

**BERGEN COUNTY UTILITIES AUTHORITY
MINUTES OF THE REGULAR MEETING
MAY 24, 2018**

**In the matter of the 470th Regular Meeting of
The Bergen County Utilities Authority**

1. The **proof of meeting notice** calling the May 24, 2018, meeting was read into the record by Michael Henwood, Board Secretary.

2. Roll Call:

COMMISSIONERS PRESENT:

Ronald Phillips, Chairman
Louis J. DeLisio, Vice Chairman
Catherine Bentz, Commissioner
Bruce Bonaventuro, Commissioner
Peter C. Massa, Jr. Commissioner
Jon Warms, Commissioner

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

3. Motion that the Minutes covering the April 26, 2018 Work Session be approved was moved by Commissioner Massa and Seconded by Commissioner DeLisio and was carried.

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

5. **FINANCE AND LEGAL COMMITTEE:**

Resolution 18-1-027 - Approve bills and the claims supported by vouchers totaling \$4,329,584.15 for the month of May and authorize the Acting Treasurer to issue the necessary checks therefor, and to charge the accounts indicated, all as more fully set forth on the Acting Treasurer's check list: Motion to adopt the resolution was made by Commissioner DeLisio and Seconded by Commissioner Bonaventuro. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 18-1-028 - Resolution of the Bergen County Utilities Authority making application to the Local Finance Board pursuant to N.J.S.A. 40A:5A-6 and N.J.S.A. 58:11B-9(a). Motion to adopt the resolution was made by Commissioner DeLisio and Seconded by Commissioner Bonaventuro. A roll call was taken and the resolution was adopted as reflected in these minutes.

6. CONSTRUCTION & ENGINEERING COMMITTEE:

Resolution 18-2-031 – Authorize Amendment of Professional Services Contract – Engineer Consulting – Preliminary Design for Edgewater Pump Station Project - Arcadis. Motion to adopt the resolution was made by Commissioner Bonaventuro and Seconded by Commissioner DeLisio. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 18-2-032 - Authorize Amendment of Professional Engineering Services Contract – Engineering and Project Management Services for Cogeneration Expansion Project - CoGen Engine 3 - Remington & Vernick Engineers. Motion to adopt the resolution was made by Commissioner Bonaventuro and Seconded by Commissioner DeLisio. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 18-2-033 - Authorize use of Reverse Auction for Procurement of Electric & Gas Supply pursuant to Local Unit Electronic Technology Pilot Program (R.L. 2001, c30). Motion to adopt the resolution was made by Commissioner Bonaventuro and Seconded by Commissioner DeLisio. A roll call was taken and the resolution was adopted as reflected in these minutes.

7. Chairman Phillips announced a short recess to allow time for the Board Secretary to prepare minutes of this Regular Meeting.
8. Chairman Phillips announced the Regular Meeting would reconvene.
9. The Board Secretary then distributed proposed minutes of the May 24, 2018 Regular Meeting for review by the Commissioners.
10. Motion to approve the Minutes of the Regular Meeting May 24, 2018 as distributed by the Secretary, such minutes to include this motion approving the minutes, without the requirement of further review or approval at a subsequent Regular Meeting. Motion to adopt the Minutes of the Regular Meeting May 24, 2018 was made by Commissioner Massa and Seconded by Commissioner Warms and was unanimously carried.
11. Upon motion duly made, seconded and unanimously carried, the meeting was adjourned.

BERGEN COUNTY UTILITIES AUTHORITY
Minutes of the Regular Meeting
May 24, 2018

Resolution #	18-1-027	18-1-028	18-2-031	18-2-032	18-2-033
Chairman Phillips	Y	Y	Y	Y	Y
V. Chair. DeLisio	Y	Y	Y	Y	Y
Comm. Bentz	Y	Y	Y	Y	Y
Comm. Bonaventuro	Y	Y	Y	Y	Y
Comm. Gumble	-	-	-	-	-
Comm. Juliano	-	-	-	-	-
Comm. Kelley	-	-	-	-	-
Comm. Massa, Jr.	Y	Y	Y	Y	Y
Comm. Warms	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: May 24, 2018

