Commissioners, as evidenced by the Chairman's signature thereon, for the providing of extraordinary municipal services by the Borough of Little Ferry to the Authority during calendar year 2018 for the total sum of **\$155,000.00** to be paid by the Bergen County Utilities Authority to the Borough of Little Ferry.

2. A copy of this Resolution and the Agreement entered into with the Borough of Little Ferry 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.

3. The Acting Chief Financial Officer's Certification confirming the availability of funds for this obligation shall be placed on file and made available for public inspection in the Office of the Executive Director.

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

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of November 19, 2018.



Michael Henwood
Secretary

DATED: November 19, 2018

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 11/19/2018

RESOLUTION #: 18-1-053

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

FUNDS AVAILABLE

X

FUNDS ARE NOT AVAILABLE

BUDGET ACCOUNT

SHARED SERVICES
A-620-55300-000

VENDOR

BOROUGH OF LITTLE FERRY

CONTRACT NUMBER

REASON

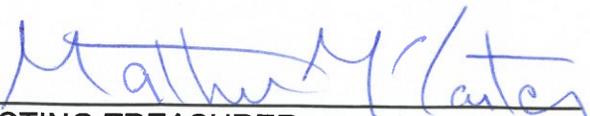
PROVIDING EXTRAORDINARY MUNICIPAL
SERVICES TO THE AUTHORITY

AMOUNT

\$155,000.00

CONTRACT LENGTH

2018 CALENDAR YEAR


ACTING TREASURER

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

BE IT RESOLVED by the Commissioners of The Bergen County Utilities Authority that the **Annual Schedule of Meetings for the Year Commencing January 1, 2019** shall be and is set forth on the notice on file in the Office of the Executive Director and annexed hereto; and

BE IT FURTHER RESOLVED that the Executive Director or his designee shall cause said notice to be published in the official publication of the Authority before January 1, 2019 and

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

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of November 19, 2018.



Michael Henwood
Secretary

Dated: November 19, 2018



Bergen County Utilities Authority
2019 Meeting Dates

**** All Work Sessions are 6:00 p.m. ****

**** All Regular Meetings are immediately following the Work Sessions ****

Thursday	January 24	Work Session & Regular
Thursday	February 28	Work Session & Regular
Thursday	March 28	Work Session & Regular
Thursday	April 25	Work Session & Regular
Thursday	May 23	Work Session & Regular
Thursday	June 27	Work Session & Regular
Thursday	July 25	Work Session & Regular
Thursday	August 22	Work Session & Regular
Thursday	September 26	Work Session & Regular
Thursday	October 24	Work Session & Regular
Monday	November 25	Work Session & Regular
Thursday	December 19	Work Session & Regular

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

WHEREAS, on prior occasion, upon advertisement and pursuant to specifications, the Bergen County Utilities Authority (the "Authority") solicited bid proposals to **Furnish and Deliver Bulk Liquid Oxygen to the Edgewater Plant (Two (2) Year Period with Two (2) One (1) Year Options)**, pursuant to and in accordance with **Contract No. 18-10**; and

WHEREAS, no bid proposals were received by the Authority on October 11, 2018, the date set forth in the Invitation to Bid for the receipt of bid proposals pursuant to and in accordance with **Contract No. 18-10**; and

WHEREAS, the Board of Commissioners of the Authority, by way of Resolution 18-2-059 adopted October 25, 2018, authorized the Executive Director, or his designee, to re-advertise for the solicitation of bid proposals for **Contract No. 18-10 (Rebid)**, pursuant to N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the following bid proposals were received by the Authority on **November 15, 2018**, the date set forth in the Invitation to Bid for the receipt of bid proposals pursuant to and in accordance with **Contract No. 18-10 (Rebid)**:

Vendor	Total Amount Bid (Two (2) Years)	Unit Price Per/Cu Ft
Air Gas USA, LLC Allentown, PA	\$564,000.00	\$0.047
Praxair, Inc. Burr Ridge, IL	\$456,000.00	\$0.038

WHEREAS, the Authority's **Interim Qualified Purchasing Agent and Director of Water Pollution Control** have reviewed the bid proposals submitted to the Authority by **Air Gas USA, LLC** and **Praxair, Inc.** for **Contract 18-10 (Rebid)** and have recommended that **Praxair, Inc.** be awarded **Contract No. 18-10 (Rebid)** in accordance with N.J.S.A. 40:11-1 et seq., as the lowest complying and responsible bidder; and

WHEREAS, on the basis of the foregoing, the Authority has determined that **Praxair, Inc.** constitutes the lowest complying and responsible bidder for **Contract No. 18-10 (Rebid)**, in accordance with N.J.S.A. 40A:11-1 et seq.; and

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

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

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

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

1. **Praxair, Inc.** shall be and is hereby determined to be the lowest complying and responsible bidder to **Furnish and Deliver Bulk Liquid Oxygen to the Edgewater Plant (Two (2) Year Period with Two (2) One (1) Year Options)**, constituting **Contract No. 18-10 (Rebid)**, for a **Two (2) Year Period** for a total amount not to exceed the sum of **\$456,000.00** without further approval of the Commissioners of the Authority.

