

**BERGEN COUNTY UTILITIES AUTHORITY  
MINUTES OF THE REGULAR MEETING  
SEPTEMBER 24, 2020**

**In the matter of the 498<sup>th</sup> Regular Meeting of  
The Bergen County Utilities Authority**

1. The **proof of meeting notice** calling the September 24, 2020, meeting was read into the record by Michael Henwood, Board Secretary.

2. Roll Call:

**COMMISSIONERS PRESENT:**

Ronald Phillips, Chairman

Louis DeLisio, Vice Chairman (Telephonically)

Catherine Bentz, Commissioner (Telephonically)

Bruce Bonaventuro, Commissioner (Telephonically)

Peter C. Massa, Jr. Commissioner (Telephonically)

Diane T. Testa, Commissioner (Telephonically)

Jon Warms, Commissioner (Telephonically)

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

3. Motion that the Minutes covering the August 27, 2020 Work Session be approved was moved by Commissioner DeLisio and Seconded by Commissioner Massa.

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

5. FINANCE AND LEGAL COMMITTEE:

Resolution 20-1-040- Approve bills and the claims supported by vouchers totaling \$ 6,550,627.43 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 DeLisio and Seconded by Commissioner Bonaventuro. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 20-1-041- Authorize Easement Agreement(s) by and among the Authority and North Star Partners Associates, LLC and an Easement Subordination Agreement by and among the Authority and Edgewater Easement, LLC.. 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 20-1-042 - Authorize the Redistribution of Bond Proceeds Authorized by Supplemental Resolution 18-1-003. 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 20-2-070 - Authorize the utilization of the competitive contracting process pursuant to N.J.S.A. 40A:11-4.1et. seq., to procure professional engineering services to perform and complete the FEMA Sandy Plant Wide Restoration and Mitigation Project at the Little Ferry WPCF. 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 20-2-071 - Reject Bid and Re-Advertise for Contract 20 - Furnish and Deliver Sodium Bisulfite. 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 20-2-072 - Authorize Purchase Order pursuant State Approved Co-op No. ESCNJ 20/21-03 to Murray Paving & Concrete, Inc. - Administration Building Restoration Project. 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 20-2-073 - Authorize Amendment of Professional Services Contract – Environmental Consulting Engineers - Arcadis, U.S, Inc. 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 20-2-074 - Authorize Amendment of Professional Services Contract - Energy Management and Related Air Pollution Control Permit Engineering Services – Remington and 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 20-2-075 - Authorize Amendment of Professional Services Contract – General Consulting Engineer – Alaimo Group. 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 20-2-076 - Authorize Amendment of Professional Services Contract – CoGen Blackstart Project – Mott MacDonald. 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. PERSONNEL & ADMINISTRATION COMMITTEE:

Resolution 20-3-016 - Authorize Amendment of Professional Services Contract for Provision of Health Insurance/Employee Benefits and COVID 19 Management Consulting - LaMendola Associates, Inc. Motion to adopt the resolution was made by Commissioner DeLisio and Seconded by Commissioner Bentz. A roll call was taken and the resolution was adopted as reflected in these minutes.

8. STRATEGIC PLANNING COMMITTEE:

Resolution 20-6-006 - Authorize renewal of membership to the National Association of Clean Water Agencies (NACWA). Motion to adopt the resolution was made by Commissioner Warms and Seconded by Commissioner DeLisio. A roll call was taken and the resolution was adopted as reflected in these minutes.

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

10. Chairman Phillips announced the Regular Meeting would reconvene.

11. The Board Secretary then distributed proposed minutes of the September 24, 2020 Regular Meeting for review by the Commissioners.

12. Motion to approve the Minutes of the Regular Meeting September 24, 2020 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 24, 2020 was made by Commissioner Massa and Seconded by Commissioner Bentz and Motion was carried.

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

Resolution #	20-1-040	20-1-041	20-1-042	20-2-070	20-2-071	20-2-072	20-2-073	20-2-074
Chairman Phillips	Y	Y	Y	Y	Y	Y	Y	Y
V. Chair. DeLisio	Y	Y	Y	Y	Y	Y	Y	Y
Comm. Bentz	Y	Y	Y	Y	Y	Y	Y	Y
Comm. Bonaventuro	Y	Y	Y	Y	Y	Y	Y	Y
Comm. Gumble	-	-	-	-	-	-	-	-
Comm. Kelley	-	-	-	-	-	-	-	-
Comm. Massa, Jr.	Y	Y	Y	Y	Y	Y	Y	Y
Comm. Testa	Y	Y	Y	Y	Y	Y	Y	Y
Comm. Warms	Y	Y	Y	Y	Y	Y	Y	Y

BERGEN COUNTY UTILITIES AUTHORITY  
Minutes of the Regular Meeting  
September 24, 2020

Resolution #	20-2-075	20-2-076	20-3-016	20-6-006
Chairman Phillips	Y	Y	Y	Y
V. Chair. DeLisio	Y	Y	Y	Y
Comm. Bentz	Y	Y	Y	Y
Comm. Bonaventuro	Y	Y	Y	Y
Comm. Gumble	-	-	-	-
Comm. Kelley	-	-	-	-
Comm. Massa, Jr.	Y	Y	Y	Y
Comm. Testa	Y	Y	Y	Y
Comm. Warms	Y	Y	Y	Y

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

Respectfully submitted,

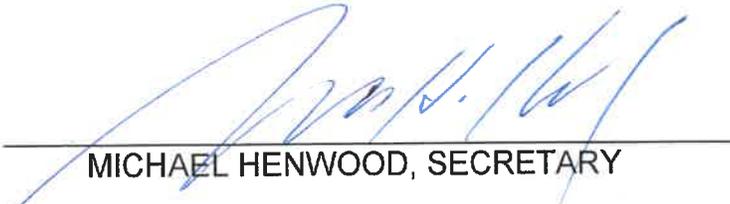


Michael Henwood  
Board Secretary

Date: September 24, 2020

**20-1-042**

The foregoing resolution is a true and complete copy of a resolution of The Bergen County Utilities Authority adopted at a regular meeting thereof duly called and held on September 24, 2020.



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MICHAEL HENWOOD, SECRETARY

**Dated: September 24, 2020**

**BERGEN COUNTY UTILITIES AUTHORITY  
RESOLUTION**

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

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

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

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

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

**WHEREAS**, the Edgewater MUA entered into a consent order with the New Jersey Department of Environmental Protection (the "NJDEP") which included 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 WPCF at the bulkhead, and more than one thousand (1,000) feet into the Hudson River to provide an adequate dilution and mixing zone resulting in additional treatment; and

**WHEREAS**, after acquiring the Edgewater WPCF, the Authority assumed responsibility for the compliance plan, including the required extension of the existing outfall sewer; and

**WHEREAS**, in order to achieve compliance with the copper, ammonia-nitrogen and zinc effluent limitations, the Edgewater WPCF originally proposed to extend the outfall to provide sufficient mixing/dilution of the discharged wastewater but that proposal failed due to unforeseen difficulties obtaining permits necessary to construct the extended outfall, specifically the denial by the Army Corps of Engineers of the request of the Authority for the issuance of a permit to extend the outfall further and deeper into the Hudson River; and

**WHEREAS**, the Authority proposed, as an alternative, to construct a sewage pumping station on the site of the Edgewater WPCF and to construct a sewage force main extending west from this pumping station and ultimately connecting to the Authority's interceptor in the Borough of Ridgefield, Bergen County, New Jersey (the "Interceptor") for the delivery of the wastewater to the Little Ferry Water Pollution Control Facility (the "Little Ferry WPCF") for treatment, which is another facility owned and operated by the Authority located at the Foot of Mehrhof Road, Borough of Little Ferry, Bergen County, New Jersey, and the Authority would then decommission and close the Edgewater WPCF and direct all wastewater previously directed to the Edgewater WPCF to the Little Ferry WPCF for treatment (the "Edgewater WPCF Project"); and

**WHEREAS**, the NJDEP notified the Authority that it is the position of the NJDEP that the Edgewater WPCF may be in violation of the New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq. (the "Act") and the regulations promulgated pursuant thereto, specifically N.J.A.C. 7:14A-1 et seq., if it not extend the outfall further and deeper into the Hudson River; and

**WHEREAS**, on March 3, 2015, a meeting was conducted with representatives of the Authority and the NJDEP to discuss the proposal for the elimination of the Edgewater WPCF consistent with the Edgewater WPCF Project; and

**WHEREAS**, as a result of the March 3, 2015 meeting and due to the Army Corps of Engineers denying the Authority a permit to extend the Edgewater WPCF outfall into the Hudson River, the NJDEP entered into an Administrative Consent Order (the "2015 ACO") with the Authority on May 29, 2015 in order to memorialize an engineering and construction schedule for the Edgewater WPCF Project and provide for interim enforcement effluent limitations for copper, ammonia-nitrogen and zinc; and

**WHEREAS**, upon completion of the Edgewater WPCF Project, the wastewater flows from the Edgewater WPCF will be treated in a more efficient, effective, and cost effective manner at the Authority's Little Ferry WPCF; and

**WHEREAS**, in order to advance the Edgewater WPCF Project, which includes the construction of a sanitary sewer force main extending from the site of the Edgewater