STATE OF NEW JERSEY
 DEPARTMENT OF COMMUNITY AFFAIRS
 DIVISION OF LOCAL GOVERNMENT SERVICES
 LOCAL FINANCE BOARD
 APPLICATION CERTIFICATION

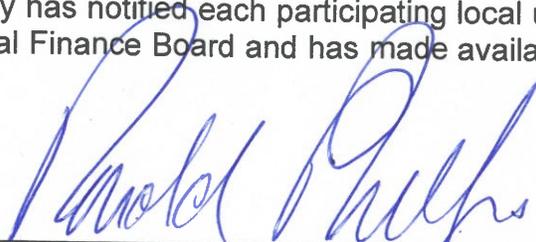
APPLICANT'S
 NAME: THE BERGEN COUNTY UTILITIES AUTHORITY

I, RONALD PHILLIPS, CHAIRMAN OF THE BERGEN COUNTY UTILITIES AUTHORITY HEREBY DECLARE:

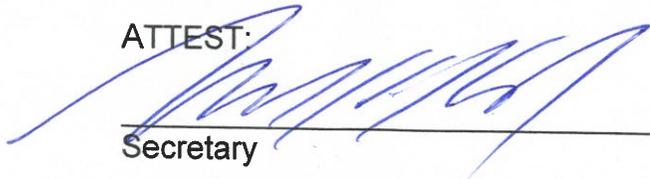
That the documents submitted herewith and the statements contained herein are true to the best of my knowledge and belief; and

That this application was considered and its submission to the Local Finance Board approved by the governing body of the Authority on May 24, 2018; and

That the governing body of the Authority has notified each participating local unit of its submission of this application to the Local Finance Board and has made available to each, a true copy of this application.



 Ronald Phillips, Chairman

ATTEST:


 Secretary

Date: May 24, 2018



**RESOLUTION OF THE BERGEN COUNTY UTILITIES
AUTHORITY MAKING APPLICATION TO THE LOCAL
FINANCE BOARD PURSUANT TO N.J.S.A. 40A:5A-6
AND N.J.S.A. 58:11B-9(a)**

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

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

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

WHEREAS, the Authority, in furtherance of providing these essential services, desires to make application to the Local Finance Board for its review and findings in connection with a proposed resolution authorizing the issuance of certain bonds of the Authority for capital improvements for the benefit of the Authority, to be issued through the NJEDA Energy Resilience Bank financing program, the New Jersey Infrastructure Bank, or through market rate bonds as necessary; and

WHEREAS, the Authority believes that:

- (a) it is in the public interest to accomplish such purpose;
- (b) said purpose or improvements are for the health, welfare, convenience or betterment of the inhabitants of the local unit or units;
- (c) the amounts to be expended for said purpose or improvements are not unreasonable or exorbitant; and
- (d) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the local unit or units and will not create an undue financial burden to be placed upon the local unit or units.

NOW THEREFORE, BE IT RESOLVED BY THE BERGEN COUNTY UTILITIES AUTHORITY as follows:

1. The application to the Local Finance Board is hereby approved, and the Authority's Bond Counsel and financial advisor, along with other representatives of the Authority, are hereby authorized to prepare such application and to represent the Authority in matters pertaining thereto.

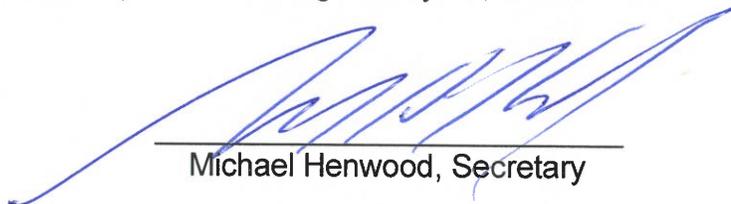
2. The Secretary of the Authority is hereby directed to prepare and file a copy of the proposed resolution with the Local Finance Board as part of such application.

3. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings and recommendations as provided by the applicable New Jersey Statute.