2. The Chairman shall be and is hereby authorized to execute a contract with **Praxair, Inc. of 7000 High Grove Blvd., Burr Ridge, IL 60527** to **Furnish and Deliver Bulk Liquid Oxygen to the Edgewater Plant (Two (2) Year Period with Two (2) One (1) Year Options)**, constituting **Contract No. 18-10 (Rebid)** for a **Two (2) Year Period** for a total amount not to exceed the sum of **\$456,000.00** without further approval of the Commissioners of the Authority.

3. The bid security of all unsuccessful bidders for **Contract No. 18-10 (Rebid)**, if any, shall be returned in accordance with N.J.S.A. 40A:11-1 et seq.

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

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

6. A copy of this Resolution and the contract executed pursuant to this Resolution, along with **Contract No. 18-10 (Rebid)**, shall be placed on file and made available for public inspection in the Office of the Executive Director upon execution by **Praxair, 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 November 19, 2018.



Michael Henwood
Board Secretary

Dated: November 19, 2018

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 11/19/2018

RESOLUTION #: 18-2-067

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

FUNDS AVAILABLE

X

FUNDS ARE NOT AVAILABLE

BUDGET ACCOUNT

LIQUID OXYGEN
W-320-60450-000

VENDOR

PRAXAIR, INC.

CONTRACT NUMBER

18-10

REASON

FURNISH & DELIVER BULK LIQUID OXYGEN
TO THE EDGEWATER PLANT

AMOUNT

\$456,000.00

CONTRACT LENGTH

DECEMBER 1, 2018 - NOVEMBER 30, 2020


ACTING TREASURER

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

WHEREAS, on prior occasion, upon advertisement on the website of the Bergen County Utilities Authority (the "Authority") and pursuant to specifications, the Authority solicited bid proposals for the **Annual Inspection of Turbines**, pursuant to and in accordance with **Requisition No. 109840-18**; and

WHEREAS, the following sole proposal was received by the Authority on **November 15, 2018** for **Requisition No. 109840-18**:

<u>Vendor</u>	<u>Total Amount Bid</u>
Standard Aero Inc. Winnipeg, Canada	\$26,273.00

; and

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

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

WHEREAS, the Authority's **Interim Qualified Purchasing Agent** and **Director of Water Pollution Control** has reviewed the sole bid proposal and has recommended that **Standard Aero Inc.** should be awarded **Requisition No. 109640-18** as the lowest complying and responsible vendor, as defined under N.J.S.A. 40A:11-2 and allowable under the fair and open process pursuant to N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, on the basis of the foregoing, the Authority has determined that the proposal from **Standard Aero Inc., 33 Allen Dyne Road, Winnipeg, MB R2HJA1** constitutes the lowest complying and responsible proposal for **Requisition No. 109640-18**, in accordance with N.J.S.A. 40A:11-1 et seq.; and

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

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

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

1. The proposal of **Standard Aero Inc.** in the sum of **\$26,273.00** shall be and is hereby determined to be the lowest complying and responsible proposal for the **Annual Inspection of Turbines** constituting **Requisition No.109640-18** for the total sum of **\$26,273.00**.

2. The Executive Director shall be and is hereby authorized to execute a contract with **Standard Aero Inc.** of **33 Allen Dyne Road, Winnipeg, MB R2HJA1** for the **Annual Inspection of Turbines**, constituting **Requisition No. 109640-18** for the total sum of **\$26,273.00**.

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

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

5. A copy of this Resolution and the contract executed pursuant to this Resolution, along with **Requisition No. 109640-18**, shall be placed on file and made available for public inspection in the office of the Executive Director upon execution by **Standard Aero Inc.** and the Authority.

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

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of November 19, 2018.



Michael Henwood
Secretary

Dated: November 19, 2018

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 11/19/2018

RESOLUTION #: 18-2-068

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

STAND BY POWER GENERATORS
W-550-62500-000

VENDOR

STANDARD AERO INC.