WPCF to the Interceptor pursuant to and consistent with the terms of the 2015 ACO, the Authority is required to acquire title to, or an easement or other similar interests in, certain identified properties designated as Block 85.02, Lots 4 and 5.01 on the official tax map of the Borough of Edgewater (collectively, the "Property"); and

**WHEREAS**, the Authority's Board of Commissioners, by Resolution 19-1-063 adopted December 19, 2019, authorized the Authority's General Legal Counsel, on behalf of the Authority, to pursue and engage in good faith negotiations with the owner of the Property, North Star Partners Associates, LLC ("North Star") in order to acquire those identified temporary and permanent easement interests (collectively, the "Easements") in the Property which the Authority must obtain based upon the fair market value of the Easements as set by the appraisal prepared by McNerney & Associates, Inc., the appraiser engaged by the Authority for this purpose, in order for the Authority to undertake and complete the Edgewater WPCF Project and, in the event the negotiations with the owner of the Property were not successful, to initiate condemnation proceedings to establish those Easements in the Property required by the Authority without further action by the Board of Commissioners of the Authority; and

**WHEREAS**, after the Authority was unable to acquire via good faith negotiations with North Star the temporary and permanent easements (collectively, the "Easements") in the Property necessary for the Authority to undertake and complete the Edgewater WPCF Project, the Authority's General Legal Counsel, as authorized by Resolution 19-1-063, filed a Verified Complaint initiating the condemnation action (the "Litigation") necessary for the Authority to acquire the Easements; and

**WHEREAS**, following the filing of the Litigation, the Authority's General Legal Counsel again pursued good faith negotiations with the owner of the Property, resulting in a relocation of the Easements to an area of the Property deemed acceptable to both the owner of the Property and the Authority (the "Amended Easements"); and

**WHEREAS**, McNerney & Associates, Inc., the appraiser engaged by the Authority, by written appraisal dated June 26, 2020 set the fair market value for the acquisition by the Authority of the Amended Easements in the Property at \$205,000.00, which valuation North Star acknowledges is the fair market value of the Amended Easements ; and

**WHEREAS**, the Authority, acknowledging the costs and risks associated with the Litigation, has determined that it would be advantageous to, and in the best interests of, the Authority and its ratepayers, to resolve the Litigation and make payment to North Star in the amount of \$205,000.00 for the acquisition of the Amended Easements in the Property upon those terms and conditions set forth and contained in the settlement agreement which has been executed and delivered to the Authority by representatives of North Star and Edgewater Easement, LLC, a named defendant in the Litigation holding an easement in the Property which interests must be subordinated to the Amended Easements; and

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

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

1. The Executive Director, or his designee, shall be and is hereby authorized to execute an agreement by and among the Authority and North Star Partners Associates, LLC and Edgewater Easement, LLC providing for the settlement of the Litigation, which terms shall include the payment of the sum of \$205,000.00 by the Authority to North Star Partners Associates, LLC for the acquisition by the Authority of the Amended Easements in the Property as is more fully set forth and provided for therein, in the form acceptable to the Executive Director and satisfactory to the Authority as evidenced by his signature thereon.

2. The Executive Director, or his designee, shall be and is hereby authorized to execute an easement agreement(s) by and among the Authority and North Star Partners Associates, LLC and an easement subordination agreement by and among the Authority and Edgewater Easement, LLC and any other agreements and/or documents as may be required by the agreement to be executed by the Executive Director of the Authority pursuant hereto without the necessity of a further resolution or approval by the Commissioners.

3. The Authority's General Legal Counsel shall be and is hereby authorized to prepare and execute any and all documents necessary to finalize and dismiss the Litigation pursuant to the agreement to be executed by the Executive Director of the Authority pursuant hereto.

4. A copy of this Resolution and a copy of the agreement entered into by the Authority pursuant to this Resolution shall be placed on file and made available for public inspection in the office of the Executive Director upon execution by North Star Partners Associates, LLC and Edgewater Easement, LLC and the Authority.

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

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

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

**20-1-041**

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 24, 2020.



Michael Henwood  
Secretary

**Dated: September 24, 2020**

**BERGEN COUNTY UTILITIES AUTHORITY**  
**TREASURER'S CERTIFICATION OF FUNDS**

RESOLUTION DATE: 9/24/20  
RESOLUTION NUMBER: 20-1-041

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

FUNDS AVAILABLE x  
\_\_\_\_\_

FUNDS ARE NOT AVAILABLE  
\_\_\_\_\_

BUDGET ACCOUNT CAPITAL OUTLAY 15441000 560100  
\_\_\_\_\_

VENDOR 1 NORTH STAR PARTNERS ASSOCIATES,  
LLC  
\_\_\_\_\_

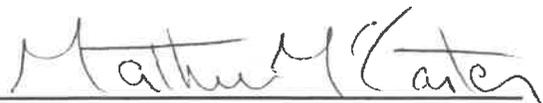
VENDOR 2 EDGEWATER EASEMENT, LLC  
\_\_\_\_\_

CONTRACT NUMBER N/A  
\_\_\_\_\_

REASON EASEMENT AGREEMENT(S) AND  
EASEMENT SUBORDINATION  
AGREEMENT  
\_\_\_\_\_

AMOUNT \$205,000.00  
\_\_\_\_\_

CONTRACT LENGTH N/A  
\_\_\_\_\_

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

SUPPLEMENTAL RESOLUTION OF THE BERGEN COUNTY UTILITIES AUTHORITY PERMITTING THE REDISTRIBUTION OF BOND PROCEEDS AUTHORIZED BY SUPPLEMENTAL RESOLUTION 18-1-033, AS PERMITTED BY ARTICLE VIII OF THE GENERAL BOND RESOLUTION ENTITLED "RESOLUTION AUTHORIZING THE ISSUANCE OF WATER POLLUTION CONTROL SYSTEM REVENUE BONDS OF THE BERGEN COUNTY UTILITIES AUTHORITY", ADOPTED OCTOBER 31, 1985, AS SUPPLEMENTED AND AMENDED.

**WHEREAS**, The Bergen County Utilities Authority (the "Authority") has been duly created as a public body corporate and politic of the State of New Jersey (the "State") pursuant to the Municipal and County Utilities Authorities Law, N.J.S.A. 40:14B-1 et seq. and has been given the responsibility to implement and operate a municipal utilities authority to provide certain water and sewer services to the inhabitants of the County of Bergen, New Jersey; and

**WHEREAS**, the Authority adopted a general bond resolution on October 31, 1985, as supplemented and amended (the "Senior Bond Resolution"), providing for, among other things, the construction, acquisition, improvement or replacement of all or any part of the Authority's water pollution control system and the issuance of bonds (as defined in the Senior Bond Resolution) of the Authority for the purposes set forth therein; and

**WHEREAS**, on July 26, 2018, the Authority adopted Resolution 18-1-033 entitled "2018 Supplemental Bond Resolution of the Bergen County Utilities Authority Supplementing and Amending Certain Provisions of the Authority's General Bond Resolution Duly Adopted October 31, 1985, As Amended and Supplemented, and Providing for the Issuance of Not To Exceed \$9,000,000 Principal Amount of Water Pollution Control System Revenue Bonds, of the Bergen County Utilities Authority And Determining Certain Other Matters In Connection Therewith" (the "2018 Supplemental Bond Resolution") , being a supplemental bond resolution authorizing the issuance of bonds for certain capital projects in certain allocated amounts for each project as set forth in Exhibit A annexed hereto; and

**WHEREAS**, the Authority has determined that it needs the power, and it is in the best interests of the Authority and its ratepayers, to allocate the bond proceeds authorized by the 2018 Supplemental Bond Resolution in a manner determined by the Authority on an ongoing basis due to changes in the costs of the individual projects from the time of original authorization.

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

1. The Authority shall be and is hereby authorized to allocate the bond proceeds authorized by the 2018 Supplemental Bond Resolution in a manner determined by the Authority on an ongoing basis due to changes in the costs of the individual projects from the time of original authorization, and any prior allocation of bond proceeds for payment of costs beyond what was originally anticipated for any individual project shall be and is hereby ratified.

2. Pursuant to and in accordance with Section 802 (10) of the Senior Bond

20-1-042

Resolution, this supplemental resolution shall take effect upon (a) the filing with the Trustee of a copy of this supplemental resolution certified by an Authority Officer and (b) the filing with the Trustee of a counsel's opinion to the effect that this supplemental resolution does not authorize any action that adversely affect the rights of any Holders (as defined in the Senior Bond Resolution) of any of the bonds authorized by the Supplemental Bond Resolutions, a form of such opinion being annexed hereto as Attachment A.

3. This resolution shall take effect in accordance with Paragraph 2 hereof.

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

Moved by: *Commissioner DeLisio*

Seconded by: *Commissioner Bonaventuro*

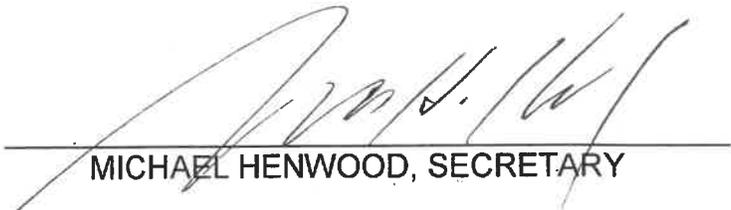
**RECORDED VOTE:**

COMMISSIONER	YES	NO	ABSTAIN	NOT VOTING	NOT PRESENT
Ronald Phillips, Chairman	X				
Louis J. DeLisio, Vice Chairman	X				
Catherine T. Bentz	X				
Bruce Bonaventuro	X				
Daniel Gumble					X
Thomas S. Kelley					X
Peter C. Massa, Jr.	X				
Diane T. Testa	X				
Jon Warms	X				

20-1-042

**20-1-042**

The foregoing resolution is a true and complete copy of a resolution of The Bergen County Utilities Authority adopted at a regular meeting thereof duly called and held on September 24, 2020.



