

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

**In the matter of the 450th Regular Meeting of
The Bergen County Utilities Authority**

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

2. Roll Call:

COMMISSIONERS PRESENT:

Louis J. DeLisio, Vice Chairman
Catherine T. Bentz, Commissioner
Bruce Bonaventuro, Commissioner
James L. Cassella, Commissioner
Paul A. Juliano, Commissioner
Thomas S. Kelley, Commissioner
Jon Warms, Commissioner
George P. Zilocchi, Commissioner

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

3. Motion that the Minutes covering the August 25, 2016 Work Session be approved was moved by Commissioner Kelley and Seconded by Commissioner Cassella and was carried. Commissioners DeLisio, Bentz, Bonaventuro, and Juliano abstained.

4. Vice Chairman DeLisio opened the meeting to the public and asked if anyone present wished to be heard. The meeting was closed to the public.

5. FINANCE AND LEGAL COMMITTEE:

Resolution 16-1-040 - Approve bills and the claims supported by vouchers totaling \$3,985,094.51 for the month of September and authorize the Acting Treasurer to issue the necessary checks therefor, and to charge the accounts indicated, all as more fully set forth on the Acting Treasurer's check list. Motion to adopt the resolution was made by Commissioner Cassella and Seconded by Commissioner Kelley. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 16-1-041 - Ratify and Approve Financial Actions directed by Mathew McCarter, Acting Treasurer, during the month of August 2016. Motion to adopt the resolution was made by Commissioner Cassella and Seconded by Commissioner Kelley. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 16-1-042 - Authorize Renewal of Membership to the National Association of Clean Water Agencies (NACWA). Motion to adopt the resolution was made by Commissioner Cassella 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 16-2-060 - Authorize Amendment of Professional Services Agreement with Neglia Engineering. – Site Work Engineering/Land Surveying Consultant. Motion to adopt the resolution was made by Commissioner Juliano and Seconded by Commissioner Cassella. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 16-2-061 - Authorize Amendment of Professional Services Agreement with Neglia Engineering. – Edgewater Force Main/Pump Station Project. Motion to adopt the resolution was made by Commissioner Juliano and Seconded by Commissioner Cassella. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 16-2-062 - Authorize Professional Services Agreement with Mott MacDonald - Special Engineering Consultant - Combined Sewer Overflow (“CSO”) Management project. Motion to adopt the resolution was made by Commissioner Juliano and Seconded by Commissioner Cassella. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 16-2-063 - Amendment of Professional Services Agreement with Hatch Mott MacDonald – Special Engineering Consultant – Final Surface Water Major Modifications Permit Action. Motion to adopt the resolution was made by Commissioner Juliano and Seconded by Commissioner Cassella. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 16-2-064 - Reject all bids and authorize re-advertisement and rebid of Contract 16-19 - Stack Retest for Cogeneration Engine 3 (One Year). Motion to adopt the resolution was made by Commissioner Juliano and Seconded by Commissioner Cassella. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 16-2-065 - Authorize re-advertisement and rebid of Contract 16-20 – Furnish and deliver Bisulfite Hose Replacement (One Year). Motion to adopt the resolution was made by Commissioner Juliano and Seconded by Commissioner Cassella. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 16-2-066 - Authorize re-advertisement and rebid of Contract 16-15 – DST/WAS Belt Press Parts – Gravity Belt Thickeners (Two Years). Motion to adopt the resolution was made by Commissioner Juliano and Seconded by Commissioner Cassella. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 16-2-067 - Authorize 90-day extension of agreement with Spectraserve, Inc. – Contract No. 10-15A for Liquid Sludge Barge Transportation. Motion to adopt the resolution was made by Commissioner Juliano and Seconded by Commissioner Cassella. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 16-2-068 - Approve Change Order – CMS Construction, Inc. – Primary Settling Tanks No. 5 & 6 – Concrete Repairs. Motion to adopt the resolution was made by Commissioner Juliano and Seconded by Commissioner Cassella. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 16-2-069 - 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 Cassella. A roll call was taken and the resolution was adopted as reflected in these minutes.

7. PERSONNEL & ADMINISTRATION COMMITTEE:

Resolution 16-3-005 - Authorize Chairman and Executive Director to execute the CWA – AFL-CIO Local 1040 Collective Bargaining Agreement for the term 1/1/16 - 12/31/19. Motion to adopt the resolution was made by Commissioner DeLisio and Seconded by Commissioner Juliano. A roll call was taken and the resolution was adopted as reflected in these minutes.

8. Vice Chairman DeLisio announced a short recess to allow time for the Board Secretary to prepare minutes of this Regular Meeting.
9. Vice Chairman DeLisio announced the Regular Meeting would reconvene.
10. The Board Secretary then distributed proposed minutes of the September 22, 2016 Regular Meeting for review by the Commissioners.
11. Move to approve the Minutes of the Regular Meeting of September 22, 2016 as distributed by the Secretary, such minutes to include this motion approving the minutes, without the requirement of further review or approval at a subsequent Regular Meeting. Motion to adopt the Minutes of the Regular Meeting September 22, 2016 was made by Commissioner Bentz and Seconded by Commissioner Cassella and was unanimously carried.
12. Upon motion duly made, seconded and unanimously carried, the meeting was adjourned.

BERGEN COUNTY UTILITIES AUTHORITY

Minutes of the Regular Meeting

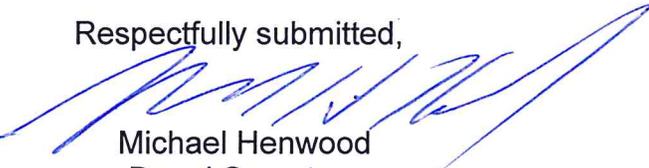
September 22, 2016

Resolution #	16-1-040	16-1-041	16-1-042	16-2-060	16-2-061	16-2-062	16-2-063
Chairman Phillips	-	-	-	-	-	-	-
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. Cassella	Y	Y	Y	Y	Y	Y	Y
Comm. Juliano	Y	Y	Y	Y	Y	Y	Y
Comm. Kelley	Y	Y	Y	Y	Y	Y	Y
Comm. Warms	Y	Y	Y	Y	Y	Y	Y
Comm. Zilocchi	Y	Y	Y	Y	Y	Y	Y

Resolution #	16-2-064	16-2-065	16-2-066	16-2-067	16-2-068	16-2-069	16-3-005
Chairman Phillips	-	-	-	-	-	-	-
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. Cassella	Y	Y	Y	Y	Y	Y	Y
Comm. Juliano	Y	Y	Y	Y	Y	Y	Y
Comm. Kelley	Y	Y	Y	Y	Y	Y	Y
Comm. Warms	Y	Y	Y	Y	Y	Y	Y
Comm. Zilocchi	Y	Y	Y	Y	Y	Y	Y

Y = Yes R = Recuse A = Abstain N = No - = Absent
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Respectfully submitted,



Michael Henwood
Board Secretary

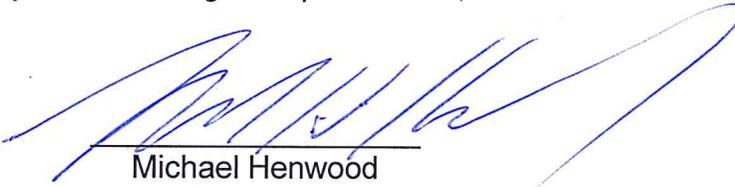
Date: September 22, 2016

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

BE IT RESOLVED by the Commissioners of the Bergen County Utilities Authority that the Financial Actions directed by Mathew McCarter, Acting Treasurer, during the month of August 2016 be and are hereby ratified and approved.