CONTRACT NUMBER

REQUISITION NO. 109640-18

REASON

ANNUAL INSPECTION OF TURBINES

AMOUNT

\$26,273.00

CONTRACT LENGTH

DECEMBER 1, 2018 - NOVEMBER 30, 2019


ACTING TREASURER

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

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

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

WHEREAS, in furtherance of providing these essential services, the Board of Commissioners of the Authority, by Resolution 18-2-023 adopted March 22, 2018, appointed **Greeley and Hansen, L.L.C.** to serve as **Special Consulting Engineer** to the Authority for a One (1) Year Term or until a successor is selected or at the pleasure of the Authority, whichever shall first occur or be exercised; and

WHEREAS, Resolution 18-2-023 Authorized the Chairman of the Board of Commissioners of the Authority to execute a contract by and between the Authority and **Greeley and Hansen, L.L.C.** (the "Contract") memorializing the scope of services to be provided by **Greeley and Hansen, L.L.C.** to the Authority, including professional engineering services which are provided by **Greeley and Hansen, L.L.C.** to the Authority on an as-needed basis, pursuant to which payment by the Authority to **Greeley and Hansen, L.L.C.** is not to exceed the total sum of \$10,000.00 without further approval of the Board of Commissioners of the Authority; and

WHEREAS, the Contract was executed by and on behalf of the Authority and **Greeley and Hansen, L.L.C.** on April 1, 2018; and

WHEREAS, following the receipt of written correspondence dated June 25, 2018, submitted to the Authority by **Greeley and Hansen, L.L.C.** advising the Authority that the compensation budget for the Contract was required to be increased in the amount of \$25,000.00 in order for the Authority to fully fund the completion of all tasks identified and requested by the Authority to be included in the scope of work to be completed by **Greeley and Hansen, L.L.C.** as **Special Consulting Engineer** to the Authority pursuant to the Contract, the Board of Commissioners of the Authority, by Resolution 18-2-037 adopted June 28, 2018, authorized the Chairman of the Board of Commissioners of the Authority to modify the Contract by increasing the budget for compensation to be paid by the Authority to **Greeley and Hansen, L.L.C.** under the Contract by the amount of \$25,000.00, resulting in an amended Contract compensation budget in the total sum of \$35,000.00 without further approval of the Board of Commissioners of the Authority; and

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WHEREAS, **Greeley and Hansen, L.L.C.**, operating under the Contract, has continued to provide significant necessary and valuable services to the Authority as the Authority's **Special Consulting Engineer**, including completing all additional tasks identified and requested by the Authority to be included in the scope of work to be completed by **Greeley and Hansen, L.L.C.** serving as **Special Consulting Engineer** to the Authority pursuant to the Contract; and

WHEREAS, following execution of the Contract, and following the adoption of Resolution 18-2-037, the Authority again identified additional services which it requested that **Greeley and Hansen, L.L.C.** include in the scope of work to be completed by **Greeley and Hansen, L.L.C.** serving the Authority as **Special Consulting Engineer** pursuant to the Contract;

WHEREAS, the Contract, as authorized by Resolution 18-2-023 and amended by Resolution 18-2-037, currently provides for a compensation budget of \$35,000.00 to be paid by the Authority to **Greeley and Hansen, L.L.C.** for services performed pursuant thereto; and

WHEREAS, by written correspondence dated November 13, 2018, **Greeley and Hansen, L.L.C.** advised the Authority that in order for **Greeley and Hansen, L.L.C.** to complete the on-going and additional tasks identified and requested by the Authority to be included in the scope of work to be completed by **Greeley and Hansen, L.L.C.** pursuant to the Contract, **Greeley and Hansen, L.L.C.** requires the compensation budget for by the Contract to be increased by the total sum of \$17,500.00, resulting in an amended Contract compensation budget of an amount not to exceed the total sum of \$52,500.00; and

WHEREAS, the Authority's Director of Engineering has determined that **Greeley and Hansen, L.L.C.** has performed all services under the Contract in an effective and efficient manner and further determined that the remaining work to be performed by **Greeley and Hansen, L.L.C.** under the Contract, including but not limited to the additional tasks identified by the Authority to be included in the scope of work to be completed by **Greeley and Hansen, L.L.C.** serving as **Special Consulting Engineer** to the Authority, is essential to the proper and effective operation of the Authority and critical to the health, welfare and safety of the ratepayers and employees of the Authority; and

WHEREAS, the Authority's Director of Engineering has reviewed the November 13 2018 written correspondence of **Greeley and Hansen, L.L.C.**, including the request of **Greeley and Hansen, L.L.C.** to increase the compensation budget under the Contract for the total compensation to be paid by the Authority to **Greeley and Hansen, L.L.C.**, and based upon the above determinations and his review of the November 13, 2018 written correspondence of **Greeley and Hansen, L.L.C.**, he has concluded and recommended that the Authority should amend the Contract by including the additional tasks identified by the Authority within the scope of work to be completed by **Greeley and Hansen, L.L.C.**