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MICHAEL HENWOOD, SECRETARY

**Dated: September 24, 2020**

**20-1-042**

## EXHIBIT A- LIST OF PROJECTS FINANCED

The Authority has funded the infrastructure improvements as described below, as well as all work necessary and incidental thereto, all ancillary work required thereby, capitalized interest, funding of reserves, and engineering, design and professional costs associated therewith:

Projects Funded	Cost
ERP Software Upgrade	2,500,000
CSO LTCP Study	1,350,000
Collection System GIS	750,000
Replace/Repair Roofs/Windows	467,188
SCADA Upgrade	350,000
Wastewater Management Plan	450,000
Plant & Pump Station Safety	1,200,000

## ATTACHMENT A

September 25, 2020

The Bergen County Utilities Authority  
Foot of Mehrhof Road  
Little Ferry, NJ 07643

Ladies and Gentlemen:

We are acting as bond counsel to The Bergen County Utilities Authority (the "Authority"), a public body corporate and politic of the State of New Jersey (the "State") organized and existing under the Municipal and County Utilities Authorities Law, constituting Chapter 183 of the Pamphlet Laws of 1957 of the State and the acts amendatory thereof and supplemental thereto (the "Act").

On October 31, 1985, the Authority adopted a resolution entitled "Resolution Authorizing the Issuance of Water Pollution Control System Revenue Bonds of the Bergen County Utilities Authority" as amended and supplemented (the "General Bond Resolution").

On July 26, 2018, the Authority adopted supplemental bond resolution 18-1-033 entitled "2018 Supplemental Bond Resolution of the Bergen County Utilities Authority Supplementing and Amending Certain Provisions of the Authority's General Bond Resolution Duly Adopted October 31, 1985, As Amended and Supplemented, and Providing for the Issuance of Not To Exceed \$9,000,000 Principal Amount of Water Pollution Control System Revenue Bonds, of the Bergen County Utilities Authority And Determining Certain Other Matters In Connection Therewith" (the "2018 Supplemental Bond Resolution") authorizing the issuance of bonds for certain capital projects as detailed on an exhibit attached to the 2018 Supplemental Bond Resolution;

The Authority has determined that it needs the power to allocate the bond proceeds authorized by the 2018 Supplemental Bond Resolution in a manner determined by the Authority on an ongoing basis due to changes in the costs of the individual projects from the time of original authorization. Therefore on September 24, 2020 the Authority adopted a supplemental resolution entitled "Supplemental Resolution of the Bergen County Utilities Authority Permitting the Redistribution of Bond Proceeds Authorized by Supplemental Resolutions 18-1-033, As Permitted by Article VIII of the Resolution Entitled "Resolution Authorizing the Issuance of Water Pollution Control System Revenue Bonds of the Bergen County Utilities Authority", Adopted October 31, 1985, as supplemented and amended" (the "Amending Resolution").

In our capacity as bond counsel, we have examined the Constitution and statutes of the State, including the Act, the General Bond Resolution, the 2018 Supplemental Bond Resolution and the Amending Resolution and other instruments as we have deemed necessary to enable us to express the opinions hereinafter set forth. As to matters of fact,

we have relied upon the representations of the Authority and, where we have deemed appropriate, representations or other certifications of public officials. Further, in expressing such opinions, we have relied upon the genuineness, truthfulness and completeness of the resolutions, documents, records and instruments referred to above.

Based upon and subject to the foregoing, we are of the opinion that the Amending Resolution has been duly and lawfully adopted in accordance with the provisions of the General Bond Resolution and is authorized or permitted by the terms of the General Bond Resolution and, when effective, will be valid and binding upon the Authority, and the adoption of the Amending Resolution shall not adversely affect the rights of any holders of the bonds issued pursuant to the General Bond Resolution.

This opinion is solely for the benefit of the Authority, and may not be relied upon by any other person, firm or entity, nor is it to be used for any other purpose or circulated or quoted to any other person, firm or entity, without the express written consent of McManimon, Scotland, & Baumann, LLC.

Very truly yours,

**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 fifty-two (52) municipalities in the County of Bergen serving approximately 575,000 people; and

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

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

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

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

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

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

**WHEREAS**, a number of federal aid programs were found to be relevant to the Authority pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance

20-2-070

Act, as implemented by Title 44 Code of Federal Regulations, which include various public grant programs addressing hazard mitigation efforts; and

**WHEREAS**, the Authority has now been obligated \$36,200,000.00 of FEMA grant funding, with an additional obligation of approximately \$3,100,000.00 verbally approved to the Authority, with this grant funding being obligated to the Authority to provide funding for the procurement of Wastewater Program Management Services for Hurricane Sandy record efforts at the Little Ferry WPCF and related infrastructure repairs; and

**WHEREAS**, the Authority desires to protect its power assets from flooding and to avoid cascading impacts to the entire plant located in the Borough of Little Ferry that could be caused by flooding of the substations during a power outage; and

**WHEREAS**, the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., provides an alternative to the competitive bidding processes under certain circumstances by utilizing a contracting procedure referred to as "competitive contracting"; and

**WHEREAS**, N.J.S.A. 40A:11-4.3(a) requires that in order to initiate competitive contracting, the governing body shall pass a resolution authorizing the use of competitive contracting each time specialized goods or services enumerated in N.J.S.A. 40A:11-4.1 are desired to be contracted; and

**WHEREAS**, the Authority has now been obligated the FEMA grant funding, making it imperative that the Authority be prepared to move forward with those projects being funded by those FEMA grant funds without delay; and

**WHEREAS**, pursuant to N.J.S.A. 40A:11-4.1(i), the retention of professional engineering services which are exempt from bidding pursuant to N.J.S.A. 40A:11-5 are eligible for the competitive contracting process; and

**WHEREAS**, N.J.S.A. 40A:11-4.3(b) requires that the competitive contracting process be administered by the Authority's purchasing agent, qualified pursuant to N.J.S.A. 40A:11-9, or by the Authority's legal counsel, or by an administrator designated by the Authority; and

**WHEREAS**, the Authority's Executive Director has determined that it is in the Authority's best interests to utilize the competitive contracting process for the procurement of professional engineering services to undertake and complete the **FEMA Sandy Plant Wide Restoration and Mitigation Project at the Little Ferry WPCF**, pursuant to and in accordance with N.J.S.A. 40A:11-4.1; and

20-2-070

**WHEREAS**, the Board of Commissioners of the Authority, by Resolution 20-2-030 adopted April 23, 2020, previously authorized the engagement of ARCADIS US, Inc. to provide professional engineering services to the Authority for Program Management for Certain Restoration and Mitigation Projects which includes the **FEMA Sandy Plant Wide Restoration and Mitigation Project at the Little Ferry WPCF**; and

**WHEREAS**, N.J.S.A. 40A:11-4.4(a) requires that the Authority's purchasing agent, qualified pursuant to N.J.S.A. 40A:11-9, the Authority's legal counsel and/or an administrator designated by the Authority, shall prepare or have prepared a request for proposal documentation which shall include: all requirements necessary for potential vendors to submit a proposal; and a methodology by which the Authority will evaluate and rank proposals received from vendors; and

**WHEREAS**, N.J.S.A. 40A:11-4.5(a) requires that a notice of availability of request for proposal documentation be published in the Authority's official newspaper at least twenty (20) days prior to the date established for the submission of proposals.

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

1. Pursuant to and in accordance with N.J.S.A. 40A:11-4.1 et seq., the Authority shall be and is hereby authorized to utilize the competitive contracting process to procure professional engineering services to perform and complete the **FEMA Sandy Plant Wide Restoration and Mitigation Project at the Little Ferry WPCF**, pursuant to and in accordance with N.J.S.A. 40A:11-4.1.

2. Pursuant to and in accordance with N.J.S.A. 40A:11-4.3, the aforesaid competitive contracting process shall be administered by the Authority's Interim Qualified Purchasing Agent and ARCADIS US, Inc., an administrator previously designated by the Authority to provide professional engineering services to the Authority for Program Management for Certain Restoration and Mitigation Projects, in consultation with the Authority's General Legal Counsel.

3. Pursuant to and in accordance with N.J.S.A. 40A:11-4.4(a), the Authority's Interim Qualified Purchasing Agent and/or ARCADIS US, Inc., in consultation with the Authority's General Legal Counsel, shall prepare or have prepared a Request for Proposals, which shall include: all requirements necessary for potential vendors to submit a proposal; and a methodology by which the Authority will evaluate and rank proposals received from vendors.

4. Pursuant to and in accordance with N.J.S.A. 40A:11-4.5(a), a notice of availability of the Request for Proposals shall be published in the Authority's official newspaper at least twenty (20) days prior to the date established for the submission of proposals.

