

**BERGEN COUNTY UTILITIES AUTHORITY
MINUTES OF THE SPECIAL MEETING
OCTOBER 11, 2016**

**In the matter of the Special Meeting of
The Bergen County Utilities Authority**

1. The **proof of meeting notice** calling the October 11, 2016 meeting was read into the record by Michael Henwood, Board Secretary.

2. Roll Call:

COMMISSIONERS PRESENT:

Ronald Phillips, Chairman
Catherine T. Bentz, Commissioner (Via Telephone)
Bruce Bonaventuro, Commissioner
James L. Cassella, Commissioner
Thomas S. Kelley, Commissioner (Via Telephone)
John Warms, Commissioner
George P. Zilocchi, Commissioner (Via Telephone)

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

3. Chairman Phillips opened the meeting to the public and asked if anyone present wished to be heard. No members of the public wished to speak. The meeting was closed to the public.

4. CONSTRUCTION & ENGINEERING COMMITTEE:

Resolution 16-2-070 – Award Contract No. 16-05 B to Accurate Waste Removal Services, Inc. – Liquid Sludge Transport - Motion to adopt the resolution was made by Commissioner Bonaventuro and Seconded by Commissioner Cassella. A roll call was taken and the resolution was adopted as reflected in these minutes..

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

6. Chairman Phillips announced the Special Meeting would reconvene.

7. The Secretary then distributed proposed minutes of the October 11, 2016 Special Meeting for review by the Commissioners.

8. Move to approve the Minutes of the Special Meeting of October 11, 2016 as distributed by the Secretary, such minutes to include this motion approving the minutes, without the

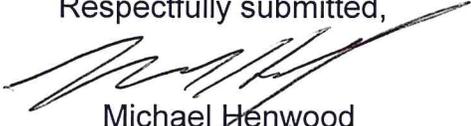
BERGEN COUNTY UTILITIES AUTHORITY
Minutes of the Special Meeting
August 18, 2015

requirement of further review or approval at a subsequent Special Meeting. Motion to adopt the Minutes of the Special Meeting October 11, 2016 was made by Commissioner Warms and second by Commissioner Cassella and was unanimously carried.

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

| Resolution # | 16-2-070 |
|-------------------|----------|
| Chairman Phillips | Y |
| V. Chair DeLisio | - |
| Comm. Bentz | Y |
| Comm. Bonaventuro | Y |
| Comm. Cassella | Y |
| Comm. Juliano | - |
| Comm. Kelley | Y |
| Comm. Warms | Y |
| Comm. Zilocchi | Y |

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

Respectfully submitted,

Michael Henwood
Secretary

October 11, 2016

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

WHEREAS, on prior occasion, upon advertisement and pursuant to specifications, the Bergen County Utilities Authority (the "Authority") solicited bid proposals for **Liquid Sewage Sludge Transport – Barge**, pursuant to and in accordance with **Contract No. 16-05A (for a Three (3) Year Period with Two (2) One (1) Year Options)**, **Liquid Sewage Sludge Transport – Tanker Truck**, pursuant to and in accordance with **Contract No. 16-05B (for a Three (3) Year Period with Two (2) One (1) Year Options)**, and **Dewatered Sewage Sludge Container Transport and Disposal**, pursuant to and in accordance with **Contract No. 16-05C (for a Three (3) Year Period with Two (2) One (1) Year Options)**; Unit price bids shall be in \$/ per thousand gallons; and

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

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

; and

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

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

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

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

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

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

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

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

; and

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

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

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

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

; and

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

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

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

WHEREAS, the Board of Commissioners of the Authority, by way of Resolution 16-2-054 adopted August 25, 2016, rejected the sole bid proposal for **Contract No. 16-**

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05A (Rebid) received August 16, 2016, rejected the two (2) bid proposals for **Contract No. 16-05B (Rebid)** received August 16, 2016 and authorized the Executive Director, or his designee, to enter into contract negotiations, as permitted under N.J.S.A. 40A:11-5, in order to form a contract for **Liquid Sewage Sludge Transport** pursuant to and in accordance with **Contract No. 16-05A (Rebid)** and/or **Contract No. 16-05B (Rebid)** and/or **Contract No. 16-05C (Rebid)**.; and