18-2-069

18-2-069

serving as **Special Consulting Engineer** to the Authority and increasing the budget for compensation to be paid by the Authority to **Greeley and Hansen, L.L.C.** pursuant to the Contract in the total sum of \$17,500.00 in order to fund the completion of those additional tasks, resulting in an amended compensation budget under the Contract in an amount not to exceed the total sum of \$52,500.00 without further approval of the Board of Commissioners of the Authority; and

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

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

1. The Contract entered into by and between the Authority and **Greeley and Hansen, L.L.C.** shall be and is hereby amended by the Authority and the Contract shall be amended to include the additional tasks identified by the Authority within the scope of work to be completed by **Greeley and Hansen, L.L.C.** serving the Authority as **Special Consulting Engineer** pursuant to the Contract and to provide that the compensation to be paid by the Authority pursuant thereto shall be increased in the amount of \$17,500.00 and the total amount of compensation to now be paid by the Authority to **Greeley and Hansen, L.L.C.** pursuant to the amended Contract shall not exceed the total sum of \$52,500.00 without further approval of the Board of Commissioners of the Authority.

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

3. A copy of this Resolution, and the contract amending the Contract with **Greeley and Hansen, L.L.C.** 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 **Greeley and Hansen, L.L.C.** and the Authority.

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

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

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

18-2-069

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of November 19, 2018.



Michael Henwood, Secretary

Dated: November 19, 2018

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 11/19/2018

RESOLUTION #: 18-2-069

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

FUNDS AVAILABLE

X

FUNDS ARE NOT AVAILABLE

BUDGET ACCOUNT

ENGINEERING
W-350-50400-000

VENDOR

GREELEY AND HANSEN, L.L.C.

CONTRACT NUMBER

18032201

REASON

INCREASE IN THE PROFESSIONAL SERVICES
NEEDS OF THE AUTHORITY FOR
SPECIAL CONSULTING ENGINEERING

AMOUNT

\$17,500.00

CONTRACT LENGTH

NOVEMBER 19, 2018 - MARCH 31, 2019


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

WHEREAS, the Authority utilizes MAXIMO 5.2 Computer Maintenance Management System ("CMMS") and Epicor 7.3.6 Service Pack 2 to provide computerized maintenance management and financial management for the Authority's equipment, assets and property; and

WHEREAS, MAXIMO 5.2 CMMS and Epicor 7.3.6 Service Pack 2 provide the Authority with important data and metrics to assist in determining the most cost effective and efficient methods of maintaining the Authority's equipment, assets and property; and

WHEREAS, the Authority has been utilizing MAXIMO 5.2 CMMS and Epicor 7.3.6 Service Pack 2 since 2008; and

WHEREAS, on prior occasion, the Authority's Special Consulting Engineer **ARCADIS US, Inc.** performed an evaluation and study of the currently utilized MAXIMO 5.2 CMMS and Epicor 7.3.6 Service Pack 2 to determine if these systems should be upgraded or replaced; and

WHEREAS, on March 9, 2016 **ARCADIS US, Inc.** submitted the completed CMMS and ERP Evaluation and Study to the Authority recommending that the Authority procure an **Enterprise Resource Planning System ("ERP")** to replace the MAXIMO 5.2 CMMS and the Epicor 7.3.6 Service Pack 2; and

WHEREAS, on May 1, 2017, the Authority issued a Request for Proposals ("RFP") for the **ERP** pursuant to the competitive contracting process of the Local Public

Contracts Law, N.J.S.A. 40A:11-4.5 (the "LPCL"), from qualified and experienced **ERP** vendors; and

WHEREAS, on July 11, 2017, the Authority received proposals submitted in response to the RFP from six (6) vendors; and

WHEREAS, the proposals were reviewed and evaluated by the Authority's Special Consulting Engineer, **ARCADIS US, Inc.**, 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 and Recommendation Report dated December 2017 (the "Report") was prepared by the Authority's Special Consulting Engineer, **ARCADIS US, Inc.**, and submitted by **ARCADIS US, Inc.** to the Board of Commissioners of the Authority in accordance with the requirements of the LPCL; and

WHEREAS, as set forth in the Report, **ARCADIS US, Inc.** recommended to the Authority that the Authority award the **ERP** contract to Tyler Technologies, Inc. for the reasons set forth in the Report; and

WHEREAS, by Resolution 18-1-005 adopted January 25, 2018, the Board of Commissioners of the Authority, based upon and in accordance with the Report and the recommendations of **ARCADIS US, Inc.** set forth and contained therein, awarded the **ERP** contract to Tyler Technologies, Inc.; and