1. 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 September 22, 2016.



Michael Henwood
Secretary

Dated: September 22, 2016

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

WHEREAS, the **National Association of Clean Water Agencies (NACWA)** is a nationally recognized leader in environmental policy and a well-established technical resource on water quality & ecosystem protection issues.

WHEREAS, membership in **NACWA** is a unique opportunity to improve the effectiveness in the operation of the Authority, enhance professional development and achieve the goals & objectives the Authority shares with other publicly owned treatment works.

WHEREAS, **NACWA's** active membership and close working relationship with Congress and the U.S. Environmental Protection Agency (EPA) allow members to interact with national policy makers & shape the course of America's environmental protection legislation.

WHEREAS, **NACWA** has submitted a proposal dated September 15, 2016, to induce the Authority to renew its existing membership, which proposal has been reviewed by the Executive Director and Chief Engineer of the Authority; and

WHEREAS, the Authority's Executive Director and Chief Engineer have recommended that the Authority renew its membership to **NACWA**. The proposed annual membership/dues for October 21, 2016 through September 30, 2017 is \$23,130 based on a service area population of 500,000; and

WHEREAS, the Authority has determined, based upon the foregoing, that it is necessary and/or desirable for its efficient operations to renew its membership in **NACWA** for October 1, 2016 through September 30, 2017

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

1. The Chairman shall be and is hereby authorized to renew the membership by and between the Authority and **NACWA**, in the amount not to exceed \$23,130.
2. The Chief Financial Officer's Certification that funds are available shall be maintained on file at the Authority.
3. A copy of this resolution and the agreement to renew its membership in **NACWA** shall be placed on file and made available for public inspection in the office of the Executive Director, upon execution by the Authority.
4. A notice of this membership renewal 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 *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 on September 22, 2016.



Michael Henwood
Board Secretary

Dated: September 22, 2016

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 09/22/2016

RESOLUTION #: 16-1-042

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

PERMITS, LICENSES AND FEES
W-350-50700-000

VENDOR

NATIONAL ASSOCIATION
OF CLEAN WATER AGENCIES

CONTRACT NUMBER

REASON

NATIONAL ASSOC MEMBERSHIP RENEWAL

AMOUNT

\$23,130.00

CONTRACT LENGTH

OCTOBER 1, 2016 TO SEPTEMBER 30, 2017



ACTING TREASURER

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

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

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

WHEREAS, in furtherance of providing these essential services, the Board of Commissioners of the Authority, by Resolution 16-2-012 adopted February 25, 2016, appointed Neglia Engineering Associates to serve as Site Work Engineering/Land Surveying Consultant to the Authority for a One (1) Year Term or until a successor is selected or at the pleasure of the Authority, whichever shall first occur or be exercised; and

WHEREAS, Resolution 16-2-012 Authorized the Chairman of the Board of Commissioners of the Authority to execute an agreement by and between the Authority and Neglia Engineering Associates (the “Agreement”) memorializing the services to be provided by Neglia Engineering Associates to the Authority as Site Work Engineering/Land Surveying Consultant and providing the budget for compensation to be paid by the Authority to Neglia Engineering Associates for the providing of those services, pursuant to which payment is not to exceed the total sum of \$100,000.00 without further approval of the Board of Commissioners of the Authority; and

WHEREAS, the Agreement was executed by and on behalf of the Authority and Neglia Engineering Associates on March 1, 2016; and

WHEREAS, Neglia Engineering Associates, operating under the Agreement, has continued to provide significant necessary and valuable services to the Authority as the Authority’s Site Work Engineering/Land Surveying Consultant on an as-requested basis on a number of critical ongoing projects as well as additional other projects the Authority identified since the commencement of the term of the Agreement, which projects include:

- On site safety improvements including surveying and design of preliminary plans for bids and specs;
- Offsite safety improvements including various pump stations with preliminary plans for bids and specs;

16-2-060

- Containment plan required by the DEP to install containment pads including preparing bids and specs; and
- Edgewater Water Pollution Control Facility Project.

; and

WHEREAS, by written correspondence dated August September 15, 2016, Neglia Engineering Associates advised the Authority that as of September 15, 2016, Neglia Engineering Associates had expended approximately \$100,000.00 in services to the Authority under the Agreement and the Agreement provides for a compensation budget of \$100,000.00 to be paid by the Authority to Neglia Engineering Associates for services performed pursuant thereto; and

WHEREAS, Neglia Engineering Associates, by the September 15, 2016 written correspondence, requested that the Authority increase the compensation budget provided for by the Agreement by the total sum of \$150,000.00, resulting in an amended Agreement compensation budget of an amount not to exceed the total sum of \$250,000.00; and

WHEREAS, the Authority's Director of Engineering has determined that Neglia Engineering Associates has performed all services under the Agreement in an effective and efficient manner and further determined that the remaining work to be performed by Neglia Engineering Associates under the Agreement is essential to the proper and effective operation of the Authority's Water Pollution Control Division and critical to the health, welfare and safety of the ratepayers and employees of the Authority; and

WHEREAS, the Authority's Director of Engineering has reviewed the September 15, 2016 written correspondence of Neglia Engineering Associates, including the request of Neglia Engineering Associates to increase the compensation budget under the Agreement for the total compensation to be paid by the Authority to Neglia Engineering Associates, and based upon the above determinations and his review of the September 15, 2016 written correspondence of Neglia Engineering Associates, he has concluded and recommended that the Authority should amend the Agreement by increasing the budget for compensation to be paid by the Authority to Neglia Engineering Associates pursuant to the Agreement in the total sum of \$150,000.00, resulting in an amended compensation budget under the Agreement in an amount not to exceed the total sum of \$250,000.00 without further approval of the Board of Commissioners of the Authority; and

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

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

1. The Agreement entered into by and between the Authority and Neglia Engineering Associates shall be and is hereby modified by the Authority and the Agreement shall be modified to provide that the compensation to be paid by the Authority pursuant thereto shall be increased in the amount of \$150,000.00 and the total amount of compensation to now be paid by the Authority to Neglia Engineering Associates pursuant to the modified Agreement shall not exceed the total sum of \$250,000.00 without further approval of the Board of Commissioners of the Authority.

2. The Chairman of the Authority shall be and is hereby authorized to execute an agreement by and among the Authority and Neglia Engineering Associates, modifying the Agreement as approved and authorized by this Resolution, in the form acceptable to the Chairman, and satisfactory to the Authority as evidenced by the Chairman's signature thereon.

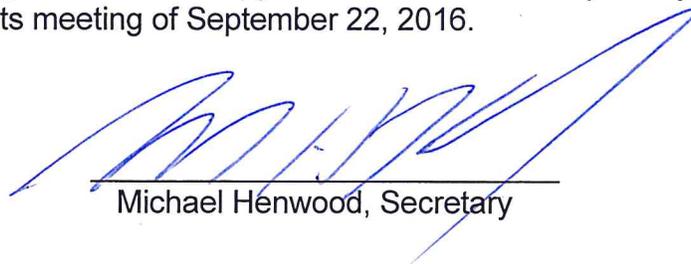
3. A copy of this Resolution, and the agreement modifying the Agreement with Neglia Engineering Associates pursuant to this Resolution, shall be placed on file and made available for public inspection in the Office of the Executive Director, upon execution by Neglia Engineering Associates and the Authority.