20-2-070

**20-2-070**

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

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 24, 2020.



Michael Henwood  
Secretary

**Dated: September 24, 2020**

**20-2-070**

## BERGEN COUNTY UTILITIES AUTHORITY RESOLUTION

**WHEREAS**, on prior occasion, upon advertisement and pursuant to specifications, the Bergen County Utilities Authority (the "Authority") solicited bid proposals to **Furnish and Deliver Sodium Bisulfite to the Edgewater Water Pollution Control Facility for a Two (2) Year Period with One (1) One (1) Year Option**, pursuant to and in accordance with **Contract No. 20-14**; and

**WHEREAS**, the following bid proposals were received by the Authority on **September 15, 2020** for **Contract No. 20-14**:

Vendor	Total Amount Bid (Two (2) Year Period)
WR Neumann Company, Inc. d/b/a Miracle Chemical Company Farmingdale, NJ	\$105,456.00
PVS Chemicals Solutions Inc. Detroit, MI	\$144,000.00

**WHEREAS**, the Authority's **Interim Qualified Purchasing Agent** and **Director of Water Pollution Control** have reviewed the bid proposals submitted by **W.R. Neumann Company, Inc. d/b/a Miracle Chemical Company** and **PVS Chemicals Solutions, Inc.** and have indicated that the bid proposals of **W.R. Neumann Company, Inc. d/b/a Miracle Chemical Company** and **PVS Chemicals Solutions, Inc.** were deemed to be incomplete, nonconforming and nonresponsive based upon the failure to provide an amount bid for the **One (1) One (1) Year Option** for **Contract No. 20-14** ; and

**WHEREAS**, the Authority's **Interim Qualified Purchasing Agent** and the Authority's **Director of Water Pollution Control** have recommended that these bid proposals provided by **W.R. Neumann Company, Inc. d/b/a Miracle Chemical Company** and **PVS Chemicals Solutions, Inc.** should each be rejected for the reasons aforementioned; and

**WHEREAS**, no acceptable or responsive bid proposals were received by the Authority as of **September 15, 2020**, which was the date set forth in the Invitation to Bid for the receipt of bid proposals pursuant to and in accordance with **Contract No. 20-14**; and

**WHEREAS**, the Contract Documents and Bid Specifications constituting **Contract No. 20-14** provide 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 Authority's **Interim Qualified Purchasing Agent and Director of Water Pollution Control**, based upon their review of the bid proposals, have indicated that during their review it was discovered that the bid specifications should be substantially revised and the Authority's **Interim Qualified Purchasing Agent and Director of Water Pollution Control** further indicated that all bids, in addition to the reasons set forth hereinabove, should therefore also be rejected so that the bid documents may be so revised to correct and provide for necessary line items to be bid for **Furnish and Deliver Sodium Bisulfite to the Edgewater Water Pollution Control Facility for a Two (2) Year Period with One (1) One (1) Year Option**, pursuant to and in accordance with **Contract No. 20-14**, and so that **Contract No.20-14 (Rebid)** may then be re-advertised for bid proposals; and

**WHEREAS**, N.J.S.A. 40A:11-13.2(d) permits the Authority to reject any and all proposals when the contracting unit desires to substantially revise the specifications; and

**WHEREAS**, the Authority's **Interim Qualified Purchasing Agent and Director of Water Pollution Control** have recommended that all bid proposals received for **Contract No. 20-14** be rejected for the reasons aforementioned pursuant to and in accordance with N.J.S.A. 40A:11-13.2(d) so that the Authority may substantially revise the specifications for **Furnish and Deliver Sodium Bisulfite to the Edgewater Water Pollution Control Facility for a Two (2) Year Period with One (1) One (1) Year Option**, and re-advertise for solicitation of bid proposals for **Contract No. 20-14 (Rebid)**; and

**WHEREAS**, based upon the above, the Board of Commissioners of the Authority are desirous of re-advertising for the solicitation of bid proposals for **Contract No. 20-14 (Rebid)** pursuant to N.J.S.A. 40A:11-4 et seq., as an award of **Contract No. 20-14 (Rebid)** 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. All bid proposals received for **Contract No. 20-14** shall be and are hereby rejected for the reasons set forth in this Resolution and pursuant to and in accordance with N.J.S.A. 40A:11-13.2(d).

2. The Authority's **Interim Qualified Purchasing Agent and Director of Water Pollution Control** shall be and are hereby authorized and directed to revise the bid documents to correct and provide for necessary line items to be bid for **Furnish and Deliver Sodium Bisulfite to the Edgewater Water Pollution Control Facility for a Two (2) Year Period with One (1) One (1) Year Option**, pursuant to and in accordance with **Contract No. 20-14 (Rebid)**.

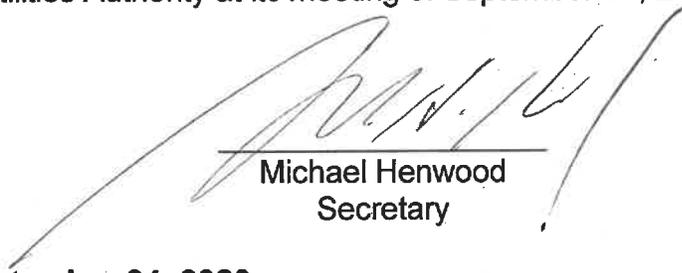
3. The Executive Director, or his designee, shall be and is hereby authorized to re-advertise for the solicitation of bid proposals to **Furnish and Deliver Sodium Bisulfite to the Edgewater Water Pollution Control Facility for a Two (2) Year Period with One (1) One (1) Year Option**, pursuant to and in accordance with **Contract No. 20-14 (Rebid)**.

20-2-071

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

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

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of September 24, 2020.



Michael Henwood  
Secretary

Dated: September 24, 2020

**BERGEN COUNTY UTILITIES AUTHORITY  
RESOLUTION**

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

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

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

**WHEREAS**, the Authority, pursuant to N.J.S.A. 40A:11-12(a) and N.J.S.A. 52:34-6.2, is authorized to purchase goods and contract for services through the use of a New Jersey State Approved Co-op and accepted cooperative purchasing agreement that has been developed utilizing a competitive bidding process by another contracting unit within the State of New Jersey, when available, for its administration; and

**WHEREAS**, by Resolution 17-1-005 adopted January 26, 2017, the Board of Commissioners of the Authority ratified and affirmed the membership of the Authority in the Educational Services Commission of New Jersey (the "ESCNJ"), allowing the Authority to continue to participate in the ESCNJ Cooperative Pricing System to purchase goods and contract for services, making the procurement process more efficient and providing cost savings to the Authority and its ratepayers; and

**WHEREAS**, the interior of the Administration Building, which is critical to the ongoing operations of the Authority, suffered extensive damages as the result of a first floor water line leak which occurred on or about July 4, 2020 resulting in extensive flooding to the interior of the first floor and basement areas of the Administration Building; and

**WHEREAS**, as a result of the extensive interior damages to the Administration Building caused by that flooding, the Authority currently has the need to complete the **Administration Building Restoration Project** in order to return the entirety of the interior areas of the first floor and basement of the Administration Building to a habitable and useable condition; and

20-2-072

**WHEREAS**, the ESCNJ previously awarded a contract to **Murray Paving & Concrete, Inc.** of 210 S. Newman Street, Hackensack, NJ 07601, under State approved Co-op No. 65MCESCCPS, Contract No. ESCNJ 20/21-03, for Contracting – General Repair & Maintenance Services; and

**WHEREAS**, the Authority, as a member of the ESCNJ Cooperative Pricing System, is able to procure the needed services from **Murray Paving & Concrete, Inc.** under Contract No. ESCNJ 20/21-03 for the **Administration Building Restoration Project** for the total sum of \$355,266.62 as set forth and contained in the written proposal dated September 23, 2020 submitted to the Authority by **Murray Paving & Concrete, Inc.**; and

**WHEREAS**, the Authority and **Murray Paving & Concrete, Inc.** have each acknowledged and understand that the estimate provided to the Authority by **Murray Paving & Concrete, Inc.** for the **Administration Building Restoration Project** by written proposal dated September 23, 2020 is based upon factors and conditions that are subject to, and shall experience, change causing a decrease in the ultimate total cost to be paid by the Authority for the completion of the **Administration Building Restoration Project**; and

**WHEREAS**, as a result of the flooding referenced hereinabove, a significant portion of the first floor and basement of the Administration Building, including but not limited to the Public Meeting Room, the Board of Commissioners meeting room and the office of the Executive Director, have been rendered unusable until completion of the **Administration Building Restoration Project** and the Authority cannot wait to further delay the undertaking and completion of the **Administration Building Restoration Project** as the factors and conditions impacting the final cost to the Authority for the completion of the **Administration Building Restoration Project** shall not be known or able to be determined until during and, ultimately following, the completion of the **Administration Building Restoration Project**; and

**WHEREAS**, as a result, the Authority and **Murray Paving & Concrete, Inc.** have each acknowledged and agree that there shall be a true-up at the time of completion of the **Administration Building Restoration Project** in order to determine the actual final cost to the Authority for completion of the **Administration Building Restoration Project** and, at that time, the Authority shall issue a change order to **Murray Paving & Concrete, Inc.** memorializing and authorizing the decrease in the total final cost and confirming the actual final cost to be paid by the Authority to **Murray Paving & Concrete, Inc.** for the completion of the **Administration Building Restoration Project** pursuant to this Resolution; and

**WHEREAS**, it is advantageous to the Authority, and will result in a cost savings to the Authority and its ratepayers, for the Authority to engage **Murray Paving & Concrete, Inc.** through Co-op No. 65MCESCCPS, Contract No. ESCNJ 20/21-03 to

20-2-072

provide the necessary services to the Authority to complete the **Administration Building Restoration Project**; and

**WHEREAS**, ESCNJ Cooperative Pricing System Contract No. ESCNJ 20/21-03 meets the "Fair and Open" process requirements of N.J.S.A. 19:44A-20.4 et seq.; and

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

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

1. The Executive Director or his designee shall be and is hereby authorized to execute a purchase order, or purchase orders as may be required, for the completion of the **Administration Building Restoration Project** for the total sum of **\$355,266.62** as set forth and contained in the written proposal submitted to the Authority by **Murray Paving & Concrete, Inc.** referenced hereinabove and in accordance with the terms of Contract No. ESCNJ 20/21-03, which total sum shall be subject to and modified by, a true-up to be completed upon the completion of the **Administration Building Restoration Project**.