WHEREAS, in support of the implementation of the **ERP**, the Authority is required to develop an asset hierarchy structure for its assets located throughout the Authority's wastewater control system in order to ensure the proper implementation of the **ERP** and **ERP** asset structure, and

WHEREAS, there now exists the need for the Authority to engage the services of an engineering firm authorized to provide professional engineering services in the State of New Jersey to perform an **Asset Hierarchy Analysis and Design Services** for 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, 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, these services were solicited through a fair and open process, pursuant to N.J.S.A. 19:44A-20.4 et seq. through a publicly advertised Request for Qualifications (“RFQ”); and

WHEREAS, ARCADIS US, Inc. previously submitted a Statement of Qualifications to the Authority and the Board of Commissioners of the Authority previously determined by Resolution that **ARCADIS US, Inc.** is competent, qualified and experienced to serve as the Authority’s **Special Consulting Engineer**; and

WHEREAS, based on **ARCADIS US, Inc.’s** Statement of Qualifications and prior history performing services for the Authority, **ARCADIS US, Inc.** submitted to the Authority a written proposal dated November 6, 2018 (the “Proposal”) to provide **Asset Hierarchy Analysis and Design Services** to the Authority for an amount not to exceed the total sum of \$34,300.00, which written Proposal has been reviewed and determined to be fair and reasonable by the Director of Solid Waste and Information Technology Systems; and

WHEREAS, the Authority has determined, based upon the foregoing, that it is necessary for its efficient operation to retain the services of **ARCADIS US, Inc., Special Consulting Engineer** to the Authority, to perform **Asset Hierarchy Analysis and Design Services** for the Authority; and

WHEREAS, the Authority desires to appoint and retain **ARCADIS US, Inc., Special Consulting Engineer** to the Authority, to perform **Asset Hierarchy Analysis and Design Services** for the Authority for an amount not to exceed the total sum of \$34,300.00; and

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

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

WHEREAS, it is the Authority’s responsibility to safeguard and maintain its assets and to take all actions necessary to insure the integrity of the operation of the Authority and the expenditure of ratepayer funds.

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

1. That **ARCADIS US, Inc., Special Consulting Engineer** to the Authority, shall be and is hereby appointed to perform **Asset Hierarchy Analysis and Design Services** for the Authority, pursuant to and consistent with the terms of the Proposal

submitted by **ARCADIS US, Inc.** to the Authority, for a total amount not to exceed the total sum of \$34,300.00 without further approval of the Commissioners of the Authority.

2. The Chairman shall be and is hereby authorized to execute a contract, similar in form and substance to the contract on file at the Authority, by and between the Authority and **ARCADIS US, Inc.** 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, the contract retaining **ARCADIS US, Inc.** as **Special Consulting Engineer** and the contract executed pursuant to this Resolution, shall be placed on file and made available for public inspection in the office of the Executive Director upon execution by **ARCADIS US, Inc.** and the Authority.

4. The total amount authorized to be paid pursuant to the contract herein awarded shall not exceed the total sum of **\$34,300.00** without further action by the Board of Commissioners of the Authority.

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).

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of November 19, 2018.



Michael Henwood
Secretary

DATED: November 19, 2018

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 11/19/2018

RESOLUTION #: 18-2-070

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

2018 BOND ISSUE

VENDOR

ARCADIS U.S., INC.

CONTRACT NUMBER

18111901

REASON

ASSET HIERARCHY ANALYSIS & DESIGN SERVICES

AMOUNT

\$34,300.00

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, North Bergen Liberty Generating, LLC, a Delaware limited liability company having its principal offices at 633 West 5th 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 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, NBLG has represented to the Authority that certain due diligence work previously undertaken and obtained by the Authority relating to the proposed route for the Authority's sanitary sewer force main can be utilized by NBLG in furtherance of its ongoing due diligence efforts and NBLG will compensate the Authority for its proportionate share of those costs that have been and will be incurred by the Authority; and

