

**BERGEN COUNTY UTILITIES AUTHORITY
MINUTES OF THE REGULAR MEETING
FEBRUARY 22, 2018**

**In the matter of the 467th Regular Meeting of
The Bergen County Utilities Authority**

1. The **proof of meeting notice** calling the February 22, 2018, meeting was read into the record by Michael Henwood, Board Secretary.

2. Roll Call:

COMMISSIONERS PRESENT:

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

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

3. Motion that the Minutes covering the January 25, 2018 Work Session be approved was moved by Commissioner DeLisio and Seconded by Commissioner Kelley and was carried. Commissioner Bonaventuro abstained.
4. Chairman Phillips opened the meeting to the public and asked if anyone present wished to be heard. The meeting was closed to the public.
5. BY-LAWS COMMITTEE:

2018 Reorganization - Chairman Phillips requested that General Counsel Kaufman conduct nominations for BCUA Chairman and Vice Chairman as per Resolution 18-4-001. Commissioner Juliano nominated Ronald Phillips for BCUA Chairman and was Seconded by Commissioner DeLisio. Commissioner Bonaventuro nominated Louis J. DeLisio for Vice Chairman and was seconded by Commissioner Bentz. A roll call was taken and resolution was adopted as reflected in these minutes.

Resolution 18-4-002 - 2018 Reorganization - Adoption of By-Laws. Motion to adopt the resolution was made by Commissioner Bonaventuro and Seconded by Commissioner Massa. A roll call was taken and the resolution was adopted as reflected in these minutes.

6. FINANCE AND LEGAL COMMITTEE:

Resolution 18-1-007 - Approve bills and the claims supported by vouchers totaling \$3,757,638.98 for the month of February 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 Juliano. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 18-1-008 - Ratify and Approve Financial Actions directed by Mathew McCarter, Acting Treasurer, during the month of January 2018. Motion to adopt the resolution was made by Commissioner DeLisio and Seconded by Commissioner Juliano. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 18-1-009 - Authorize Professional Services Contract - Audit and Accounting - Lerch, Vinci & Higgins, LLP. Motion to adopt the resolution was made by Commissioner DeLisio and Seconded by Commissioner Juliano. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 18-1-010 - Authorize Contract – Financial Advisor - Acacia Financial Group, Inc. Motion to adopt the resolution was made by Commissioner DeLisio and Seconded by Commissioner Juliano. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 18-1-011 - Authorize Professional Services Contract – General Legal Counsel - Kaufman, Semeraro & Leibman, L.L.P. Motion to adopt the resolution was made by Commissioner DeLisio and Seconded by Commissioner Juliano. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 18-1-012 - Authorize Professional Services Contract – Bond Counsel - McManimon, Scotland & Baumann, L.L.C. Motion to adopt the resolution was made by Commissioner DeLisio and Seconded by Commissioner Juliano. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 18-1-013 - Authorize Professional Services Contract – Special Counsel - Florio, Perrucci, Steinhardt & Fader, L.L.C. Motion to adopt the resolution was made by Commissioner DeLisio and Seconded by Commissioner Juliano. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 18-1-014 - Authorize Professional Services Contract – Special Counsel - Eric M. Bernstein & Associates, L.L.C. Motion to adopt the resolution was made by Commissioner DeLisio and Seconded by Commissioner Juliano. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 18-1-015 - Authorize Professional Services Contract – Special Counsel – Price, Meese, Shulman & D’Arminio Attorneys at Law. Motion to adopt the resolution was made by Commissioner DeLisio and Seconded by Commissioner Juliano. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 18-1-016 - Authorize Contract – Public Relations - Catania Consulting Group. Motion to adopt the resolution was made by Commissioner DeLisio and Seconded by Commissioner Juliano. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 18-1-017 - Authorize Contract – Grants/Government Services Consulting – Gibbons P.C. Motion to adopt the resolution was made by Commissioner DeLisio and Seconded by Commissioner Juliano. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 18-1-018 - Approve donation to the Little Ferry First Aid Corps; Little Ferry Hook & Ladder 1; and Little Ferry Hose Company #1. Motion to adopt the resolution was made by Commissioner DeLisio and Seconded by Commissioner Juliano. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 18-1-019 - Authorize Amendment to 2017- 2018 Professional Services Contract – Audit and Accounting - Lerch, Vinci & Higgins, LLP. Motion to adopt the resolution was made by Commissioner DeLisio and Seconded by Commissioner Juliano. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 18-1-020 - Authorize Authority to pursue and engage in good faith negotiations with NYS&W for the acquisition or, in the alternative, condemnation of easement or other similar interests in those properties owned by NYS&W which are necessary for the undertaking and completion of the Edgewater WPCF Project. Motion to adopt the resolution was made by Commissioner DeLisio and Seconded by Commissioner Juliano. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 18-1-021 - Authorize Authority to engage in the mediation process with NYS&W, including retention of an independent mediator. Motion to adopt the resolution was made by Commissioner DeLisio and Seconded by Commissioner Juliano. A roll call was taken and the resolution was adopted as reflected in these minutes.