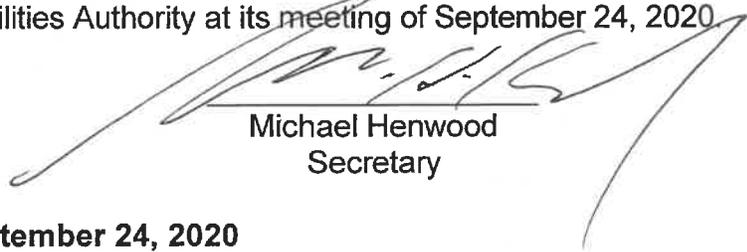
2. The Authority shall be responsible to ensure that that goods and/or services procured through the ESCNJ Cooperative Pricing System pursuant to this Resolution comply with all applicable provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., and all other provisions of the revised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

3. A copy of this Resolution, a copy of the Certificate of Membership issued by the ESCNJ to the Authority and a copy of any contract(s) entered into by the Authority pursuant to this Resolution shall be placed on file and made available for public inspection in the office of the Executive Director.

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

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

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 24, 2020.



Michael Henwood  
Secretary

Dated: September 24, 2020

20-2-072



## 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 20-2-010 adopted February 27, 2020, appointed **Arcadis US Inc.** to serve as **Special Environmental Engineer** to the Authority for a One (1) Year Term or until a successor is selected or at the pleasure of the Authority, whichever shall first occur or be exercised; and

**WHEREAS**, these services were solicited through a fair and open process, pursuant to N.J.S.A. 19:44A-20.4 et seq. through a publicly advertised Request for Qualifications ("RFQ") and **ARCADIS U.S. Inc.** submitted a Statement of Qualifications and the Commissioners of the Authority determined that **ARCADIS U.S. Inc.** is competent, qualified and experienced to serve as the Authority's **Special Environmental Engineer**; and

**WHEREAS**, Resolution 20-2-010 Authorized the Chairman of the Board of Commissioners of the Authority to execute a contract by and between the Authority and **Arcadis US Inc.** (the "Contract") memorializing the scope of services to be provided by **Arcadis US Inc.** to the Authority, and performing such professional engineering services for the Authority on an as-needed basis as requested by the Authority, pursuant to which payment by the Authority to **Arcadis US Inc.** is not to exceed the total sum of \$300,000.00 without further approval of the Board of Commissioners of the Authority; and

**WHEREAS**, the Contract was executed by and on behalf of the Authority and **Arcadis US Inc.** on March 1, 2020; and

**WHEREAS**, subsequent to the execution of the Contract, the spread of Coronavirus 2019 COVID-19 within New Jersey created an imminent public health hazard, threatening and endangering the health, safety, and welfare of the residents of the State of New Jersey and Philip D. Murphy, the Governor of the State of New Jersey, in order to protect the health, safety and welfare of the people of the State of New Jersey, issued Executive Order 103 on March 9, 2020, declaring and proclaiming that a Public Health Emergency and State of Emergency exist in the State of New Jersey due to the existence and impact of COVID-19, which declaration was extended and continues today by Executive Orders issued by Governor Murphy; and

**WHEREAS**, in light of the rapidly rising incidence of COVID-19 and in order to further protect the health, safety and welfare of the people of the State of New Jersey from the continuing rapid spread of COVID-19, Governor Murphy issued Executive Order 107 on March 21, 2020, now commonly referred to as the "Stay at Home Order", ordering and directing, among other things, certain limitations on travel and the conducting of business operations, declaring therein that "[i]t shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee, or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully in all matters concerning [Executive Order 107]"; and

**WHEREAS**, COVID-19 created conditions which meet the definition of an emergency under N.J.S.A. 40A:11-6(a) and N.J.A.C. 5:34-6.1, requiring that needs be met immediately to protect the public health, safety and welfare; and

**WHEREAS**, because of said conditions, the Board of Commissioners of the Authority, in order for the Authority to provide for the continuous delivery of essential governmental services and in order to take action consistent with Executive Order 103 and Executive Order 107, adopted Resolution 20-1-026 on March 26, 2020, declaring a state of emergency at the Authority as of March 21, 2020 in order to protect and maintain the health, safety, and welfare of the Authority's employees and Bergen County residents and visitors; and

**WHEREAS**, it became necessary for the Authority to commence efforts to apply for the Federal Emergency Management Agency ("FEMA") public assistance and related programs which will soon be administered as a result of the impact of COVID-19; and

**WHEREAS**, **Arcadis US Inc.**, following the receipt of written correspondence dated March 24, 2020 submitted to the Authority by **Arcadis US Inc.**, known by the Authority to be experienced with FEMA public assistance and related programs, advising the Authority that **Arcadis US Inc.** was ready and available to provide services to the Authority associated with COVID-19 FEMA assistance and further advising the Authority that in order for these services to be provided the compensation budget provided for by the Contract was required to be increased by the sum of \$50,000, the Board of Commissioners of the Authority, by Resolution 20-2-029 adopted March 26, 2020, authorized the Chairman of the Board of Commissioners of the Authority to modify the Contract by increasing the budget for compensation to be paid by the Authority to **Arcadis US Inc.** under the Contract by the amount of \$50,000.00, resulting in an amended Contract compensation budget in the total sum of \$350,000.00 without further approval of the Board of Commissioners of the Authority; and

**WHEREAS**, **Arcadis US Inc.**, operating under the Contract, continued to provide significant necessary and valuable services to the Authority serving as the Authority's

**Special Environmental Engineer**, including but not limited to providing services associated with COVID-19 FEMA assistance, updating the Wastewater Management Plan, digester gas conditioning system, carbon vessel improvements, air pollution control support on the Northern Valley Force Main Project, permitting and process engineering, grant management and other assignments as requested by the Authority; and

**WHEREAS**, **Arcadis US Inc.**, by written correspondence dated September 18, 2020, advised the Authority that **Arcadis US Inc.** is nearing exhaustion of the Contract compensation budget of \$350,000.00 to be paid by the Authority to **Arcadis US Inc.** for services performed pursuant thereto; and

**WHEREAS**, **Arcadis US Inc.**, by written correspondence dated September 18, 2020 requested that the Authority increase the compensation budget provided for by the Contract by the total sum of \$200,000.00, resulting in an amended Contract compensation budget of an amount not to exceed the total sum of \$550,000.00; and

**WHEREAS**, the Executive Director of the Authority has determined that **Arcadis US Inc.** has performed all services under the Contract in an effective and efficient manner and further determined that the work performed by **Arcadis US Inc.** under the Contract was essential to the proper and effective operation of the Authority and critical to the health, welfare and safety of the ratepayers and employees of the Authority; and

**WHEREAS**, the Executive Director of the Authority has reviewed the September 18, 2020 written correspondence of **Arcadis US Inc.**, including the request of **Arcadis US Inc.** to increase the compensation budget for the total compensation to be paid by the Authority to **Arcadis US Inc.** under the Contract, and based upon that review and the above determinations, he has concluded and recommended that the Authority should amend the Contract by increasing the budget for compensation to be paid by the Authority to **Arcadis US Inc.** pursuant to the Contract in the total sum of \$200,000.00, resulting in an amended compensation budget under the Contract in an amount not to exceed the total sum of \$550,000.00 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 Contract pursuant to this Resolution.

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

1. The Contract entered into by and between the Authority and **Arcadis US Inc.** shall be and is hereby modified by the Authority and the Contract shall be modified to provide that the compensation to be paid by the Authority pursuant thereto shall be increased in the amount of \$200,000.00 and the total amount of compensation to now be paid by the Authority to **Arcadis US Inc.** pursuant to the modified Contract shall not

exceed the total sum of \$550,000.00 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 a contract by and between the Authority and **Arcadis US Inc.** modifying the Contract as approved and authorized by this Resolution, in such final form as is acceptable to the Authority, as evidenced by the Chairman's signature thereon.