WHEREAS, the Authority, having engaged professionals and funded and continuing to fund various activities by those professionals in order to advance the Edgewater WPCF Project pursuant to and consistent with the terms of the 2015 ACO, has determined that it is in the best interests of the Authority and its ratepayers for the Authority to authorize its General Legal Counsel to engage in negotiations with NBLG and to enter into an agreement with NBLG based upon those negotiations, providing for NBLG and the Authority sharing in, and contributing to the payment of, expenses incurred by the Authority in connection with services provided by those professionals engaged by the Authority to provide services for and on behalf of the Authority in connection with the Edgewater WPCF Project and the providing of treated effluent by the Authority to NBLG, which expenses relate to, among other things, the assessment of the integrity of an existing abandoned railway tunnel which is one of the properties required for the alignment of the proposed sanitary sewer force main as part of the Edgewater WPCF Project; the analysis and design of a stormwater discharge system for that tunnel; geotechnical investigations on properties included in the proposed alignment of both the sanitary sewer force main and transmission line; the design of a pump station at the Authority's Little Ferry WPCF required for the delivery of the treated effluent by the Authority to NBLG; the design of the pipeline required for the delivery of treated effluent by the Authority to NBLG and the applying for and obtaining of necessary permits required by the Authority in connection with both the Edgewater WPCF Project and the delivery of treated effluent by the Authority to NBLG.

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

1. Kaufman, Semeraro & Leibman, L.L.P., as the Authority's General Legal Counsel, shall be and is hereby authorized to negotiate terms of a contract, to be entered into by and between the Authority and NBLG based upon those negotiations, providing for NBLG and the Authority sharing in, and contributing to the payment of, expenses incurred by the Authority and NBLG in connection with services provided by professionals engaged by the Authority and NBLG to provide services for and on behalf of each in connection with the Edgewater WPCF Project, the Effluent Pipeline and the Transmission Lines.

2. The Chairman of the Board of Commissioners of the Authority shall be and is hereby authorized to execute the contract by and among the Authority and NBLG negotiated by the Authority's General Legal Counsel as authorized by this Resolution, in the form acceptable to the Chairman, and satisfactory to the Authority as evidenced by the Chairman's signature thereon.

3. A copy of this Resolution, and the contract entered into by and between the Authority and NBLG 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 NBLG and the Authority.

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

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

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of November 19, 2018.



Michael Henwood
Secretary

Dated: November 19, 2018

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

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

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

WHEREAS, within twenty-four (24) hours of the storm making landfall, water from the Hackensack River and overflowing lagoon came into Authority's Little Ferry Water Pollution Control Facility (the "Little Ferry WPCF"), flooding more than fifteen (15) structures; and

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

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

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

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

WHEREAS, ARCADIS US, Inc. ("ARCADIS") was awarded the New Jersey Department of Environmental Protection ("NJDEP") Contract AG-065 on November 2, 2012 for disaster debris management, public assistance cost recovery consulting associated with FEMA reimbursement for hazard mitigation, which contract was available to be utilized by any jurisdiction within the State of New Jersey pursuant to an NJDEP Mutual Agreement; and

WHEREAS, under the terms of the NJDEP Mutual Agreement, ARCADIS served as the designated contractor to prepare the appropriate documentation related to the debris management work relating to damage caused by Superstorm Sand for the Authority and any other entities executing the NJDEP Mutual Agreement; and

WHEREAS, given the nature of the recovery work required, the Authority elected to utilize the services of ARCADIS to perform a portion of this work under the terms of the NJDEP Mutual Agreement; and

WHEREAS, ARCADIS, on behalf of the Authority, prepared the appropriate documentation to ensure that projects were developed as required and that efforts were consolidated as appropriate, facilitating the development of applications by pulling together key findings and decisions made through the course of the project identification process; and

WHEREAS, immediately following the storm, ARCADIS conducted an asset inventory of the Authority's facilities that included condition assessments of the Authority's facilities and equipment by evaluating building structures, instrumentation, mechanical process, electrical and HVAC equipment; and

WHEREAS, the asset inventory and assessments included an inventory of the Authority's critical assets, the damage inflicted upon them due to Superstorm Sandy, the scope of work required to restore the assets to pre-storm conditions, and cost estimates to complete the scope of work; and

WHEREAS, ARCADIS submitted the asset inventory and condition assessments to FEMA in February 2013 to assist FEMA with writing project worksheets; and

WHEREAS, following the initial submission by ARCADIS to FEMA, the process of FEMA validating the condition assessments commenced and continued for roughly three (3) years, having been delayed multiple times as a result of the transitioning in and out of the FEMA team of representatives, and included many site visits, coordination meetings, conference calls, requests for information and further development of scopes of work; and

WHEREAS, while ARCADIS continued its efforts on behalf of the Authority seeking to obtain a funding award from FEMA, following the initial denial of FEMA mitigation funding, ARCADIS included in its efforts attempts to seek other means of funding for some of Authority's mitigation projects utilizing much of the information that was prepared for FEMA funding; and

WHEREAS, in June 2015, in collaboration with the Authority and its Grants/Government Services Consultant, Gibbons P.C., ARCADIS submitted three (3) mitigation projects to the New Jersey Economic Development Agency (the "NJEDA") under NJEDA's Energy Resiliency Bank (the ERB) fund, with those projects being the blackstart project, the substation and cables replacement and a biogas storage tank; and