7. CONSTRUCTION & ENGINEERING COMMITTEE:

Resolution 18-2-008 – Authorize Professional Services Contract - Energy Management and Related Air Pollution Control Permit Engineering Services – Remington & Vernick Engineers. Motion to adopt the resolution was made by Commissioner Juliano and Seconded by Commissioner DeLisio. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 18-2-009 - Authorize Professional Services Contract - Site Work /Land Surveying Engineer – Neglia Engineering Associates. Motion to adopt the resolution was made by Commissioner Juliano and Seconded by Commissioner DeLisio. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 18-2-010 - Authorize Professional Services Contract -Environmental Consulting Engineers – Arcadis, U.S., Inc. Motion to adopt the resolution was made by Commissioner Juliano and Seconded by Commissioner DeLisio. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 18-2-011 - Authorize Professional Services Contract - General Consulting Engineers – Alaimo Group. Motion to adopt the resolution was made by Commissioner Juliano and Seconded by Commissioner DeLisio. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 18-2-012 - Authorize Professional Services Contract — Special Environmental Engineering Services - NJPDES Regional Long Term Control Plan for the Bergen County CSO Group - Mott MacDonald, LLC. Motion to adopt the resolution was made by Commissioner Juliano and Seconded by Commissioner DeLisio. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 18-2-013 - Authorize purchase order pursuant to New Jersey State Contract SC-40116 (Index M - 0483) to MRA International, Inc. for VMware Software Updates and Support. Motion to adopt the resolution was made by Commissioner Juliano and Seconded by Commissioner DeLisio. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 18-2-014 - Authorize Purchase Order Pursuant to Requisition No. 107546-18 to Telog Instruments, Inc. - Telog Meter Field Service Inspections and Verifications. Motion to adopt the resolution was made by Commissioner Juliano and Seconded by Commissioner DeLisio. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 18-2-015 - Exercise second (1) year option for Contract No.16-07 to Pat Scanlan Landscaping, Inc. - Grounds Maintenance Services. Motion to adopt the resolution was made by Commissioner Juliano and Seconded by Commissioner DeLisio. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 18-2-016 - Authorize Change Order No. 1 to (decrease) Contract No. C-195 – Montana Construction Corp., Inc. - Sludge Transfer Area Improvements. Motion to adopt the resolution was made by Commissioner Juliano and Seconded by Commissioner DeLisio. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 18-2-017 - Authorize Change Order No. 1 to Contract No. C-196 – Spartan Construction, Inc. – Control Building Exterior Wall Improvements. Motion to adopt the resolution was made by Commissioner Juliano and Seconded by Commissioner DeLisio. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 18-2-018 - Authorize Amendment Part I, Section 1.1(F)(4)(b) to Contract 16-05B – Accurate Waste Removal Services, Inc. – Liquid Sewerage Sludge Transport – Tanker Truck. Motion to adopt the resolution was made by Commissioner Juliano and Seconded by Commissioner DeLisio. A roll call was taken and the resolution was adopted as reflected in these minutes.