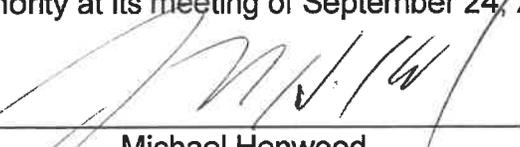
3. A copy of this Resolution and the contract modifying the Contract pursuant to this Resolution, shall be placed on file and made available for public inspection in the Office of the Executive Director, upon execution by **Arcadis US Inc.** and the Authority.

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

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

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

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 24, 2020.

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

**DATED: September 24, 2020**



**BERGEN COUNTY UTILITIES AUTHORITY  
RESOLUTION**

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

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

**WHEREAS**, in furtherance of providing these essential services, the Board of Commissioners of the Authority, by Resolution 20-2-012 adopted February 27, 2020, appointed **Remington & Vernick Engineers ("RVE")** to serve as **Energy Management and Related Air Pollution Control Permit Engineering 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 20-2-012 Authorized the Chairman of the Board of Commissioners of the Authority to execute a contract by and between the Authority and **RVE** (the "Contract") memorializing the scope of services to be provided by **RVE** serving as **Energy Management and Related Air Pollution Control Permit Engineering Consultant** to the Authority, including professional engineering services which are provided by **RVE** to the Authority on an as-needed basis, pursuant to which payment by the Authority to **RVE** is not to exceed the total sum of \$125,000.00 without further approval of the Board of Commissioners of the Authority; and

**WHEREAS**, the Contract was executed by and on behalf of the Authority and **RVE** on March 1, 2020; and

**WHEREAS**, **RVE**, operating under the Contract, has continued to provide significant necessary and valuable services serving as **Energy Management and Related Air Pollution Control Permit Engineering Consultant** to the Authority, including providing professional engineering services to the Authority on an as-requested basis on a number of critical ongoing matters and on other projects as identified and requested by the Authority since the commencement of the term of the Contract; and

**WHEREAS**, **RVE**, by written correspondence dated September 22, 2020, **RVE**, as a result of the work requested by the Authority to be completed by **RVE** under the Contract, requested that the Authority increase the compensation budget provided for by the Contract by the total sum of \$123,600.00, resulting in an amended Contract compensation budget of an amount not to exceed the total sum of \$248,600.00; and

**WHEREAS**, the Executive Director of the Authority has determined that **RVE** has performed all services under the Contract in an effective and efficient manner and further determined that the remaining work to be performed by **RVE** under the Contract is essential to the proper and effective operation of the Authority and critical to the health, welfare and safety of the ratepayers and employees of the Authority; and

**WHEREAS**, the Executive Director of the Authority has reviewed the September 22, 2020 written correspondence of **RVE**, including the request of **RVE** to increase the compensation budget for the total compensation to be paid by the Authority to **RVE** under the Contract, and based upon that review and the above determinations, he has concluded and recommended that the Authority should amend the Contract by increasing the budget for compensation to be paid by the Authority to **RVE** pursuant to the Contract in the total sum of \$123,600.00, resulting in an amended compensation budget under the Contract in an amount not to exceed the total sum of \$248,600.00 without further approval of the Board of Commissioners of the Authority; and

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

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

1. The Contract entered into by and between the Authority and **RVE** shall be and is hereby amended by the Authority and the Contract shall be amended to provide that the compensation to be paid by the Authority pursuant thereto shall be increased in the amount of \$123,600.00 and the total amount of compensation to now be paid by the Authority to **RVE** pursuant to the amended Contract shall not exceed the total sum of \$248,600.00 without further approval of the Board of Commissioners of the Authority.

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

3. A copy of this Resolution, and the contract amending the Contract with **RVE** 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 **RVE** and the Authority.

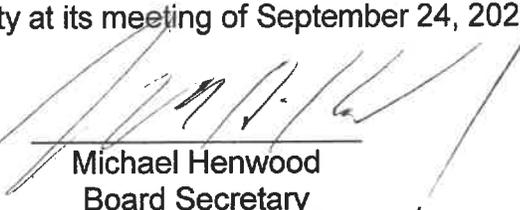
4. The Acting Treasurer's Certification that funds are available shall be maintained on file at the Authority.

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

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

20-2-074

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 24, 2020.



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Michael Henwood  
Board Secretary

DATED: September 24, 2020

**BERGEN COUNTY UTILITIES AUTHORITY**  
**TREASURER'S CERTIFICATION OF FUNDS**

RESOLUTION DATE: 9/24/20  
RESOLUTION NUMBER: 20-2-074

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 15224000 532060

VENDOR REMINGTON & VERNICK ENGINEERS

CONTRACT NUMBER 20-2-012

REASON INCREASE IN THE PROFESSIONAL  
SERVICE NEEDS OF THE AUTHORITY FOR  
ENERGY MANAGEMENT & RELATED AIR  
POLLUTION CONTROL PERMIT  
ENGINEERING CONSULTANT

AMOUNT \$123,600.00

CONTRACT LENGTH OCTOBER 1, 2020 - FEBRUARY 28, 2021

  
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 this essential service within the Authority's sewer service district, which is comprised of fifty-two (52) municipalities in the County of Bergen serving approximately 575,000 people; and

**WHEREAS**, in furtherance of providing these essential services, the Board of Commissioners of the Authority, by Resolution 20-2-011 adopted February 27, 2020, appointed **Alaimo Group** to serve as **General Consulting Engineer** to the Authority for a One (1) Year Term or until a successor is selected or at the pleasure of the Authority, whichever shall first occur or be exercised; and

**WHEREAS**, Resolution 20-2-011 Authorized the Chairman of the Board of Commissioners of the Authority to execute a contract by and between the Authority and **Alaimo Group** (the "Contract") memorializing the scope of services to be provided by **Alaimo Group** serving as **General Consulting Engineer** to the Authority, including professional engineering services which are provided by **Alaimo Group** to the Authority on an as-needed basis, pursuant to which payment by the Authority to **Alaimo Group** is not to exceed the total sum of \$300,000.00 without further approval of the Board of Commissioners of the Authority; and

**WHEREAS**, the Contract was executed by and on behalf of the Authority and **Alaimo Group** on March 1, 2020; and

**WHEREAS**, **Alaimo Group**, operating under the Contract, has continued to provide significant necessary and valuable services serving as **General Consulting Engineer** to the Authority, including providing professional engineering services to the Authority on an as-requested basis on a number of critical ongoing matters and on other projects as identified and requested by the Authority since the commencement of the term of the Contract; and

**WHEREAS**, by written correspondence dated September 23, 2020, **Alaimo Group**, as a result of the work requested by the Authority to be completed by **Alaimo Group** under the Contract, requested that the Authority increase the compensation budget provided for by the Contract by the total sum of \$65,000.00, resulting in an amended Contract compensation budget of an amount not to exceed the total sum of \$365,000.00; and

**WHEREAS**, the Executive Director of the Authority has determined that **Alaimo Group** has performed all services under the Contract in an effective and efficient manner and further determined that the remaining work to be performed by **Alaimo Group** under the Contract is essential to the proper and effective operation of the Authority and critical to the health, welfare and safety of the ratepayers and employees of the Authority; and

**WHEREAS**, the Executive Director of the Authority has reviewed the September 23, 2020 written correspondence of **Alaimo Group**, including the request of **Alaimo Group** to increase the compensation budget for the total compensation to be paid by the Authority to **Alaimo Group** under the Contract, and based upon that review and the above determinations, he has concluded and recommended that the Authority should amend the Contract by increasing the budget for compensation to be paid by the Authority to **Alaimo Group** pursuant to the Contract in the total sum of \$65,000.00, resulting in an amended compensation budget under the Contract in an amount not to exceed the total sum of \$365,000.00 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 Contract pursuant to this Resolution.

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

1. The Contract entered into by and between the Authority and **Alaimo Group** shall be and is hereby amended by the Authority and the Contract shall be amended to provide that the compensation to be paid by the Authority pursuant thereto shall be increased in the amount of \$65,000.00 and the total amount of compensation to now be paid by the Authority to **Alaimo Group** pursuant to the amended Contract shall not exceed the total sum of \$365,000.00 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 a contract by and among the Authority and **Alaimo Group**, amending the Contract as approved and authorized by this Resolution, in the form acceptable to the Chairman, and satisfactory to the Authority as evidenced by the Chairman's signature thereon.

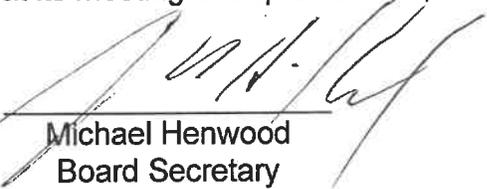
3. A copy of this Resolution, and the contract amending the Contract with **Alaimo Group** pursuant to this Resolution, shall be placed on file and made available for public inspection in the Office of the Executive Director, upon execution by **Alaimo Group** and the Authority.

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

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

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

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 24, 2020.