WHEREAS, the Authority was officially awarded \$26,900,000.00 for these three resiliency projects in July 2016; and

WHEREAS, following the receipt of notification from FEMA providing its approval of the Authority's substation and cable hazard mitigation plan, ARCADIS, in conjunction with the Authority and Gibbons P.C., coordinated and discussed scope changes to the ERB projects with the NJEDA and the New Jersey Office of Emergency Management (the "NJOEM"); and

WHEREAS, in August 2018, the NJEDA amended the Authority's initial award, increasing that award to \$31,400,000.00 as a result of their approval of the project scope changes as presented by ARCADIS; and

WHEREAS, the Authority's projects relating to energy resiliency identified after Superstorm Sandy that would now be funded under ERB would be the original blackstart project and biogas storage digester covers project (originally the biogas storage project), inclusive of the digester's improvements; and

WHEREAS, the efforts of ARCADIS extending over a nearly six (6) year period, pursuant to the scope of work as contracted for with the Authority, has resulted in the Authority being awarded mitigation grant funding for all the initial mitigation projects that Arcadis outlined in the original hazard mitigation plan that was submitted to FEMA in January 2014; and

WHEREAS, the Authority has now been awarded \$36,200,000.00 of FEMA grant funding, increased by the efforts of ARCADIS in pursuing an appeal with FEMA following its initial award, with an additional obligation of approximately \$3,100,000.00 verbally approved to the Authority for the additional cable replacement and ARCADIS costs; and

WHEREAS, this amount, in addition to the \$31,400,000.00 of ERB funding, results in a total grant funding amount of approximately \$70,700,000.00; and

WHEREAS, the outstanding invoices issued by ARCADIS to the Authority for this project under NJDEP Contract AG-065, as authorized by Resolution 13-2-052 adopted by the Board of Commissioners of the Authority on June 27, 2013, and annual professional service contracts awarded to ARCADIS by the Board of Commissioners of the Authority pursuant to Resolution 13-2-012 adopted February 26, 2013, Resolution 14-2-008 adopted February 27, 2014, Resolution 15-2-007 adopted February 26, 2015, Resolution 16-2-013 adopted February 25, 2016, Resolution 17-2-007 adopted February 23, 2017 and Resolution 18-2-010 adopted February 22, 2018, each engaging ARCADIS as Special Environmental Engineer to the Authority, total approximately \$948,000.00 of which \$749,000.00 is eligible for reimbursement from FEMA; and

WHEREAS, in total, services provided to the Authority by ARCADIS have totaled approximately \$2,100,000.00 in fees and costs to the Authority since December 2012, of which a total of approximately \$829,000.00 is currently eligible for reimbursement with an additional \$629,000.00 forthcoming (pending FEMA approval) for securing over \$70,700,000.00 in grant funding for the Authority; and

WHEREAS, due to the nature of the professional engineering services being provided by ARCADIS to the Authority, including those being provided by NJDEP Contract AG-065 pursuant to NJDEP Mutual Agreement, and the process for reimbursement payments to be provided to the Authority by FEMA for the payment of those services provided by ARCADIS to the Authority, ARCADIS continued to provide such professional engineering services without the Authority making contemporaneous payment to ARCADIS for such services and, as a result, there now exists a need for the Authority to authorize and direct ARCADIS to complete all necessary documentation and submit the same as may be required or otherwise requested

by FEMA relating to the Authority's request for reimbursement of those fees paid by the Authority to ARCADIS for services provided in furtherance of the Authority's application to FEMA for grant funding as is detailed herein above and to make payment to ARCADIS for satisfaction of the aforementioned outstanding invoices of ARCADIS which total approximately \$948,000.00 for services provided by ARCADIS to the Authority under NJDEP Contract AG-065 and under prior annual professional service agreements entered into by and between the Authority and ARCADIS pursuant to which ARCADIS served as Special Environmental Engineer to the Authority; and

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

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

WHEREAS, ARCADIS, by written correspondence dated November 9, 2018, has submitted to the Authority invoicing, along with explanation, providing a history of the services provided and the costs for those services provided and the amounts which remain unpaid by the Authority to ARCADIS for said services as of that date; and

WHEREAS, the Authority's Executive Director has reviewed the November 9, 2018 written correspondence of ARCADIS and he has confirmed the need for the services provided; 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. Arcadis US, Inc. shall be and is hereby authorized and directed to complete all necessary documentation to support the requests for reimbursement related to individual Federal Emergency Management Agency projects and submit the same as may be required or otherwise requested by the Federal Emergency Management Agency relating to the New Jersey - Hurricane Sandy FEMA - 4086 - DR with the Federal Emergency Management Agency for grant funding relating to damage to the Authority's facilities resulting from Superstorm Sandy and mitigation of harm to the Authority's facilities and processes resulting from future natural disasters and reimbursement of fees paid by the Authority to Arcadis US, Inc. for services rendered by Arcadis US, Inc. on behalf of the Authority in support of the Authority's request for reimbursement from the Federal Emergency Management Agency.