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

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

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

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



Michael Henwood, Secretary

Dated: September 22, 2016

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 09/22/2016

RESOLUTION #: 16-2-060

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

NEGLIA ENGINEERING ASSOCIATES

CONTRACT NUMBER

16022512 MODIFICATION

REASON

INCREASE IN PROFESSIONAL SERVICES
NEEDS OF THE AUTHORITY FOR CRITICAL
ONGOING PROJECTS AND PROJECTS NOT
IDENTIFIED SINCE AGREEMENT COMMENCEMENT

AMOUNT

\$150,000.00

CONTRACT LENGTH

OCTOBER 1, 2016 TO FEBRUARY 28, 2017

Matthew McCarter

ACTING TREASURER

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

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

WHEREAS, in 2007, in accordance with its charter, the Authority acquired the Edgewater wastewater treatment plant located at 520 River Road, Edgewater, New Jersey, from the Edgewater Municipal Utilities Authority (the "Edgewater MUA"); and

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

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

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

WHEREAS, after acquiring the Edgewater MUA's wastewater treatment plant, now known as the Authority's Edgewater Water Pollution Control Facility (the "Edgewater WPCF"), the Authority assumed responsibility for the compliance plan for the outfall extension project; and

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

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

16-2-061

WHEREAS, in furtherance of the Authority providing essential services, and in furtherance of the Edgewater Sewage Force Main Project, the Board of Commissioners of the Authority, by Resolution 14-2-063 adopted December 18, 2014, appointed Neglia Engineering Associates to serve as Land Surveying Engineer to the Authority for the Edgewater Sewage Force Main Project for the duration of the project or until a successor is selected or at the pleasure of the Authority, whichever shall first occur or be exercised; and

WHEREAS, Resolution 14-2-063 Authorized the Chairman of the Board of Commissioners of the Authority to execute an agreement by and between the Authority and Neglia Engineering Associates (the "Agreement") memorializing the services to be provided by Neglia Engineering Associates to the Authority as Land Surveying Engineer for the Edgewater Sewage Force Main Project and providing the budget for compensation to be paid by the Authority to Neglia Engineering Associates for the providing of those services, pursuant to which payment is not to exceed the total sum of \$163,270.00 without further approval of the Board of Commissioners of the Authority; and

WHEREAS, the Agreement was executed by and on behalf of the Authority and Neglia Engineering Associates on January 1, 2015; and

WHEREAS, Neglia Engineering Associates, operating under the Agreement, has continued to provide significant necessary and valuable services to the Authority as the Authority's Land Surveying Engineer for the Edgewater Sewage Force Main Project since the commencement of the term of the Agreement, which tasks include:

- Provide boundary and topographic mapping;
- Research record deeds and maps of properties in question and adjoining parcels sufficient to establish record boundaries along the route;
- Survey elevations and coordinates 50 feet cross sections;
- Utility locations in R.O.W.s (ground penetrating radar);
- Flagging for low level aerial flight;
- Aerial flight;
- Soil borings stakeout;
- ASCII comma separated variable (CSV) MS-DOS text file and print out with hard copies of all survey notes;
- Provide descriptions with metes and bounds and mapping;
- Provide datums;
- Delineated wetlands by a certified wetlands inspector and appropriate mapping and reports; and
- Establish survey baseline and control points.

; and

16-2-061

WHEREAS, by written correspondence dated August 25, 2016, Neglia Engineering Associates advised the Authority that, as of August 24, 2016, Neglia Engineering Associates had expended approximately \$163,270.00 in services to the Authority under the Agreement; and

WHEREAS, the Agreement provides for a compensation budget of \$163,270.00 to be paid by the Authority to Neglia Engineering Associates for services performed pursuant thereto; and

WHEREAS, Neglia Engineering Associates, by the August 25, 2016 written correspondence, requested that the Authority increase the compensation budget provided for by the Agreement by the total sum of \$204,185.00, resulting in an amended Agreement compensation budget of an amount not to exceed the total sum of \$367,455.00 without further approval of the Board of Commissioners of the Authority; and

WHEREAS, the Authority's Director of Engineering has determined that Neglia Engineering Associates has performed all services under the Agreement in an effective and efficient manner and further determined that the remaining work to be performed by Neglia Engineering Associates under the Agreement is essential to the proper and effective operation of the Authority's Water Pollution Control Division and critical to the health, welfare and safety of the ratepayers and employees of the Authority and necessary for the completion of the Edgewater Sewer Force Main Project; and

WHEREAS, the Authority's Director of Engineering has reviewed the August 24, 2016 written correspondence of Neglia Engineering Associates, including the request of Neglia Engineering Associates to increase the compensation budget under the Agreement for the total compensation to be paid by the Authority to Neglia Engineering Associates for services provided by Neglia Engineering Associates to the Authority pursuant to the Agreement, and based upon the above determinations and his review of the August 24, 2016 written correspondence of Neglia Engineering Associates, the Authority's Director of Engineering has concluded and recommended that the Authority should amend the Agreement by increasing the budget for compensation to be paid by the Authority to Neglia Engineering Associates pursuant to the Agreement in the total sum of \$204,185.00, resulting in an amended compensation budget under the Agreement in an amount not to exceed the total sum of \$367,455.00 without further approval of the Board of Commissioners of the Authority; and

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

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

16-2-061

1. The Agreement entered into by and between the Authority and Neglia Engineering Associates shall be and is hereby modified by the Authority and the Agreement shall be modified to provide that the compensation to be paid by the Authority pursuant thereto shall be increased in the amount of \$204,185.00 and the total amount of compensation to now be paid by the Authority to Neglia Engineering Associates pursuant to the modified Agreement shall not exceed the total sum of \$367,455.00 without further approval of the Board of Commissioners of the Authority.

2. The Chairman of the Authority shall be and is hereby authorized to execute an agreement by and among the Authority and Neglia Engineering Associates, modifying the Agreement as approved and authorized by this Resolution, in the form acceptable to the Chairman, and satisfactory to the Authority as evidenced by the Chairman's signature thereon.

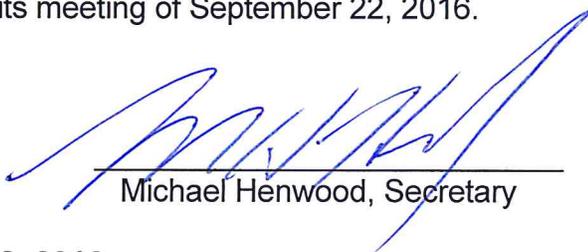
3. A copy of this Resolution, and the agreement modifying the Agreement with Neglia Engineering Associates pursuant to this Resolution, shall be placed on file and made available for public inspection in the Office of the Executive Director, upon execution by Neglia Engineering Associates and the Authority.