8. PERSONNEL & ADMINISTRATION:

Resolution 18-3-003- Authorize Contract - Health Insurance /Employee Benefits Consultant – LaMendola Associates, Inc. Motion to adopt the resolution was made by Commissioner Juliano and Seconded by Commissioner Warms. A roll call was taken and the resolution was adopted as reflected in these minutes.

9. STRATEGIC PLANNING

Resolution 18-6-002- Authorize Application and Agreement with New Jersey Department of Environmental Protection for Recycling Enhancement Act Tax Fund to fund the Authority's solid waste programs. Motion to adopt the resolution was made by Commissioner Warms and Seconded by Commissioner Kelley. A roll call was taken and the resolution was adopted as reflected in these minutes.

10. Chairman Phillips announced a short recess to allow time for the Board Secretary to prepare minutes of this Regular Meeting.
11. Chairman Phillips announced the Regular Meeting would reconvene.
12. The Board Secretary then distributed proposed minutes of the February 22, 2018 Regular Meeting for review by the Commissioners.
13. Motion to approve the Minutes of the Regular Meeting February 22, 2018 as distributed by the Secretary, such minutes to include this motion approving the minutes, without the requirement of further review or approval at a subsequent Regular Meeting. Motion to adopt the Minutes of the Regular Meeting February 22, 2018 was made by Commissioner Kelley and Seconded by Commissioner Massa and was unanimously carried.
14. Upon motion duly made, seconded and unanimously carried, the meeting was adjourned.

BERGEN COUNTY UTILITIES AUTHORITY
 Minutes of the Regular Meeting
 February 22, 2018

Resolution #	18-4-001	18-4-002	18-1-007	18-1-008	18-1-009	18-1-010	18-2-011
Chairman Phillips	Y	Y	Y	Y	Y	Y	Y
V. Chair. DeLisio	Y	Y	Y	Y	Y	Y	Y
Comm. Bentz	Y	Y	Y	Y	Y	Y	Y
Comm. Bonaventuro	Y	Y	Y	Y	Y	Y	Y
Comm. Gumble	Y	Y	Y	Y	Y	Y	Y
Comm. Juliano	Y	Y	Y	Y	Y	Y	Y
Comm. Kelley	Y	Y	Y	Y	Y	Y	Y
Comm. Massa, Jr.	Y	Y	Y	Y	Y	Y	Y
Comm. Warms	Y	Y	Y	Y	Y	Y	Y

Resolution #	18-1-012	18-1-013	18-1-014	18-1-015	18-1-016	18-1-017	18-1-018
Chairman Phillips	Y	Y	Y	Y	Y	Y	Y
V. Chair. DeLisio	Y	Y	Y	Y	Y	Y	Y
Comm. Bentz	Y	Y	Y	Y	Y	Y	Y
Comm. Bonaventuro	Y	Y	Y	Y	Y	Y	Y
Comm. Gumble	Y	Y	Y	Y	Y	Y	Y
Comm. Juliano	Y	Y	Y	Y	Y	Y	Y
Comm. Kelley	Y	Y	Y	Y	Y	Y	Y
Comm. Massa, Jr.	Y	Y	Y	Y	Y	Y	Y
Comm. Warms	Y	Y	Y	Y	Y	Y	Y

Resolution #	18-1-019	18-1-020	18-1-021	18-2-008	18-2-009	18-2-010	18-2-011
Chairman Phillips	Y	Y	Y	Y	Y	Y	Y
V. Chair. DeLisio	Y	Y	Y	Y	Y	Y	Y
Comm. Bentz	Y	Y	Y	Y	Y	Y	Y
Comm. Bonaventuro	Y	Y	Y	Y	Y	Y	Y
Comm. Gumble	Y	Y	Y	Y	Y	Y	Y
Comm. Juliano	Y	Y	Y	Y	Y	Y	Y
Comm. Kelley	Y	Y	Y	Y	Y	Y	Y
Comm. Massa, Jr.	Y	Y	Y	Y	Y	Y	Y
Comm. Warms	Y	Y	Y	Y	Y	Y	Y