2. The Executive Director or his designee shall be and is hereby authorized to execute on behalf of the Authority any and all documents presented to the Authority for execution by Arcadis US, Inc. in furtherance of the efforts being undertaken by Arcadis US, Inc. pursuant to Resolved Paragraph No. 1 of this Resolution.

3. The Executive Director or his designee shall be and is hereby authorized to execute a purchase order, or purchase orders as may be required, providing for the payment by the Authority to ARCADIS for services rendered to the Authority by ARCADIS resulting from the impact to the Authority caused by Superstorm Sandy, which services were rendered to the Authority by ARCADIS in connection with NJDEP Contract AG-065, as authorized by Resolution 13-2-052 adopted by the Board of Commissioners of the Authority on June 27, 2013, and annual professional service agreements awarded to ARCADIS by the Board of Commissioners of the Authority pursuant to Resolution 13-2-012 adopted February 26, 2013, Resolution 14-2-008 adopted February 27, 2014, Resolution 15-2-007 adopted February 26, 2015, Resolution 16-2-013 adopted February 25, 2016, Resolution 17-2-007 adopted February 23, 2017 and Resolution 18-2-010 adopted February 22, 2018, with the total amount not to exceed the sum of \$948,000.00 without further approval of the Commissioners of the Authority.

4. A copy of 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.

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

5. The formal action(s) of the Commissioners of 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 November 19, 2018.



Michael Herwood
Secretary

Dated: November 19, 2018

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 11/19/2018

RESOLUTION #: 18-2-072

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

FUNDS AVAILABLE

X

FUNDS ARE NOT AVAILABLE

BUDGET ACCOUNT

ENGINEERING
W-350-50400-000

VENDOR

ARCADIS U.S., INC.

CONTRACT NUMBER

REASON

REIMBURSEMENT TO BE REQUESTED FEMA-4086-DR
FOR HURRICANE SANDY DISASTER RELIEF
RECOVERY & MITIGATION PROJECT WORKSHEETS

AMOUNT

\$948,000.00

CONTRACT LENGTH

N/A


ACTING TREASURER

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

WHEREAS, commencing in 2012, New Jersey municipalities are required by the New Jersey Recycling Enhancement Act (“REA”) P.L. 2008, CHAPTER 6, to have the mandatory Annual Recycling Tonnage Report approved and signed by a Certified Recycling Professional (“CRP”); and

WHEREAS, the Annual Recycling Tonnage Report must be submitted by email to the New Jersey Department of Environmental Protection (“NJDEP”) utilizing a spreadsheet provided by the NJDEP on or before April 30 of each year; and

WHEREAS, failure to submit the Annual Recycling Tonnage Report signed by a CRP will jeopardize a municipality’s receipt of the annual recycling tonnage grant; and

WHEREAS, certain Bergen County municipalities do not employ a CRP; and

WHEREAS, the Authority is desirous of assisting those municipalities that do not employ a CRP to ensure that those municipalities do not jeopardize the receipt of the annual recycling tonnage grant by providing the services of a CRP to sign and submit participating municipalities 2018 Annual Recycling Tonnage Report; and

WHEREAS, the New Jersey Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) authorizes and permits contracting units, such as the Authority and a Municipality to enter into a Service Agreement for the services contemplated herein without competitive bidding for same, pursuant to and in accordance with N.J.S.A. 40A:11-5(2); and

WHEREAS, the Commissioners of the Authority have determined, based upon the foregoing, that in order expand its ongoing municipal recycling assistance program it is necessary to enter into an agreement for Certified Recycling Professional Services (“Services Agreement for a Certified Recycling Professional to Prepare the Annual Recycling Tonnage Report”) with municipalities wishing to participate therein; and

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

1. The Executive Director shall be and is hereby authorized to execute a Shared Services Agreement arranging and providing for a Certified Recycling Professional to Prepare the 2018 Annual Recycling Tonnage Report with municipalities wishing to participate therein in substantially the form on file at the Authority Office, or in such final form as is acceptable to the Authority, as evidenced by the Chairman’s signature thereon.

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

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 November 19, 2018



Michael Henwood
Board Secretary

Dated: November 19, 2018