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

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

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

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



Michael Henwood, Secretary

Dated: September 22, 2016

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 09/22/2016

RESOLUTION #: 16-2-061

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

VENDOR

NEGLIA ENGINEERING ASSOCIATES

CONTRACT NUMBER

E14121801 MODIFICATION

REASON

EDGEWATER SEWAGE FORCE
MAIN PROJECT

AMOUNT

\$204,185.00

CONTRACT LENGTH

TO COMPLETION

Mather McCarter

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; and

WHEREAS, operating within Bergen County, the Authority's Water Pollution Control Division currently serves forty-seven (47) municipalities and numerous other private industrial subscribers; and

WHEREAS, on prior occasion, the United States Environmental Protection Agency ("EPA") finalized the National Combined Sewer Overflow Control Policy that requires New Jersey Pollutant Discharge Elimination System ("NJPDES") permittees with combined sewer systems to undertake a Combined Sewer Overflow ("CSO") Long-Term Control Plan for developing, evaluating and implementing control alternatives for attaining compliance with the Clean Water Act, including compliance with water quality standards and protection of designated uses; and

WHEREAS, in June 2004, the New Jersey Department of Environmental Protection ("NJDEP") revoked and reissued CSO General Permit NJPDES No. NJ0105023 to incorporate a requirement for all permittees to undertake and complete the development of a long-term control plan, inclusive of a Public Participation Program and other stipulated tasks; and

WHEREAS, certain constituent members of the Authority's sewer service district, to wit, the City of Hackensack, the Village of Ridgefield Park and the Borough of Fort Lee, own and operate various components of a combined sewer system ("CSS") and are required to complete certain tasks in the development of their respective Long Term Control Plans ; and

WHEREAS, by Resolution 15-1-038 adopted September 24, 2015 by the Board of Commissioners of the Authority, the Authority publicly declared its official intent to work cooperatively with the City of Hackensack, the Village of Ridgefield Park and the Borough of Fort Lee in the development of a regional CSO Long Term Control Plan; and

WHEREAS, subsequent to the adoption of Resolution 15-1-038 by the Board of Commissioners of the Authority, the Authority's staff has met with representatives of the City of Hackensack, the Village of Ridgefield Park and the Borough of Fort Lee to

coordinate the formulation, development and submission of the CSO Long-Term Control Plan for the aforesated municipalities, and the Authority, respectively; and

WHEREAS, the Authority previously engaged the services of Hatch Mott MacDonald to assist the Authority in formulating and conducting a group Public Participation Program and to implement a Public Participation Work Plan, in accordance with the reissued general permit for CSS's, which took effect on August 1, 2004, under the title, "Bergen County CSO Group," and to develop, allocate costs and implement CSO Long-Term Control Plan studies and such other reports as may be required by the NJDEP and regulating the New Jersey Pollution Discharge Eliminating System general permit for CSS's; and

WHEREAS, the Authority was previously established as the lead agency of the Bergen County CSO Group to assist the Authority's member municipalities with Combined Sewer Management ("CSM") requirements associated within the Authority's NJPDES Permit; and

WHEREAS, the NJDEP has encouraged CSO permittees within the same district to complete certain of the permit requirements jointly and to develop a regional CSO Long Term Control Plan; and

WHEREAS, the Authority and other members of the Bergen County CSO Group have committed to the NJDEP that they will undertake a Regional Long Term Control Plan, which includes, but is not limited to, a computer model that integrates all of the collection and transport facilities that service combined sewer systems, and an extensive regional public participation program; and

WHEREAS, there 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 serve as **Special Engineering Consultant** to the Authority for the **Combined Sewer Overflow ("CSO") Management 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 **Hatch Mott MacDonald** responded to the Authority's publicly advertised Request for Qualifications ("RFQ") and was qualified as competent to provide consulting engineering services to the Authority by Resolution 16-2-001 adopted January 28, 2016 by the Board of Commissioners of the Authority; and

WHEREAS, the Authority has determined that **Mott MacDonald**, successor entity to **Hatch Mott MacDonald**, is competent, qualified and experienced to serve as the Authority's **Special Engineering Consultant**; and

WHEREAS, based on **Mott MacDonald's** Statement of Qualifications and prior history, the Authority issued a Request for Proposal ("RFP"); and

WHEREAS, the RFP provided a scope of work divided into seven (7) tasks that includes as follows:

- Task 1 - Project Coordination;
- Task 2 - NJPDES Assistance;
- Task 3 - Progress Reporting and Nine Minimum Control Requirements;
- Task 4 - Long Term Control Plan Phase 1: Sewer System Characterization
- Task 5 – Long Term Control Plan Phase 2: Development and Evaluation of Alternatives;
- Task 6 – Long Term Control Plan Phase 3: Plan Selection and Implementation Schedule; and
- Task 7 – Public Participation Program.

; and

WHEREAS, the RFP specified that the **Special Engineering Consultant** shall be required to indemnify the Authority and provide insurance required by the Authority; and

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

WHEREAS, **Mott MacDonald** has submitted to the Authority a proposal to provide the aforesaid professional engineering services dated September 14, 2016, for an amount not to exceed the total sum of \$70,000.00 for the **Special Engineering Consultant for the Combined Sewer Overflow ("CSO") Management Project** for and during the time period of September 1, 2016 through and including February 28, 2017, 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, Certificate of Liability Insurance naming 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 its efficient operation to retain the services of **Mott MacDonald** to serve as **Special Engineering Consultant** to the Authority for the **Combined Sewer Overflow**

("CSO") **Management Project** for and during the time period of September 1, 2016 through and including February 28, 2017; and

WHEREAS, the Authority desires to appoint and retain **Mott MacDonald** to serve as **Special Engineering Consultant** to the Authority for the **Combined Sewer Overflow ("CSO") Management Project** for and during the time period of September 1, 2016 through and including February 28, 2017 for an amount not to exceed the total sum of \$70,000.00; 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 Board of Commissioners of the Bergen County Utilities Authority as follows:

1. **Mott MacDonald** shall be and is hereby retained by the Authority to provide professional engineering services and to serve as **Special Engineering Consultant** to the Authority for the **Combined Sewer Overflow ("CSO") Management Project** for and during the time period commencing September 1, 2016 and expiring February 28, 2017 for an amount not to exceed the total sum of \$70,000.00, computed based on hourly rate plus all reimbursable items for Tasks performed as set forth and included within the September 14, 2016 proposal of **Hatch Mott MacDonald**, without further approval of the Commissioners of the Authority.

2. The Chairman shall be and is hereby authorized to execute an agreement by and between the Authority and **Mott MacDonald**, memorializing the scope of services to be performed during the time period thereof and the compensation to be paid therefore, in the form acceptable to the Chairman and satisfactory to the Authority, as evidenced by the Chairman's signature thereon.

3. A copy of this Resolution and the agreement retaining **Mott MacDonald** as **Special Engineering Consultant** pursuant to this Resolution shall be placed on file and made available for public inspection in the Office of the Executive Director, upon execution by **Mott MacDonald** and the Authority.

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

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

6. The formal action(s) of the Commissioners of 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 September 22, 2016.