WHEREAS, as part of the contract negotiations authorized by Resolution 16-2-054, the Authority received two (2) competitive proposals from **Spectraserv, Inc.** for **Contract No. 16-05A (Rebid) (for a Three (3) Year Period with Two (2) One (1) Year Options)** as follows:

| Vendor | Unit Price Item 1 (Years 1 through 3) | Unit Price Item 2 (Year 4) | Unit Price Item 3 (Year 5) |
|---------------------------------|--|---------------------------------------|---------------------------------------|
| Spectraserv, Inc. Kearny, NJ | \$54.00 | \$54.00 | \$54.00 |

| Vendor | Unit Price Item 1 (Years 1 through 3) | Unit Price Item 2 (Year 4) | Unit Price Item 3 (Year 5) |
|---------------------------------|--|---------------------------------------|---------------------------------------|
| Spectraserv, Inc. Kearny, NJ | \$60.00 | \$62.00 | \$76.20 |

; and

WHEREAS, as a condition of the unit price included in its first proposal set forth above, **Spectraserv Inc.** included the requirement that the Authority pay all towing charges as a pass through with no markup by **Spectraserv Inc.** for those towing services and **Spectraserv Inc.** did not include any conditions in connection with the unit price included in its second proposal set forth above; and

WHEREAS, as part of the contract negotiations authorized by Resolution 16-2-054, the Authority received a competitive proposal from **Russel Reid Waste Hauling and Disposal Service Co., Inc.** for **Contract No. 16-05B (Rebid) (for a Three (3) Year Period with Two (2) One (1) Year Options)** as follows:

| Vendor | Unit Price Item 1 (Years 1 through 3) | Unit Price Item 2 (Year 4) | Unit Price Item 3 (Year 5) |
|---|--|---------------------------------------|---------------------------------------|
| Russel Reid Waste Hauling and Disposal Service Co., Inc. Keasbey, NJ | \$44.70 | \$46.70 | \$49.70 |

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; and

WHEREAS, Russel Reid Waste Hauling and Disposal Service Co., Inc. included the following conditions in connection with the unit price included in its proposal set forth above:

- The Authority is to provide an onsite office trailer;
- The Authority is to provide an onsite location for parking for five (5) tractor trailers with access to electricity for those trailers;
- The Authority is to modify the existing liquid sludge loading station to allow for two (2) loading stations at 700 gpm/each;
- The Authority is to install and maintain flow meters at the loading stations to record sludge volume instead of utilizing the existing scales to record weight in and out of the Authority's facilities;
- The Authority is to allow for an adjustment in price based upon increase/decrease in fuel cost;
- The fourth and fifth option years are require to be optional for both parties, not the sole option of the Authority;
- The required performance bond to be provided shall be decreased from the required amount of \$1,000,000.00 to the amount of \$100,000.00;
- The number of trucks dedicated to servicing the Authority under this contract would start at four (4) making five (5) roundtrip loads each, with the number of dedicated trucks increasing as additional personnel were hired by **Russel Reid Waste Hauling and Disposal Service Co., Inc.**; and
- **Russel Reid Waste Hauling and Disposal Service Co., Inc.** needed sixty (60) days from the contract start date in order to be able to fully serve the Authority's needs under the subject contract.

; and

WHEREAS, as part of the contract negotiations authorized by Resolution 16-2-054, the Authority received a competitive proposal from **Accurate Waste Removal Services, Inc.** for **Contract No. 16-05B (Rebid) (for a Three (3) Year Period with Two (2) One (1) Year Options)** as follows:

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| Vendor | Unit Price Item 1 (Years 1 through 3) | Unit Price Item 2 (Year 4) | Unit Price Item 3 (Year 5) |
|---|--|-------------------------------|-------------------------------|
| Accurate Waste Removal Services, Inc. Lake Hopatcong, NJ | \$38.95 | \$40.00 | \$42.00 |

; and

WHEREAS, Accurate Waste Removal Services, Inc. included the following conditions in connection with the unit price included in its proposal set forth above:

- **Accurate Waste Removal Services, Inc.** is to provide four (4) frac tanks with 20,000 gallon capacity each at no additional charge to the Authority; and
- The Authority is to provide a parking space for one (1) spare power unit and an office trailer which is to be maintained and insured at the sole cost and expense of **Accurate Waste Removal Services, Inc.**