Michael Henwood  
Board Secretary

DATED: September 24, 2020



**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 fifty-two (52) municipalities in the County of Bergen serving approximately 575,000 people; and

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

**WHEREAS**, the Authority previously identified certain projects as necessary to improving the resiliency of the Authority in such extreme and adverse weather conditions, which projects included the retrofitting of the Authority's two (2) original Combined Heat and Power Cogeneration ("Cogen") units with black start and islanding capabilities, including the flood proofing of certain building and the raising of transformer pads, and all work and costs necessary and ancillary thereto, making the system more resilient by allowing to Authority to continue to deliver power to their critical Tier I assets and eliminate the dependency on fuel sources during such extreme and adverse weather conditions whereby power loss is from external sources (the "**Little Ferry Water Pollution Control Facilities Energy Resilience Bank Black Start Project**"); and

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

**WHEREAS**, in furtherance of the Project, the Board of Commissioners of the Authority, by Resolution 17-2-018 adopted March 23, 2017, appointed **Mott MacDonald, LLC** to provide professional engineering services to the Authority for the Authority's **Little Ferry Water Pollution Control Facilities Energy Resilience Bank Black Start Project**; and

**WHEREAS**, Resolution 17-2-018 authorized the Chairman of the Board of Commissioners of the Authority to execute a contract by and between the Authority and **Mott MacDonald, LLC** (the "Contract") memorializing the professional engineering services to the Authority for the Authority's **Little Ferry Water Pollution Control Facilities Energy Resilience Bank Black Start Project** and providing the budget for compensation to be paid by the Authority to **Mott MacDonald, LLC** for the providing of those services; and

**WHEREAS**, the Contract was executed by and on behalf of the Authority and **Mott MacDonald, LLC** on March 23, 2017; and

**WHEREAS**, following the adoption of Resolution 17-2-018 by the Board of Commissioners of the Authority on March 23, 2017, **Mott MacDonald, LLC**, operating under the Contract, continued to provide the significant necessary and valuable professional engineering services to the Authority for the **Little Ferry Water Pollution Control Facilities Energy Resilience Bank Black Start Project** and by written correspondence dated August 19, 2020 **Mott MacDonald, LLC** provided to the Authority an amended scope of services, including additional significant necessary and valuable services identified as being necessary for the completion of the **Little Ferry Water Pollution Control Facilities Energy Resilience Bank Black Start Project**; and

**WHEREAS**, **Mott MacDonald, LLC**, by the August 19, 2020 written correspondence, requested that the Authority increase the compensation budget provided for by the Agreement by the total sum of \$124,300.00, resulting in an amended Agreement compensation budget of an amount not to exceed the total sum of \$847,300.00 without further approval of the Board of Commissioners of the Authority; and

**WHEREAS**, the Authority's Director of Engineering has determined that **Mott MacDonald, LLC** has performed all services under the Contract in an effective and efficient manner and further determined that the remaining work to be performed by **Mott MacDonald, LLC** under the Contract, including the additional services to be completed as identified in the August 19, 2020 written correspondence submitted to the Authority by **Mott MacDonald, LLC**, is in the best interests, and essential to the proper and effective operation, of the Authority and necessary for the completion of the **Little Ferry Water Pollution Control Facilities Energy Resilience Bank Black Start Project**; and

**WHEREAS**, the Authority's Director of Engineering has reviewed the August 19, 2020 written correspondence of **Mott MacDonald, LLC**, including the request of **Mott MacDonald, LLC** to increase the compensation budget under the Contract for the total compensation to be paid by the Authority to **Mott MacDonald, LLC** for services provided by **Mott MacDonald, LLC** to the Authority pursuant to the Contract, and based upon the above determinations and his review of the August 19, 2020 written correspondence of **Mott MacDonald, LLC**, the Authority's Director of Engineering has concluded and recommended that the Authority should amend the Contract by including the additional services identified therein to be provided by **Mott MacDonald, LLC** pursuant to the

Contract and by increasing the budget for compensation to be paid by the Authority to **Mott MacDonald, LLC** pursuant to the Contract in the total sum of \$124,300.00, resulting in an amended compensation budget under the Contract in an amount not to exceed the total sum of \$847,300.00 without further approval of the Board of Commissioners of the Authority; and

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

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

1. The Contract entered into by and between the Authority and **Mott MacDonald, LLC** shall be and is hereby modified by the Authority and the Contract shall be modified to provide that the scope of work to be completed by **Mott MacDonald, LLC** pursuant thereto shall include those additional services identified in the August 19, 2020 written correspondence submitted to the Authority by **Mott MacDonald, LLC** and the compensation to be paid by the Authority pursuant thereto shall be increased in the amount of \$124,300.00 and the total amount of compensation to now be paid by the Authority to **Mott MacDonald, LLC** pursuant to the modified Contract shall not exceed the total sum of \$847,300.00 without further approval of the Board of Commissioners of the Authority.

2. The Chairman shall be and is hereby authorized to execute a contract, similar in form and substance to the contract on file at the Authority, by and among the Authority and **Mott MacDonald, LLC** modifying the Contract as approved and authorized by this Resolution, in the form acceptable to the Chairman and satisfactory to the Authority, as evidenced by the Chairman's signature thereon.

3. A copy of this Resolution, the Contract retaining **Mott MacDonald, LLC** to provide professional engineering services to the Authority for the **Little Ferry Water Pollution Control Facilities Energy Resilience Bank Black Start Project** and the contract modifying the Contract as authorized by this Resolution shall be placed on file and made available for public inspection in the Office of the Executive Director, upon execution by **Mott MacDonald, LLC** 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 modification of the Contract 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).

**20-2-076**

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 24, 2020.



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Michael Henwood  
Secretary

**DATED: September 24, 2020**

**BERGEN COUNTY UTILITIES AUTHORITY**  
**TREASURER'S CERTIFICATION OF FUNDS**

RESOLUTION DATE: 9/24/20  
RESOLUTION NUMBER: 20-2-076

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

FUNDS AVAILABLE x  
\_\_\_\_\_

FUNDS ARE NOT AVAILABLE  
\_\_\_\_\_

BUDGET ACCOUNT ERB GRANT  
\_\_\_\_\_

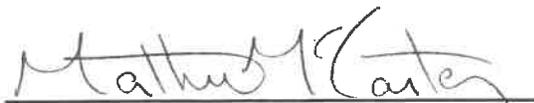
VENDOR MOTT MACDONALD, LLC  
\_\_\_\_\_

CONTRACT NUMBER 17-2-018  
\_\_\_\_\_

REASON INCREASE IN THE PROFESSIONAL  
SERVICE NEEDS OF THE AUTHORITY FOR  
LITTLE FERRY WATER POLLUTION  
CONTROL FACILITIES ENERGY  
RESILIENCE BANK BLACK START  
PROJECT  
\_\_\_\_\_

AMOUNT \$124,300.00  
\_\_\_\_\_

CONTRACT LENGTH TO COMPLETION  
\_\_\_\_\_

  
\_\_\_\_\_  
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 20-3-003 adopted February 27, 2020, appointed **LaMendola Associates Inc.** to serve as the Authority's **Health Insurance/Employee Benefits Consultant** 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**, these services were solicited through a fair and open process, pursuant to N.J.S.A. 19:44A-20.4 et seq. through a publicly advertised Request for Qualifications ("RFQ") and **LaMendola Associates Inc.** submitted a Statement of Qualifications and the Commissioners of the Authority determined that **LaMendola Associates Inc.** is competent, qualified and experienced to serve as the Authority's **Health Insurance/Employee Benefits Consultant**; and

**WHEREAS**, Resolution 20-3-003 Authorized the Chairman of the Board of Commissioners of the Authority to execute a contract by and between the Authority and **LaMendola Associates Inc.** (the "Contract") memorializing the scope of services to be provided by **LaMendola Associates Inc.** to the Authority, and performing such services serving as the Authority's **Health Insurance/Employee Benefits Consultant** on an as-needed basis as requested by the Authority, pursuant to which payment by the Authority to **LaMendola Associates Inc.** is not to exceed the total sum of \$47,500.00 without further approval of the Board of Commissioners of the Authority; and

**WHEREAS**, the Contract was executed by and on behalf of the Authority and **LaMendola Associates Inc.** on March 1, 2020; and

**WHEREAS**, subsequent to the execution of the Contract, the spread of Coronavirus 2019 COVID-19 within New Jersey created an imminent public health hazard, threatening and endangering the health, safety, and welfare of the residents of the State of New Jersey and Philip D. Murphy, the Governor of the State of New Jersey, in order to protect the health, safety and welfare of the people of the State of New Jersey, issued Executive Order 103 on March 9, 2020, declaring and proclaiming that a Public Health Emergency and State of Emergency exist in the State of New Jersey due to the existence and impact of COVID-19, which declaration was extended and continues today by Executive Orders issued by Governor Murphy; and

**WHEREAS**, in light of the rapidly rising incidence of COVID-19 and in order to further protect the health, safety and welfare of the people of the State of New Jersey from the continuing rapid spread of COVID-19, Governor Murphy issued Executive Order 107 on March 21, 2020, now commonly referred to as the "Stay at Home Order", ordering and directing, among other things, certain limitations on travel and the conducting of business operations, declaring therein that "[i]t shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee, or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully in all matters concerning [Executive Order 107]"; and

**WHEREAS**, COVID-19 created conditions which meet the definition of an emergency under N.J.S.A. 40A:11-6(a) and N.J.A.C. 5:34-6.1, requiring that needs be met immediately to protect the public health, safety and welfare; and