Michael Henwood
Secretary

DATED: September 22, 2016

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 09/22/2016
RESOLUTION #: 16-2-062

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 MOTT MACDONALD

CONTRACT NUMBER 16092201

REASON COMBINED SEWER OVERFLOW
MANAGEMENT PROJECT

AMOUNT \$70,000.00

CONTRACT LENGTH SEPTEMBER 1, 2016 TO FEBRUARY 28, 2017

Mather M Carter
ACTING TREASURER

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

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

WHEREAS, the Bergen County Utilities Authority ("Authority") plays an important role in providing these essential services; and

WHEREAS, operating within Bergen County, the Authority's Water Pollution Control Division currently serves forty-seven (47) municipalities and numerous other private industrial subscribers; and

WHEREAS, on prior occasion, the United States Environmental Protection Agency ("EPA") finalized the National Combined Sewer Overflow Control Policy that requires New Jersey Pollutant Discharge Elimination System ("NJPDES") permittees with combined sewer systems to undertake a Combined Sewer Overflow ("CSO") Long-Term Control Plan for developing, evaluating and implementing control alternatives for attaining compliance with the Clean Water Act, including compliance with water quality standards and protection of designated uses; and

WHEREAS, in June 2004, the New Jersey Department of Environmental Protection ("NJDEP") revoked and reissued CSO General Permit NJPDES No. NJ0105023 to incorporate a requirement for all permittees to undertake and complete the development of a long term control plan, inclusive of a Public Participation Program and other stipulated tasks; and

WHEREAS, the Authority was previously established as the lead agency to assist the Authority's member municipalities with Combined Sewer Management ("CSM") requirements associated within the Authority's NJPDES Permit; and

WHEREAS, in furtherance of the Authority formulating and conducting a group Public Participation Program and to implement a Public Participation Work Plan and in completing other necessary tasks associated with NJPDES Permit No. NJ0105023, in accordance with that reissued general permit for CSS's which took effect on August 1, 2004, under the title, "Bergen County CSO Group," and to develop, allocate costs and implement CSO Long-Term Control Plan studies and such other reports as may be required by the NJDEP and regulating the New Jersey Pollution Discharge Eliminating System general permit for CSS's, the Board of Commissioners of the Authority, by Resolution 06-2-041 adopted April 27, 2006, appointed and engaged the services of Hatch Mott MacDonald ("HMM"), now known as Mott MacDonald ("MM"), to serve as Consulting Engineer in connection with the **Authority's Final Surface Water Major Modification Permit Action** to the Authority for the project associated with NJPDES Permit No.

NJ0105023 for the duration of the project or until a successor is selected or at the pleasure of the Authority, whichever shall first occur or be exercised; and

WHEREAS, Resolution 06-2-041 Authorized the Chairman of the Board of Commissioners of the Authority to execute an agreement by and between the Authority and HMM (the "Agreement") memorializing the services to be provided by MM to the Authority for the project as detailed above and providing the budget for compensation to be paid by the Authority to HMM for the providing of those services, pursuant to which payment is not to exceed the total sum of \$711,800.00 without further approval of the Board of Commissioners of the Authority; and

WHEREAS, the Agreement was executed by and on behalf of the Authority and HMM on May 1, 2006; and

WHEREAS, HMM, and now MM since during or about April 2016 as successor to HMM, continuing to operate under the Agreement, has continued to provide significant necessary and valuable services to the Authority for the project since the commencement of the term of the Agreement, which tasks include:

- Coordination of assistance to the Authority in the form of attending and/or holding various meetings as requested by the NJDEP, the Authority's member municipalities with CSM requirements and other agencies to develop the means and methods as required to comply with the numerous tasks and deadlines associated with the subject NJPDES permit;
- Assist the Authority in the development, submission and modifications as needed to obtain NJDEP approval of a Quality Assurance Work Plan ("QAPP") for undertaking a Sewer System Characterization Study in accordance with the subject NJPDES permit, which QAPP was submitted to the NJDEP prior to December 31, 2015 as required and which QAPP, following modifications pursuant to discussions with the NJDEP, was approved by the NJDEP in July 2016; and
- Assisting the Authority with meeting numerous requirements of the subject NJPDES permit which are specific to the Authority.

; and

WHEREAS, by written correspondence dated September 19, 2016, MM advised the Authority that MM had exhausted the compensation budget to be paid by the Authority to MM for services performed under the Agreement; and

WHEREAS, the Agreement provides for a compensation budget of \$711,800.00 to be paid by the Authority to MM for services performed pursuant thereto; and

WHEREAS, MM, by the September 19, 2016 written correspondence, requested that the Authority increase the compensation budget provided for by the Agreement by the total sum of \$50,000.00, resulting in an amended Agreement compensation budget of an amount not to exceed the total sum of \$761,800.00 without further approval of the Board of Commissioners of the Authority; and

WHEREAS, the Authority's Director of Engineering has determined that HMM and now MM has performed all services under the Agreement in an effective and efficient manner and further determined that the remaining work to be performed by MM under the Agreement is essential to the proper and effective operation of the Authority's Water Pollution Control Division and critical to the health, welfare and safety of the ratepayers and employees of the Authority and necessary for the completion of tasks relating to the subject NJPDES permit; and

WHEREAS, the Authority's Director of Engineering has reviewed the September 19, 2016 written correspondence of MM, including the request of MM to increase the compensation budget under the Agreement for the total compensation to be paid by the Authority to MM for services provided by MM to the Authority pursuant to the Agreement, and based upon the above determinations and his review of the September 19, 2016 written correspondence of MM, the Authority's Director of Engineering has concluded and recommended that the Authority should amend the Agreement by increasing the budget for compensation to be paid by the Authority to MM pursuant to the Agreement in the total sum of \$50,000.00, resulting in an amended compensation budget under the Agreement in an amount not to exceed the total sum of \$761,800.00 without further approval of the Board of Commissioners of the Authority; and

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

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

1. The Agreement entered into by and between the Authority and Hatch Mott MacDonald shall be and is hereby modified by the Authority and the Agreement shall be modified to provide that the compensation to be paid by the Authority pursuant thereto shall be increased in the amount of \$50,000.00 and the total amount of compensation to now be paid by the Authority to MM pursuant to the modified Agreement shall not exceed the total sum of \$761,800.00 without further approval of the Board of Commissioners of the Authority.

2. The Chairman of the Authority shall be and is hereby authorized to execute an agreement by and among the Authority and Mott MacDonald, modifying the Agreement as approved and authorized by this Resolution, in the form acceptable to the Chairman, and satisfactory to the Authority as evidenced by the Chairman's signature thereon.

3. A copy of this Resolution, and the agreement modifying the Agreement with Mott MacDonald 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 Mott MacDonald and the Authority.