; and

WHEREAS, ARCADIS US, Inc., the Authority's **Special Environmental Engineer,** at the request of the Authority, provided to the Authority a report dated October 5, 2016, providing the Authority with an analysis of each of the competitive proposals received for **Contract No. 16-05A (Rebid) (for a Three (3) Year Period with Two (2) One (1) Year Options)** and **Contract No. 16-05B (Rebid) (for a Three (3) Year Period with Two (2) One (1) Year Options)** and concluded that based upon their professional engineering evaluation, **Accurate Waste Removal Services, Inc.** submitted the apparent lowest complying competitive proposal for **Contract No. 16-05B (Rebid) (for a Three (3) Year Period with Two (2) One (1) Year Options)** and, subject to final review by the Authority's representatives, recommended the award of **Contract No. 16-05B (Rebid) (for a Three (3) Year Period with Two (2) One (1) Year Options)** to **Accurate Waste Removal Services, Inc.;** and

WHEREAS, the Authority's **Qualified Purchasing Agent and Director of Water Pollution Control** have also recommended that the lower cost proposal for **Contract No. 16-05B (Rebid) (for a Three (3) Year Period with Two (2) One (1) Year Options),** submitted to the Authority by **Accurate Waste Removal Services, Inc.,** be accepted and **Accurate Waste Removal Services, Inc.** should be awarded **Contract No. 16-05B (Rebid) (for a Three (3) Year Period with Two (2) One (1) Year Options)** as the lowest complying and responsible service provider in accordance with N.J.S.A. 40A:11-1 et seq.; and

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WHEREAS, along with the recommendation to award **Contract No. 16-05B (Rebid) (for a Three (3) Year Period with Two (2) One (1) Year Options)** as set forth above, the Authority's **Qualified Purchasing Agent and Director of Water Pollution Control** have further recommended that the Authority should not award **Contract No. 16-05A (Rebid) (for a Three (3) Year Period with Two (2) One (1) Year Options)** or **Contract No. 16-05C (Rebid) (for a Three (3) Year Period with Two (2) One (1) Year Options)** at this time; and

WHEREAS, the awarding of **Contract No. 16-05B (Rebid) (for a Three (3) Year Period with Two (2) One (1) Year Options)** 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. **Accurate Waste Removal Services, Inc.** shall be and is hereby determined to be the lowest complying and responsible service provider for **Liquid Sewage Sludge Transport** constituting **Contract No. 16-05B (Rebid) (for a Three (3) Year Period with Two (2) One (1) Year Options)** for the total unit price of **\$38.95/1000 gallons** and the anticipated total sum of **\$2,332,326.00**.

2. The Chairman shall be and he is hereby authorized to execute an agreement with **Accurate Waste Removal Services, Inc.** of 226 Prospect Point Road, Lake Hopatcong, New Jersey 07849 for **Liquid Sewage Sludge Transport**, constituting **Contract No. 16-05B (Rebid) (for a Three (3) Year Period with Two (2) One (1) Year Options)** for a total unit price of **\$32.85/1000 gallons** and the anticipated total sum of **\$2,332,326.00**.

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

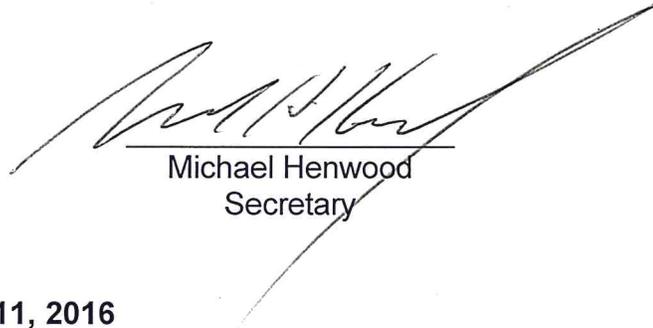
4. A notice of this contract award shall be published in the form prescribed by law.

5. A copy of this Resolution and the agreement executed pursuant to this Resolution, along with Contract No. 16-05B (Rebid), shall be placed on file and made available for public inspection in the Office of the Executive Director upon execution by Accurate Waste Removal Services, Inc. and the Authority.

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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 October 11, 2016.



Michael Henwood
Secretary

Dated: October 11, 2016

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 10/11/2016

RESOLUTION #: 16-2-070

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

SLUDGE DISPOSAL
W-670-60500-000

VENDOR

ACCURATE WASTE REMOVAL SERVICES, INC.

CONTRACT NUMBER

16-05B

REASON

LIQUID SEWAGE SLUDGE TRANSPORT

AMOUNT

\$38.95 per 1,000 gallons
\$2,332,326 ESTIMATED ANNUALLY

CONTRACT LENGTH

FOR A THREE YEAR TERM
October 11, 2016 to October 10, 2019

Matthew McCarter

ACTING TREASURER