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

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

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of May 24, 2018.



Michael Henwood, Secretary

Dated: May 24, 2018

Recorded Vote

Commissioners	AYE	NO	ABSTAIN	ABSENT
Ronald Phillips, Chairman	X			
Louis DeLisio, Vice Chairman	X			
Catherine T. Bentz	X			
Bruce Bonaventuro	X			
Daniel Gumble				X
Paul A. Juliano				X
Thomas S, Kelley				X
Peter C. Massa, Jr.	X			
Jon Warms	X			

**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

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Little Ferry Water Pollution Control Facility (the "Little Ferry WPCF") collection system;
and

WHEREAS, in furtherance of the Authority providing essential services, and in furtherance of the Phase 1 Services for the Edgewater WPCF Project, the Board of Commissioners of the Authority, by Resolution 15-2-057 adopted September 24, 2015, appointed ARCADIS US, Inc. to serve as Engineer to the Authority for the Phase 1 Services for the Edgewater WPCF Project for the duration of the project or until a successor is selected or at the pleasure of the Authority, whichever shall first occur or be exercised; and

WHEREAS, Resolution 15-2-057 Authorized the Chairman of the Board of Commissioners of the Authority to execute an agreement by and between the Authority and ARCADIS US, Inc. (the "Agreement") memorializing the services to be provided by ARCADIS US, Inc. to the Authority as Engineer for the Phase 1 Services for the Edgewater WPCF Project and providing the budget for compensation to be paid by the Authority to ARCADIS US, Inc. for the providing of those services, pursuant to which payment is not to exceed the total sum of \$281,390.00 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 ARCADIS US, Inc. on September 24, 2015; and

WHEREAS, ARCADIS US, Inc., since the commencement of the term of the Agreement, has continued to provide significant necessary and valuable professional engineering services to the Authority under the Agreement, resulting in the Board of Commissioners of the Authority, by Resolution 16-2-081 adopted December 22, 2016, authorizing the Chairman of the Board of Commissioners to modify the Agreement by increasing the budget for compensation to be paid by the Authority to ARCADIS US, Inc. under the Agreement in the amount of \$25,000.00, resulting in an amended Agreement compensation budget in the total sum of \$306,390.00 without further approval of the Board of Commissioners of the Authority; and

WHEREAS, Arcadis US, Inc. operating under the Agreement, continued to provide significant necessary and valuable Preliminary Design Phase Services to the Authority for the Edgewater WPCF Project following the adoption of Resolution 16-2-081 on December 22, 2016, resulting in the Board of Commissioners of the Authority, by Resolution 17-2-041 adopted June 22, 2017, modifying the Agreement by authorizing an increase in the total amount of compensation to be paid by the Authority to Arcadis US, Inc. pursuant thereto in the sum of \$50,000.00, resulting in an increase in the total amount of compensation to be paid by the Authority to, Arcadis US, Inc. pursuant to the Agreement to the total sum of \$356,390.00 without further approval of the Board of Commissioners of the Authority; and

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WHEREAS, the Agreement, as amended by Resolution 17-2-041 provides for a compensation budget of \$356,390.00; and

WHEREAS, since the adoption of Resolution 17-2-041 by the Board of Commissioners on June 22, 2017, ARCADIS U.S., Inc. has continued to provide significant necessary and valuable professional engineering services to the Authority on an as-requested basis under the Agreement, continuing to serve as the Authority's Engineer for certain Phase 1 Services for the Edgewater WPCF Project since the commencement of the term of the Agreement; and

WHEREAS, ARCADIS US, Inc., by written correspondence dated May 17, 2018, requested that the Authority increase the compensation budget provided for by the Agreement by the total amount of \$75,000.00, resulting in an amended Agreement compensation budget of an amount not to exceed the total sum of \$431,390.00 without further approval of the Board of Commissioners of the Authority; and

WHEREAS, the Authority's Director of Engineering has determined that ARCADIS US, Inc. has performed all services under the Agreement in an effective and efficient manner and further determined that the remaining work to be performed by ARCADIS US, Inc. 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 Phase 1 Services for the Edgewater WPCF Project; and