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

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

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

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



Michael Henwood
Secretary

DATED: September 22, 2016

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 09/22/2016

RESOLUTION #: 16-2-063

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

2014 WPC BOND ISSUE

VENDOR

HATCH MOTT MACDONALD

CONTRACT NUMBER

04270601 MODIFICATION

REASON

FINAL SURFACE WATER MAJOR
MODIFICATION PERMIT ACTION

AMOUNT

\$50,000.00

CONTRACT LENGTH

TO COMPLETION



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 **Stack Retest for Cogeneration Engine 3**, pursuant to and in accordance with **Contract No. 16-19**; and

WHEREAS, the following three (3) bid proposals were received by the Authority on **September 8, 2016** for **Contract No. 16-19**:

Vendor	Total Amount Bid
FD Pace d/b/a Pace Environmental Whitehall, PA	\$18,810.00
Air Nova, Inc. Pennsauken, NJ	\$26,200.00
Avogadro Environmental Corporation d/b/a MAQS - Easton Easton, PA	\$38,835.00

; and

WHEREAS, the Authority's **Qualified Purchasing Agent** has reviewed the bid proposals provided by **FD Pace d/b/a Pace Environmental**, **Air Nova, Inc** and **Avogadro Environmental Corporation d/b/a MAQS - Easton** and has indicated that the bid proposal of **FD Pace d/b/a Pace Environmental** has been deemed incomplete, nonconforming and nonresponsive based upon the failure to submit a complete Statement of Ownership with the submitted bid proposal making it an incomplete, nonconforming and nonresponsive bid and the bid proposal of **FD Pace d/b/a Pace Environmental** is therefore deficient and the bid proposal of **Air Nova, Inc.** has been deemed incomplete, nonconforming and nonresponsive based upon the failure to submit a Public Works Contractor's Registration Certificate with the submitted bid proposal making it an incomplete, nonconforming and nonresponsive bid and the bid proposal of **Air Nova, Inc.** is therefore deficient and the bid proposal of **Avogadro Environmental Corporation d/b/a MAQS - Easton** has been deemed incomplete, nonconforming and nonresponsive based upon the failure to submit a Bid Bond with the submitted bid proposal making it an incomplete, nonconforming and nonresponsive bid and the bid proposal of **Avogadro Environmental Corporation d/b/a MAQS - Easton** is therefore deficient; and

WHEREAS, the Authority's **Qualified Purchasing Agent** has recommended that the bid proposals provided by **FD Pace d/b/a Pace Environmental**, **Air Nova, Inc** and **Avogadro Environmental Corporation d/b/a MAQS - Easton** be rejected for the reasons aforementioned; and

16-2-064

WHEREAS, no acceptable or responsive bid proposals were received by the Authority as of **September 8, 2016**, which was the date set forth in the Invitation to Bid for the receipt of bid proposals pursuant to and in accordance with **Contract 16-19**; and

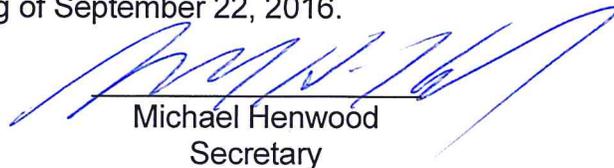
WHEREAS, the Contract Documents and Bid Specifications constituting **Contract No. 16-19** provide at Section 15.1 of the Instructions to Bidders that the Authority, as the contracting unit, reserves the right to reject any and all bids, including but not limited to, all nonconforming, nonresponsive or conditional bids; and

WHEREAS, the Commissioners of the Authority are desirous of re-advertising for the solicitation of bid proposals for **Contract No. 16-19** pursuant to N.J.S.A. 40A:11-4 et seq., as an award of **Contract No. 16-19** 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 bid of **FD Pace d/b/a Pace Environmental** shall be and is hereby rejected as being an incomplete, nonconforming and nonresponsive bid, constituting a non-waivable, incurable, material deviation from **Contract No. 16-19**.
2. The bid of **Air Nova, Inc.** shall be and is hereby rejected as being an incomplete, nonconforming and nonresponsive bid, constituting a non-waivable, incurable, material deviation from **Contract No. 16-19**.
3. The bid of **Avogadro Environmental Corporation d/b/a MAQS - Easton** shall be and is hereby rejected as being an incomplete, nonconforming and nonresponsive bid, constituting a non-waivable, incurable, material deviation from **Contract No. 16-19**.
4. The Executive Director, or his designee, shall be and is hereby authorized to re-advertise for the solicitation of bid proposals for **Stack Retest for Cogeneration Engine 3** pursuant to and in accordance with **Contract No. 16-19 (Rebid)**.
5. The bid security of unsuccessful bidders, if any, shall be returned in accordance with N.J.S.A. 40A:11-1, et seq.
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 September 22, 2016.


Michael Henwood
Secretary

Dated: **September 22, 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 to **Furnish and Deliver Bisulfite Hose Replacement (for a One (1) Year Period)**, pursuant to and in accordance with **Contract No. 16-20**; and

WHEREAS, no bid proposals were received by the Authority on **September 8, 2016**, the date set forth in the Invitation to Bid for the receipt of bid proposals pursuant to and in accordance with **Contract No. 16-20**; and

WHEREAS, the Commissioners of the Authority are desirous of re-advertising for the solicitation of bid proposals for **Contract No. 16-20 (Rebid)**, pursuant to N.J.S.A. 40A:11-4, as an award of this Contract is necessary for the efficient operation of the Authority.

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

1. The Executive Director, or his designee, shall be and is hereby authorized to re-advertise for the solicitation of bid proposals for **Contract No. 16-20 (Rebid) to Furnish and Deliver Bisulfite Hose Replacement (for a One (1) Year Period)**.

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

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



Michael Henwood
Secretary

Dated: September 22, 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 **DST/WAS Beltpress Parts - Gravity Belt Thickener (for a Two (2) Year Period)**, pursuant to and in accordance with **Contract No. 16-15**; and

WHEREAS, no bid proposals were received by the Authority on **June 14, 2016**, the date set forth in the Invitation to Bid for the receipt of bid proposals pursuant to and in accordance with **Contract No. 16-15**; and

WHEREAS, the Board of Commissioners of the Authority, by way of Resolution 16-2-037 adopted June 23, 2016, authorized the Executive Director, or his designee, to re-advertise for the solicitation of bid proposals for **Contract No. 16-15 (Rebid)**, pursuant to N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, no bid proposals were received on the second attempt for solicitation of bid proposals by the Authority on **July 26, 2016**, the date set forth in the Invitation to Bid for the receipt of bid proposals pursuant to and in accordance with **Contract No. 16-15 (Rebid)**; and

WHEREAS, no bid proposals were received on the third attempt for solicitation of bid proposals by the Authority on **September 13, 2016**, the date set forth in the Invitation to Bid for the receipt of bid proposals pursuant to and in accordance with **Contract No. 16-15 (Rebid)**; and

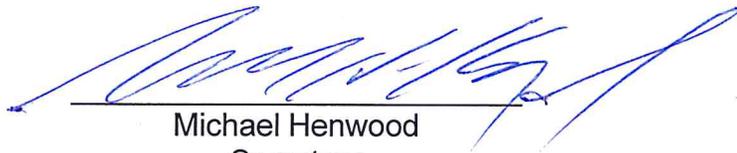
WHEREAS, the Commissioners of the Authority are desirous of re-advertising for the solicitation of bid proposals for **Contract No. 16-15 (Rebid)**, pursuant to N.J.S.A. 40A:11-4, as an award of this Contract is necessary for the efficient operation of the Authority.

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

1. The Executive Director, or his designee, shall be and is hereby authorized to re-advertise for the solicitation of bid proposals for **Contract No. 16-15 (Rebid)** for **DST/WAS Beltpress Parts - Gravity Belt Thickener (for a Two (2) Year Period)**.