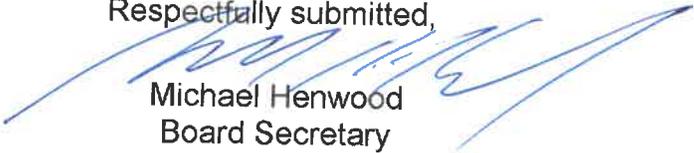
Resolution #	18-2-012	18-2-013	18-2-014	18-2-015	18-2-016	18-2-017	18-2-018
Chairman Phillips	Y	Y	Y	Y	Y	Y	Y
V. Chair. DeLisio	Y	Y	Y	Y	Y	Y	Y
Comm. Bentz	Y	Y	Y	Y	Y	Y	Y
Comm. Bonaventuro	Y	Y	Y	Y	Y	Y	Y
Comm. Gumble	Y	Y	Y	Y	Y	Y	Y
Comm. Juliano	Y	Y	Y	Y	Y	Y	Y
Comm. Kelley	Y	Y	Y	Y	Y	Y	Y
Comm. Massa, Jr.	Y	Y	Y	Y	Y	Y	Y
Comm. Warms	Y	Y	Y	Y	Y	Y	Y

BERGEN COUNTY UTILITIES AUTHORITY
Minutes of the Regular Meeting
February 22, 2018

Resolution #	18-3-003	18-6-002
Chairman Phillips	Y	Y
V. Chair. DeLisio	Y	Y
Comm. Bentz	Y	Y
Comm. Bonaventuro	Y	Y
Comm. Gumble	Y	Y
Comm. Juliano	Y	Y
Comm. Kelley	Y	Y
Comm. Massa, Jr.	Y	Y
Comm. Warns	Y	Y

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

Respectfully submitted,



Michael Henwood
Board Secretary

Date: February 22, 2018

18-4-001

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

BE IT RESOLVED that Ronald Phillips is hereby elected **Chairman** of the Board of Commissioners of The Bergen County Utilities Authority, and Louis J. DeLisio is hereby elected **Vice Chairman** of the Board of Commissioners of The Bergen County Utilities Authority for the Year 2018 or until the Authority's annual 2019 reorganization meeting.

The above action is made in accordance with the By-Laws of The Bergen County Utilities Authority, Article 5, Section 1.

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of February 22, 2018.



Michael Henwood
Board Secretary

DATED: February 22, 2018

18-4-001

18-4-002

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

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

1. The annexed By-Laws shall be and they are hereby adopted as the By-Laws of the Authority for use by the Authority, effective upon adoption and shall continue thereafter, unless revised or modified or repealed.

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

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of February 22, 2018.



Michael Henwood
Board Secretary

DATED: February 22, 2018

THE BERGEN COUNTY UTILITIES AUTHORITY

BY-LAWS

Article 1. By-Laws and Organization

Section 1. By-Laws

These By-Laws shall constitute the By-Laws of The Bergen County Utilities Authority (the "Authority"). Amendments to these By-Laws shall be incorporated herein as if more fully set forth at length herein and shall constitute the By-Laws of the Authority.

Section 2. Organization

The Authority is a public body politic and corporate, constituting a political subdivision of the State, established as an instrumentality exercising public and essential governmental functions, to provide for the public health and welfare, having perpetual succession and having express and implied powers by virtue of and under N.J.S.A. 40:14b-1 et seq., more commonly known as the "Municipal and County Utilities Authorities Law."