WHEREAS, the Authority's Director of Engineering has reviewed the May 17, 2018 written correspondence of ARCADIS US, Inc., including the request of ARCADIS US, Inc. to increase the compensation budget under the Agreement for the total compensation to be paid by the Authority to ARCADIS US, Inc. for services provided by ARCADIS US, Inc. to the Authority pursuant to the Agreement, and based upon the above determinations and his review of the May 17, 2018 written correspondence of ARCADIS US, Inc., 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 ARCADIS US, Inc. pursuant to the Agreement in the total amount of \$75,000.00, resulting in an amended compensation budget under the Agreement in an amount not to exceed the total sum of \$431,390.00 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:

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1. The Agreement entered into by and between the Authority and ARCADIS US, Inc. 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 \$75,000.00 and the total amount of compensation to now be paid by the Authority to ARCADIS US, Inc. pursuant to the modified Agreement shall not exceed the total sum of \$431,390.00 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 ARCADIS US, Inc., 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 ARCADIS US, Inc. pursuant to this Resolution, shall be placed on file and made available for public inspection in the Office of the Executive Director, upon execution by ARCADIS US, Inc. and the Authority.

4. The 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 May 24, 2018.



Michael Henwood, Secretary

Dated: May 24, 2018

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 5/24/2018
RESOLUTION #: 18-2-031

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

FUNDS AVAILABLE X

FUNDS ARE NOT AVAILABLE _____

BUDGET ACCOUNT CONSTRUCTION COSTS TO BE REIMBURSED
W-000-11960-000

VENDOR ARCADIS U.S., INC.

CONTRACT NUMBER 15092402

REASON INCREASE IN THE PROFESSIONAL SERVICE
NEEDS OF THE AUTHORITY FOR THE
EDGEWATER PUMP STATION PROJECT

AMOUNT \$75,000.00

CONTRACT LENGTH TO COMPLETION

Matthew Carter
ACTING TREASURER

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

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

WHEREAS, the Bergen County Utilities Authority ("Authority") plays an important role in providing 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, and in order to realize significant energy cost savings, the Authority constructed its Combined Heat and Power Facility (the "CHP Facility") on site of the Authority's Little Ferry Water Pollution Control Facility (the "LFWPCF"), with construction of the CHP Facility being completed in June 2008; and

WHEREAS, the Authority subsequently sought to expand its CHP Facility to include the installation of a third cogeneration unit for generating heat and electricity powered by the biogas generated at the LFWPCF (the "Biopower Expansion Project")

WHEREAS, Remington, Vernick & Arango Engineers ("RVA") prepared a grant application that resulted in the Authority receiving a \$2,500,000.00 Renewable Energy Incentive Program grant (the "REIP Grant") awarded by the New Jersey Board of Public Utilities ("NJBP") for up to forty percent of the estimated project cost of \$6,592,000 for the Biopower Expansion Project; and

WHEREAS, the REIP Grant was awarded, and the grant funds are to be utilized, for the Biopower Expansion Project; and

WHEREAS, in furtherance of the Authority providing essential services, and in furtherance of the Biopower Expansion Project, the Board of Commissioners of the Authority, by Resolution 13-2-074 adopted November 26, 2013, appointed RVA to serve as Project Manager for the Biopower Expansion 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 13-2-074 Authorized the Chairman of the Board of Commissioners of the Authority to execute an agreement by and between the Authority and RVA (the "Agreement") memorializing the services to be provided by RVA to the Authority as Project Manager for the Biopower Expansion Project and providing the budget for compensation to be paid by the Authority to RVA for the providing of those services,

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pursuant to which payment is not to exceed the total sum of \$512,300.00 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 RVA on November 26, 2013; and