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

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



Michael Henwood
Secretary

Dated: September 22, 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 Barge Transport (Three (3) Year Contract with Two (2) One (1) Year Options)**, pursuant to and in accordance with **Contract No. 10-15A**; and

WHEREAS, by way of Resolution adopted September 23, 2010, **Spectraserve Inc.** was determined to be the lowest complying and responsible bidder for **Liquid Sewage Sludge Barge Transport**, constituting **Contract No. 10-15A** for a total contract price of \$29.80/1,000 gallons for a Three (3) Year Period; and for the two (2) optional years for a total contract price of \$32.84/1000 gallons for **Option Year Five (5)** of the contract; and

WHEREAS, by way of Resolution adopted September 23, 2010, the Chairman was authorized to execute an agreement with **Spectraserve Inc.** for **Liquid Sewage Sludge Barge Transport**, constituting **Contract No. 10-15A** for a total contract price of **\$29.80/1,000 gallons** for the **initial Three Year Period**; and

WHEREAS, pursuant to the terms of **Contract No. 10-15A**, the Authority had the option to extend the contract for **Liquid Sewage Sludge Barge Transport** with **Spectraserve Inc.** for two (2) additional **One (1) Year Periods**; and

WHEREAS, by way of Resolution 13-2-062 adopted September 26, 2013, the Chairman was authorized to execute an agreement with **Spectraserve Inc.** for **Liquid Sewage Sludge Barge Transport**, pursuant to and in accordance with **Contract No. 10-15A**, exercising the first **One (1) Year Option, Option Year Four (4)** of the contract, by the Authority to extend the contract for an additional **One (1) Year Period** (from October 6, 2013 through October 5, 2014) for a total contract price of **\$31.29/1,000 gallons** for the **One (1) Year Period**; and

WHEREAS, by way of Resolution 14-2-054 adopted September 25, 2014, the Chairman was authorized to execute an agreement with **Spectraserve Inc.** for **Liquid Sewage Sludge Barge Transport**, pursuant to and in accordance with **Contract No. 10-15A**, exercising the second **One (1) Year Option, Option Year Five (5)** of the contract, by the Authority to extend the contract for an additional **One (1) Year Period** (from October 6, 2014 through October 5, 2015) for a total contract price of **\$32.84/1,000 gallons** for the **One (1) Year Period**; and

WHEREAS, the Executive Director of the Authority previously recommended, with the consent of **Spectraserv Inc.**, that the contract for **Liquid Sewage Sludge Barge Transport** with **Spectraserve Inc.** be extended for a period of time not to exceed ninety (90) days (with said period of extension commencing October 6, 2015 and expiring January 3, 2016) on the same terms and conditions for **Option Year Five (5)** of the contract, including the total contract price of **\$32.84/1,000 gallons** for the extension period; and

WHEREAS, the extending of the term of **Contract No. 10-15A** with **Spectraserve Inc.** for **Liquid Sewage Sludge Barge Transport** for a period of time not to exceed ninety (90) days was necessary at that time for the continuing efficient operation of the Authority as the providing of

Liquid Sewage Sludge Barge Transport services to the Authority is required in order to avoid an emergency situation at the Authority's Little Ferry Water Pollution Control Facility (the "Little Ferry WPCF") by continuing to meet the Authority's ongoing need to transport liquid sewage sludge by barge from the Authority's Little Ferry WPCF to Newark, New Jersey as the Authority required the additional time in order to complete the specifications for the new contract and to then advertise and award the new contract in accordance with applicable New Jersey law; and

WHEREAS, by way of Resolution 15-2-060 adopted September 24, 2015, the Chairman was authorized to execute an agreement with **Spectraserve Inc.** for **Liquid Sewage Sludge Barge Transport**, pursuant to and in accordance with **Contract No. 10-15A**, extending the contract for an additional period of time not to exceed ninety (90) days (from October 6, 2015 through January 3, 2016) for a total contract price of **\$32.84/1,000 gallons** for the extension period; and

WHEREAS, as the Authority required additional time to complete the bid process for the awarding of the new contract in accordance with, and as required by, applicable New Jersey law following the expiration of the ninety (90) day extension term of **Contract No. 10-15A** as agreed to and authorized by Resolution 15-2-060, the Executive Director of the Authority recommended, with the consent of **Spectraserv Inc.**, that the contract for **Liquid Sewage Sludge Barge Transport** with **Spectraserve Inc.** be extended for an additional period of time not to exceed ninety (90) days (with said period of extension commencing January 4, 2016 and expiring April 2, 2016) on the same terms and conditions for **Contract No. 10-15A**, except that the total contract price shall be amended from **\$32.84/1000 gallons** to **\$42.85/1,000 gallons** during that extension period; and

WHEREAS, by way of Resolution 16-2-008 adopted January 28, 2016, the Chairman was authorized to execute an agreement with **Spectraserve Inc.** for **Liquid Sewage Sludge Barge Transport**, pursuant to and in accordance with **Contract No. 10-15A**, extending the contract for an additional period of time not to exceed ninety (90) days (from January 4, 2016 through April 2, 2016) for a total contract price of **\$42.85/1,000 gallons** for that extension period; and

WHEREAS, as the Authority required additional time beyond April 2, 2016 in order to finalize and complete the bid process and authorize the awarding of the new contract in accordance with, and as required by, applicable New Jersey law, the Executive Director of the Authority recommended, with the consent of **Spectraserv Inc.**, that the contract for **Liquid Sewage Sludge Barge Transport** with **Spectraserve Inc.** be extended for an additional period of time not to exceed ninety (90) days (with said period of extension commencing April 3, 2016 and expiring July 2, 2016) on the same terms and conditions for **Contract No. 10-15A**, except that the total contract price shall continue to be the sum of **\$42.85/1,000 gallons** during that extension period as previously amended by Resolution 16-2-008; and

WHEREAS, by way of Resolution 16-2-025 adopted March 24, 2016, the Chairman was authorized to execute an agreement with **Spectraserve Inc.** for **Liquid Sewage Sludge Barge Transport**, pursuant to and in accordance with **Contract No. 10-15A**, extending the contract for an additional period of time not to exceed ninety (90) days (from April 3, 2016 through July 2, 2016) for a total contract price of **\$42.85/1,000 gallons** for that extension period; and

WHEREAS, on prior occasion, upon advertisement and pursuant to specifications, 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)**; 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, having not received a bid proposal for **Contract No. 16-05B** or **Contract No. 16-05C**, 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 Board of Commissioners of the Authority, following re-advertisement for the solicitation of bid proposals as Authorized by Resolution 16-2-043, by way of Resolution 16-2-054 adopted August 25, 2016, rejected the sole bid proposal for **Contract No. 16-05A (Rebid)** received August 16, 2016, rejected the two (2) bid proposals for **Contract No. 16-05B (Rebid)** received August 16, 2016 and, again having not received a proposal for **Contract No. 16-05C**, 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, the Authority is continuing to engage in contract negotiations as authorized by Resolution 16-2-04 and intends to award a contract for **Liquid Sewage Sludge Transport** immediately upon the completion of those contract negotiations; and

WHEREAS, the extending of the term of **Contract No. 10-15A** with **Spectraserve Inc.** for **Liquid Sewage Sludge Barge Transport** for an additional period of time not to exceed ninety (90) days (from October 1, 2016 through December 30, 2016), with the term of the extension expiring upon the awarding of a new contract for **Liquid Sewage Sludge Transport**, is now necessary for the continuing efficient operation of the Authority as the providing of **Liquid Sewage Sludge Barge Transport** services to the Authority is required in order to avoid an emergency situation at the Authority's Little Ferry WPCF by continuing to meet the Authority's ongoing need to transport liquid sewage sludge by barge from the Authority's Little Ferry WPCF to Newark, New Jersey as the Authority requires the additional time in order to complete contract negotiations and then award the new contract in accordance with applicable New Jersey law; and