Article 2. Seal

Section 1. Seal

The Seal of the Authority shall be as follows:

Article 3. Office

The office of The Bergen County Utilities Authority shall be at:

Foot of Mehrhof Road
Little Ferry, New Jersey 07643

Mailing Address: P. O. Box 9, Little Ferry, NJ 07643

Article 4. Members

Section 1. Members

The powers of the Authority shall be vested in the Members thereof in office, from time to time. Each Member shall hold office for the term for which he or she was appointed until his or her successor has been appointed and has qualified.

Section 2. Removal

A Member of the Authority may be removed only by the governing body by which he or she was appointed and only for inefficiency or negligence of duty or misconduct in office, and after he or she shall have been given a copy of the charges against him or her and not sooner than ten (10) days thereafter, had opportunity in person or by counsel to be heard thereon by such governing body.

Article 5. Officers

Section 1. Election of Chair and Vice Chair

The Chair and Vice Chair of the Authority shall be elected by the Membership of the Authority at the Authority's annual reorganization meeting or such meeting called for the purpose of electing the Chair and Vice Chair and/or reorganizing generally. The Chair and Vice Chair shall serve until February 1 of the ensuing year and thereafter, until their successors have been appointed and qualified.

Notwithstanding anything to the contrary herein, in the event the Chair and Vice Chair die, become disabled or otherwise become incapable of performing their duties, the balance of the Members of the Authority shall be entitled to convene a special and/or emergency meeting, in conformity with the notice requirements of N.J.S.A.

10:4-6, et seq. (more commonly referred to as the “Open Public Meetings Act”), to fill the unexpired terms of the immediate past Chair and Vice Chair.

Section 2. Officers

The Authority’s officers shall be the Chair, Vice Chair and Secretary.

Section 3. Duties

The duties and powers of the Chair, Vice Chair and Secretary are as follows:

Chair

The Chair shall cause to be called all meetings of the Authority; the Chair shall preside at all meetings of the Authority; the Chair shall be responsible for opening the meetings at the time the meetings are supposed to be opened by calling the Members to order; to ascertain then and throughout the meeting, that a quorum is present; the Chair shall preside over the deliberations of the Authority and conduct the meetings thereof; the Chair shall, on all occasions, preserve order and decorum in a clear, concise and courteous manner, and may cause the removal of all persons who interrupt the orderly proceedings of the Authority; the Chair shall enforce all rules, including these By-Laws and rules of debate; the Chair shall maintain order and respond to parliamentary inquiries, point of order and any other motions that require the action of the Chair; the Chair shall endeavor to alternate between pro and con when conducting a debate on a motion; the Chair shall at all times uphold the By-Laws, rules of order, and standing rules and other documents relevant to the business of the Authority and, in general, to represent the Authority, declaring its will and obeying its command in all matters and regards. The Chair shall not only be familiar with the By-Laws of the Authority, but also set an example of conformity to such rules.

The Chair shall serve as the ex-officio Member of all committees, standing or special, and shall be informed in advance of the meetings of standing or special committees.

Unless otherwise provided, the Chair, or anyone acting in his or her stead, shall sign all contracts and other agreements and obligations of the Authority. The Chair, or anyone acting in her stead, together with the Authority's Executive Director and Chief Financial Officer, shall sign all checks, drafts, notes and/or requisitions of the Authority.

The Chair shall, at the annual reorganization meeting of the Authority, receive nominations from any Member(s) of the Authority for the positions of Chair and Vice Chair for the ensuing year. The Members present shall thereafter vote to select the Chair and Vice Chair from among the nominations received by the Chair.

Vice Chair

The Vice Chair, in the absence of the Chair, shall have all of the powers to perform all of the duties of the Chair.

Secretary

The Secretary shall attend all meetings of the Authority and shall be responsible for verification and confirmation of the notification of Authority meetings and the roll of the Members of the Authority, together with such other matters incidental to the performance of duties of the Secretary.