WHEREAS, RVA, since the commencement of the term of the Agreement, has continued to provide significant necessary and valuable professional engineering services to the Authority under the Agreement, resulting in the Board of Commissioners of the Authority, by Resolution 16-2-082 adopted December 22, 2016, authorizing the Chairman of the Board of Commissioners to modify the Agreement by increasing the budget for compensation to be paid by the Authority to RVA under the Agreement in the amount of \$70,000.00, resulting in an amended Agreement compensation budget in the total sum of \$582,300.00 without further approval of the Board of Commissioners of the Authority; and

WHEREAS, since the adoption of Resolution 16-2-082 by the Board of Commissioners on December 22, 2016, RVA continued to provide significant necessary and valuable professional engineering services to the Authority under the Agreement, resulting in the Board of Commissioners of the Authority, by Resolution 17-2-045 adopted June 22, 2017, authorizing the Chairman of the Board of Commissioners to modify the Agreement by increasing the budget for compensation to be paid by the Authority to RVA under the Agreement in the amount of \$55,000.00, resulting in an amended Agreement compensation budget in the total sum of \$637,300.00 without further approval of the Board of Commissioners of the Authority; and

WHEREAS, the Agreement, as amended by Resolution 17-2-045, now provides for a compensation budget of \$637,300.00 to be paid by the Authority to RVA for services performed pursuant thereto; and

WHEREAS, RVA has now notified the Authority that the entity previously known and identified as Remington, Vernick & Arango Engineers is now identified and known as Remington & Vernick Engineers II, Inc. ("RVE"), with RVE now providing services to the Authority pursuant to the Agreement, and they further notified the Authority that the change was one in name only, with there being no change in management or leadership relative to services provided to the Authority, previously by RVA and now by RVE; and

WHEREAS, RVE, by written correspondence dated May 8, 2018, advised the Authority that a contract modification for additional funding was necessary based upon the additional amount of time and budget utilized in performing remaining tasks for completion of the work to be completed under the Agreement and requested that the Authority increase the compensation budget provided for by the Agreement by the total sum of \$7,500.00, resulting in an amended Agreement compensation budget of an amount not to exceed the total sum of \$644,800.00 without further approval of the Board of Commissioners of the Authority; and

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WHEREAS, the Authority's Director of Engineering has determined that RVE, previously identified and known as RVA, has performed all services under the Agreement in an effective and efficient manner and further determined that the remaining work to be performed by RVE 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 May 8, 2018 written correspondence of RVE, including the request of RVE to increase the compensation budget under the Agreement for the total compensation to be paid by the Authority to RVE for Project Management Services provided by RVE to the Authority in connection with the Biopower Expansion Project pursuant to the Agreement, and based upon the above determinations and his review of the May 8, 2018 written correspondence of RVE, 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 RVE pursuant to the Agreement in the total sum of \$7,500.00, resulting in an amended compensation budget under the Agreement in an amount not to exceed the total sum of \$644,800.00 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 Commissioners of the Bergen County Utilities Authority as follows:

1. The Agreement entered into by and between the Authority and Remington Vernick & Arango Engineers, now identified and known as Remington & Vernick Engineers II, Inc., 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 \$7,500.00 and the total amount of compensation to now be paid by the Authority to Remington & Vernick Engineers II, Inc. pursuant to the modified Agreement shall not exceed the total sum of \$644,800.00 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 Remington & Vernick Engineers II, Inc., 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 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 Remington & Vernick Engineers II, Inc. and the Authority.

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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 May 24, 2018.



Michael Henwood, Secretary

Dated: May 24, 2018

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 5/24/2018

RESOLUTION #: 18-2-032

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

2015 NJEIT BOND

VENDOR

REMINGTON & VERNICK ENGINEERS II, INC.