**WHEREAS**, because of said conditions, the Board of Commissioners of the Authority, in order for the Authority to provide for the continuous delivery of essential governmental services and in order to take action consistent with Executive Order 103 and Executive Order 107, adopted Resolution 20-1-026 on March 26, 2020, declaring a state of emergency at the Authority as of March 21, 2020 in order to protect and maintain the health, safety, and welfare of the Authority's employees and Bergen County residents and visitors; and

**WHEREAS**, it became necessary and there existed the need for the Authority to commence preparation for, including the developing of plans to be implemented in response to, the impact of COVID-19 on the daily operations of the Authority and the providing of essential governmental services by the Authority; and

**WHEREAS**, following the receipt of written correspondence dated April 1, 2020 submitted to the Authority by **LaMendola Associates Inc.** advising the Authority that **LaMendola Associates Inc.** was ready and available to provide services to the Authority associated with COVID-19 assistance and further advising that in order for these services to be provided the compensation budget provided for by the Contract was required to be increased by the total sum of \$29,800.00, the Board of Commissioners of the Authority, by Resolution 20-3-009 adopted April 23, 2020, authorized the Chairman of the Board of Commissioners of the Authority to modify the Contract by increasing the budget for compensation to be paid by the Authority to under the Contract by the amount of \$29,800.00, resulting in an amended Contract compensation budget in the total sum of \$77,300.00 without further approval of the Board of Commissioners of the Authority; and

**WHEREAS**, **LaMendola Associates Inc.**, operating under the Contract, continued to provide significant necessary and valuable services serving as the Authority's **Health Insurance/Employee Benefits Consultant**, including providing services to the Authority associated with COVID-19 assistance on an as-requested basis as identified and requested by the Authority; and

**WHEREAS**, **LaMendola Associates Inc.**, by written correspondence dated September 18, 2020, advised the Authority that **LaMendola Associates Inc.** has nearly

exhausted the Contract compensation budget of \$77,300.00 to be paid by the Authority to **LaMendola Associates Inc.** for services performed pursuant thereto; and

**WHEREAS, LaMendola Associates Inc.,** by written correspondence dated September 18, 2020 requested that the Authority increase the compensation budget provided for by the Contract by the total sum of \$62,853.00, of which \$45,823.00 is required to fund those services provided to the Authority associated with COVID-19 assistance, resulting in an amended Contract compensation budget of an amount not to exceed the total sum of \$140,153.00; and

**WHEREAS,** the Executive Director of the Authority has determined that **LaMendola Associates Inc.** has performed all services under the Contract in an effective and efficient manner and further determined that the work performed by **LaMendola Associates Inc.** under the Contract was essential to the proper and effective operation of the Authority and critical to the health, welfare and safety of the ratepayers and employees of the Authority; and

**WHEREAS,** the Executive Director of the Authority has reviewed the September 18, 2020 written correspondence of **LaMendola Associates Inc.,** including the request of **LaMendola Associates Inc.** to increase the compensation budget for the total compensation to be paid by the Authority to **LaMendola Associates Inc.** under the Contract, and based upon that review and the above determinations, he has concluded and recommended that the Authority should amend the Contract by increasing the budget for compensation to be paid by the Authority to **LaMendola Associates Inc.** pursuant to the Contract in the total sum of \$62,853.00, of which \$45,823.00 is required to fund those services provided to the Authority associated with COVID-19 assistance, resulting in an amended Contract compensation budget of an amount not to exceed the total sum of \$140,153.00 without further approval of the Board of Commissioners of the Authority; and

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

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

1. The Contract entered into by and between the Authority and **LaMendola Associates Inc.** shall be and is hereby modified by the Authority and the Contract shall be modified to provide that the compensation to be paid by the Authority pursuant thereto shall be increased in the amount of \$62,853.00, of which \$45,823.00 is required to fund those services provided to the Authority associated with COVID-19 assistance, and the total amount of compensation to now be paid by the Authority to **LaMendola Associates Inc.** pursuant to the modified Contract shall not exceed the total sum of \$140,153.00 without further approval of the Board of Commissioners of the Authority.

2. The Chairman of the Authority shall be and is hereby authorized to execute a contract by and between the Authority and **LaMendola Associates Inc.** modifying the Contract as approved and authorized by this Resolution, in such final form as is acceptable to the Authority, as evidenced by the Chairman's signature thereon.

3. A copy of this Resolution and the contract modifying the Contract 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 **LaMendola Associates Inc.** and the Authority.

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

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

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

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 24, 2020.



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Michael Henwood  
Secretary

DATED: -September 24, 2020

**CERTIFICATION FOR AN EXTRAORDINARY  
UNSPECIFIABLE SERVICES CONTRACT**

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

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

**DATE:** September 24, 2020

**SUBJECT:** Amendment of Health Insurance/Employee Benefits Consultant  
Annual Contract

This is an amendment of the annual contract of LaMendola Associates, Inc. to serve as Health Insurance/Employee Benefits Consultant to the Authority. This certification is submitted to request your approval of a resolution authorizing a contract to be executed as follows:

**Firm:** LaMendola Associates, Inc. ("Contractor")

**Duration:** Amendment of Contract with a One (1) Year Term.

**Cost:** Not to exceed \$62,853.00.

**Purpose:** Amend the existing contract to allocate additional funds for ongoing consulting services supporting the Authority's management of COVID-19 in addition to annual employee benefits and insurance consulting.

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

I do hereby certify to the following:

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

Pursuant to the Executive Orders issued by Governor Murphy and the continuing negative impact of COVID-19 on the health, safety and welfare of the public, including the employees of the Authority, the Authority has been required to pursue mitigation efforts and to develop and implement plans to protect the Authority and its employees and to protect against the spread of COVID-19. As Executive Director, I am familiar with the nature of the work to be done under this contract which is to be performed by an entity with expertise, extensive training, and a proven reputation in the field of endeavor. It is critical to the efficient operations of the Authority that these services be performed by an entity with expertise, extensive training and a proven reputation in the field of endeavor of providing such health insurance and employee benefits consultant related services.

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

This contract is a contract for extraordinary unspecifiable services, as provided for under N.J.S.A. 40A:11-5, as such services are of such a qualitative nature that the performance of the services cannot be reasonably described by written specifications as the services to be undertaken will evolve as COVID-19 continues to spread and such services are in part regulated by laws of the State of New Jersey and are

specialized and qualified in nature, requiring expertise, extensive training and proven reputation in the field of endeavor, pursuant to and in accordance with N.J.S.A. 40A:11-2(7).

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

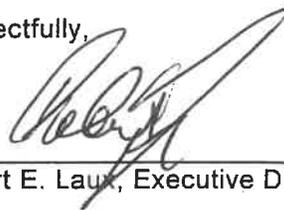
See II above. It is not reasonably possible to draft specifications for these services adequately defining the expertise and skill required in such complex type matters as covered by the contract to be let, such services being of such a qualitative nature as well as the scope of which is not reasonably determinable in advance of the receipt of proposals from those with certain expertise and skill. Written specifications cannot be drafted because the contracted services depend heavily upon expertise, knowledge and the experience in providing such services.

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

Pursuant to the New Jersey Pay-to-Play Law, N.J.S.A. 19:44A-20.5 et seq., a Request for Qualifications ("RFQ") for the providing of Public Relations and Media Consulting Services was issued and the Contractor submitted a response thereto and is duly qualified to provide these services and I have determined the proposal of the Contractor to be fair and reasonable. It is my recommendation that an award of a contract amendment for the providing of Health Insurance/Employee Benefits Consultant services be granted to the Contractor, price and other factors considered.

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

Respectfully,



Robert E. Laux, Executive Director

September 24, 2020

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



**BERGEN COUNTY UTILITIES AUTHORITY  
RESOLUTION**

**WHEREAS**, the Bergen County Utilities Authority (the "Authority") is a county utilities authority organized and existing pursuant to the Municipal and County Utilities Authority Law, N.J.S.A. 40:14B-1 et seq. to provide the services enumerated in N.J.S.A. 40:14B-2 in the County of Bergen, including but not limited to the collection, treatment and disposal of storm water and waste water; and

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

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

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

**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; and

**WHEREAS**, **NACWA's** active membership and close working relationship with the United States Congress and the United States Environmental Protection Agency (the "EPA") allow its members to interact with national policy makers and shape the course of United States of America's environmental protection legislation; and

**WHEREAS**, **NACWA** has submitted to the Authority a written proposal dated September 10, 2020, seeking to induce the Authority to renew its existing membership, which proposal has been reviewed by the Authority's Executive Director and Director of Engineering; and

**WHEREAS**, the proposed annual membership/dues to be paid by the Authority for membership in **NACWA** for the time period of October 1, 2020 through September 30, 2021 is \$26,500.00, which amount is based on the Authority being a publicly owned treatment agency with a service area population of 500,000; and

**WHEREAS**, the Authority's Executive Director and Director of Engineering have recommended that the Authority renew its membership to **NACWA**; 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, 2020 through September 30, 2021.

**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 of the Authority in **NACWA**, and execute any and all agreements and other documents necessary to renew said membership and make payment of payment of membership fees/dues to **NACWA** in an amount not to exceed the total sum of \$26,500.00.
2. The Acting Treasurer'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 the Authority's membership in **NACWA** shall be placed on file and made available for public inspection in the office of the Executive Director, upon execution by **NACWA** and 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 24, 2020.



Michael Henwood  
Board Secretary

**Dated: September 24, 2020**