WHEREAS, **Spectraserv Inc.** has expressed to the Authority its willingness to enter into an agreement with the Authority extending the term of **Contract No. 10-15A** for an additional period of time not to exceed ninety (90) days on the same terms and conditions of **Contract No. 10-15A** except for an amendment of the total contract price to **\$64.20/1,000 gallons** in consideration for **Spectraserv, Inc.** agreeing to this additional extension period of **Contract No. 10-15A**; 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 Executive Director shall be and he is hereby authorized to execute an agreement with **Spectraserve Inc.** for **Liquid Sewage Sludge Barge Transport** extending the term of **Contract No. 10-15A** for an additional period of time not to exceed ninety (90) days (commencing October 1, 2016 and expiring December 30, 2016) in the total sum of **\$64.20/1,000 gallons**.
2. All other terms of **Contract No. 10-15A** shall remain in full force and effect without modification.
3. The Acting Treasurer's Certification that funds are available shall be 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. 10-15A, shall be placed on file and made available for public inspection in the Office of the Executive Director upon execution by Spectraserve 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-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 September 22, 2016.



Michael Henwood
Secretary

Dated: September 22, 2016

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 09/22/2016

RESOLUTION #: 16-2-067

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 SLUDGE DISPOSAL
W-670-60500-000

VENDOR SPECTRASERVE INC.

CONTRACT NUMBER 10-15A EXTENSION

REASON TEMPORARY CONTRACT EXTENSION
FOR LIQUID SLUDGE TRANSPORT

AMOUNT \$64.20 / \$1,000 GALLONS

CONTRACT LENGTH OCTOBER 1, 2016 TO THE EARLIER OF
DECEMBER 30, 2016 OR THE AWARDING OF A NEW
CONTRACT FOR LIQUID SLUDGE TRANSPORT


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 **Primary Settling Tanks No. 5 & 6 Concrete Repairs**, pursuant to and in accordance with **Contract No. C-191** and

WHEREAS, on December 17, 2015, the Board of Commissioners of the Authority adopted Resolution 15-2-071, finding **CMS Construction, Inc.** to be the lowest complying and responsible bidder for **Primary Settling Tanks No. 5 & 6 Concrete Repairs** pursuant to and in accordance with **Contract No. C-191** and authorizing the execution of an agreement with **CMS Construction, Inc.** for the **Primary Settling Tanks No. 5 & 6 Concrete Repairs**, constituting **Contract No. C-191** for a total sum of **\$129,225.00**; and

WHEREAS, the Authority, subsequent to the awarding of **Contract C-191** to **CMS Construction, Inc.**, determined that line item No. ten (10) of **Contract No. C-191**, a contingency line item for the total sum of \$10,000.00, was not required to be expended in order to complete the **Primary Settling Tanks No. 5 & 6 Concrete Repairs**, resulting in a decrease in the amount of \$10,000.00 for the total contract price of **Contract No. C-191**; and

WHEREAS, **CMS Construction, Inc.** has submitted to the Authority a change order proposal dated August 8, 2016 ("Change Order No. 1"), requesting a decrease in the total sum of **\$10,000.00**, which sum shall fully satisfy the decreased costs for the adjustments to complete all work under **Contract No. C-191** 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. C-191**; and

WHEREAS, the Authority's **Director of Engineering** and the Authority's **Consulting Engineer, Alaimo Group**, have reviewed, approved and recommended Change Order No. 1 submitted by **CMS Construction, Inc.** to Process the Net Decrease in the sum of **\$10,000.00** for the **Primary Settling Tanks No. 5 & 6 Concrete Repairs**, in accordance with **Contract C-191**, for the adjusted total amended sum of **\$119,225.00**; and

WHEREAS, Change Order No. 1 to Process the Net Decrease in the sum of **\$10,000.00** is necessary for the efficient operation of the Authority; and

WHEREAS, **CMS Construction, Inc.** has submitted payment application no. 2 (final) to the Authority in the total sum of **\$19,044.50**, which payment application is the final payment application to be submitted to the Authority by **CMS Construction, Inc.**

16-2-068

pursuant to and in accordance with **Contract C-191** and includes request for payment of Change Order No. 1 submitted to the Authority by **CMS Construction, Inc.**; 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 Chairman, or his designee, shall be and is hereby authorized to execute Change Order No. 1 to Process the Net Decrease in the sum of **\$10,000.00** as stated in the August 8, 2016 change order proposal of **CMS Construction, Inc.** for the **Primary Settling Tanks No. 5 & 6 Concrete Repairs** in accordance with the terms of **Contract No. C-191** for an adjusted total amended sum of **\$119,225.00**.

2. A copy of this Resolution and the change order to Process the Net Decrease in the sum of \$10,000.00 shall be placed on file and made available for public inspection in the Office of the Executive Director upon execution by CMS Construction, Inc. and the Authority.

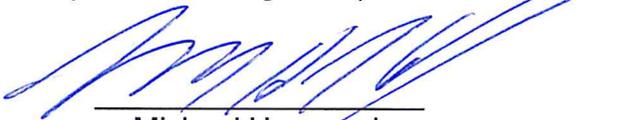
3. The total aggregate amount awarded for **Contract No. C-191**, together with this amendment, shall not exceed the sum of \$119,225.00 without further action by the Board of Commissioners of the Authority.

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

5. A notice of this amendment 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 September 22, 2016.



Michael Henwood
Secretary

Dated: **September 22, 2016**

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16-2-068

**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, 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 in order 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 certain 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 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:

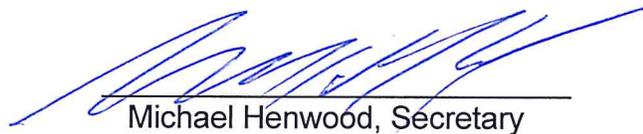
16-2-069

1. The Authority's 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 September 22, 2016.



Michael Henwood, Secretary

Dated: September 22, 2016

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

WHEREAS, the Authority and **Local 1040 of the Communication Workers of America, AFL-CIO (The Union)** have negotiated a successor collective bargaining agreement to the agreement that expired on December 31, 2015. The successor four year agreement, effective January 1, 2016 through December 31, 2019, applies to all members of **Local 1040** and included in the Collective Bargaining Unit on an Authority-wide basis, and the establishment of wages and other terms and conditions of employment; and

WHEREAS, the Commissioners of the Authority deem it necessary for the efficient operation of the Authority to approve, confirm and ratify the contract with the Union.

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

1. The Contract between the Authority and the Union regarding wages and other terms and/or conditions of employment of those employees who are members of The Union is hereby approved, confirmed and ratified, and the Chairman is hereby authorized to execute an agreement in form and substance substantially similar to the agreement on file in the Authority office in such final form as is acceptable to the Authority, as evidenced by the Chairman's signature thereon.
2. The formal action(s) of the Commissioners of The Bergen County Utilities Authority embodied herein are expressly contingent upon the ratification by Local 1040 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 September 22, 2016.



Michael Henwood, Secretary

Dated: September 22, 2016