CONTRACT NUMBER

13112601

REASON

INCREASE IN THE PROFESSIONAL SERVICE
NEEDS OF THE AUTHORITY FOR THE
BIOPOWER EXPANSION PROJECT

AMOUNT

\$7,500.00

CONTRACT LENGTH

TO COMPLETION

Matthew Carter
ACTING TREASURER

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

WHEREAS, there exists the need to **Perform a Reverse Auction for Electric & Gas Supply** in order to ensure the necessary and efficient operations of the Bergen County Utilities Authority (the "Authority"); and

WHEREAS, the Local Unit Electronic Technology Pilot Program and Study Act (P.L. 2001, c. 30) (the "Act") provides an exception to New Jersey's Public Bid Law allowing the Authority to forego traditional RFQs when purchasing electricity and/or gas and to purchase electricity and/or gas through an online reverse auction process in order to reduce cost; and

WHEREAS, the E-Procurement Pilot Program of the State of New Jersey Department of Community Affairs (the "DCA") pursuant to the Act allows local units to purchase commodities and services, including energy supply, through online bidding and reverse auction programs approved by the DCA; and

WHEREAS, any online organization participating in the online pilot program and on the approved list of companies found on the DCA website may be used; and

WHEREAS, a reverse auction platform provides the hyper-competitive bidding environment which compliments the RFP process that brings in the interested suppliers; and

WHEREAS, the current Electric Supply agreement expires on the meter read dates in July 2018, and it is necessary for the efficient operation of the Authority to have an agreement in place prior to that time; and

WHEREAS, the current Gas Supply agreement expires on the meter read dates in December 2018, and it is necessary for the efficient operation of the Authority to have an agreement in place prior to that time; and

WHEREAS, **Premier Energy Group, L.L.C.** has been approved by the DCA as a vendor to offer its reverse auction platform to New Jersey local contracting units for the purchase of energy supply; and

WHEREAS, the high level of competition associated with the reverse auction, combined with **Premier Energy Group, L.L.C.'s** electric/gas procurement experience and in-depth knowledge of the retail electric market in New Jersey, provides an opportunity for the Authority to lock-in a competitive rate and have price and budget certainty into the future; and

WHEREAS, the usage based fee to be paid to **Premier Energy Group, L.L.C.** shall be paid by the selected energy provider, not the Authority; and

WHEREAS, **Premier Energy Group, L.L.C.** provided the Authority with a written proposal dated April 23, 2018 to **Perform a Reverse Auction for Electric and Gas Supply** utilizing the DCA's E-Procurement Pilot Program, in the amount of **\$0.0025/kWh** for electric

and **\$0.10/dth** for gas as a usage based fee for a twenty-four (24) Month Agreement Term at the Little Ferry site, Edgewater site and Pumping Stations; and

WHEREAS, the services to **Perform a Reverse Auction for Electric and Gas Supply** may be procured through the DCA's E-Procurement Pilot Program (authorized under P.L. 2001, c. 30) for a total amount of **\$0.0025/kWh** for electric and **\$0.10.dth** for gas as a usage based fee for a twenty-four (24) Month Agreement Term at the Little Ferry site, Edgewater site and Pumping Stations as proposed by **Premier Energy Group, L.L.C.**; and

WHEREAS, the award of this Service and conducting of the auction pursuant to the Act is necessary for the cost savings and the efficient operation of the Authority.

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

1. The staff is authorized to participate in and **Premier Energy Group, L.L.C.** is authorized to **Perform a Reverse Auction for Electric and Gas Supply** utilizing the DCA's E-Procurement Pilot Program for a total amount of **\$0.0025/kWh** for electric and **\$0.10/dth** for gas as a usage based fee for a twenty-four (24) Month Agreement Term at the Little Ferry site, Edgewater site and Pumping Stations as per the written proposal of **Premier Energy Group, L.L.C.** dated April 23, 2018, and in accordance with the terms of the DCA's E-Procurement Pilot Program pursuant to the Act for the purpose of purchasing electricity and gas from third party suppliers for use by the Authority.

2. The Executive Director, or his designee, shall be and is hereby authorized to execute the necessary Energy Sales Agreement(s) providing the auctions result in an acceptable savings in energy costs to the Authority.

3. A notice of the auction results shall be published as required by law.

4. A copy of this Resolution and the agreement executed pursuant to this Resolution shall be placed on file and made available for public inspection in the Office of the Executive Director upon execution by Premier Energy Group, L.L.C. and the Authority.

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

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of May 24, 2018.



Michael Henwood
Secretary

Dated: May 24, 2018