The Secretary's duties shall include attendance at all Authority meetings; the taking and retention of the minutes of the Authority's meetings and the meetings of special or sub-committees thereof; to cause to be issued written notices of the

meetings of the Authority; to maintain a roster of the Membership of the Authority; to provide for and execute copies of the Authority's documents, where necessary, and to produce such minutes and organizational documents available to the Members of the Authority at reasonable times and places and to call the roll, when required.

The Secretary shall also provide to the Chair and Vice a list of all committees, their chairs and Members.

Article 6. Meetings

Section 1. Annual Meetings

The Annual Meeting of the Authority shall be held at the Authority's office on or after the first day of February of each year, on the date and at the time and place established by the Authority for such meetings.

Section 2. Work Session Meetings

Unless otherwise designated and established by law, work session meetings shall be held at the Authority's offices on the fourth Thursday of the month at 6:00 p.m., or at such other times and dates as may, from time to time, be established by the Authority.

Section 3. Regular Meetings

Unless otherwise designated and established by law, regular meetings shall be held at the Authority's offices on the fourth Thursday of each month, commencing immediately upon completion of the regular meeting work session that evening.

Section 4. Special Meetings

Special Meetings of the Authority may be called by the Chair. The Chair shall also call such a meeting upon the written request of the majority of the regular

Members of the Authority. Notice of such meetings shall be served personally, or sent by mail, not less than 48 hours before the date and time set for the meeting. The notices shall comply with the notice requirements of N.J.S.A. 10:4-6, et seq., which may, from time to time, be amended.

Section 5. Emergency Meetings

Emergency Meetings may be convened only upon the affirmative vote of three-quarters of the Members present, to deal with matters of such urgency and importance that a delay for the purpose of providing adequate notice would be likely to result in substantial harm to the public interest; provided however, that the notice requirements for such meeting as set forth in N.J.S.A. 10:4-9 of the Open Public Meetings Act, which may from time to time be amended, are satisfied.

Section 6. Quorum

A majority of the entire authorized Membership shall constitute a quorum at any meeting.

Section 7. Voting

Questions shall be determined by vote of the Members present. Formal action may be taken and motions and resolutions adopted by the Authority at any meeting of the Members thereof by a vote of a majority of the Members present except where the election of the Chair and Vice Chair may be by ballot, if a majority of the Members present elect to establish a ballot procedure to elect the Chair and Vice Chair.

Section 8. Orders of Business

Unless suspended or other wise ordered by the Chair or Vice Chair, as the case may be, the order of business at regular meetings shall be as follows:

1. Proof of Notice of Meeting, or Waiver and Notice;
2. Roll Call;
3. Pledge of allegiance;
4. Approval of Minutes;
5. Public Participation;
6. Report of Committees;
7. Unfinished Business;
8. New Business; and
9. Adjournment

Article 7. Presumption of Powers

Section 1. Presumption

Consistent with the powers conferred upon the Authority by virtue of N.J.S.A. 40:14B-20, the Authority shall exercise all enumerated and necessary and implied powers in the broadest possible sense in order to fulfill its responsibilities as a public body politic and corporate, discharging essential governmental functions to provide for the public health, safety and welfare, and having perpetual succession.

Section 2. Liberal Construction

These By-Laws shall be construed liberally to effectuate and implement the Authority's actions in exercising its powers under these By-Laws and N.J.S.A. 40:14B-1, et seq.

Article 8. Mission Statement

Section 1. The Members of the Authority shall formulate and establish the policies and objectives of the Authority for the management and regulation of its

business and affairs and for the use, maintenance and operation of its utilities systems and any other of its properties.

Section 2. In Authority staff and employees is reposed the responsibility for the day-to-day implementation and/or management of Authority policy, not otherwise reserved by the Members of the Authority pursuant to N.J.S.A. 40:14B-1, et seq. or these By-Laws, or where such matters involved or effect the interpretation of the Members' decisions and/or policies. The Members of the Authority deem such matters within their jurisdiction.

Article 9. Committees

Section 1. Committees; Appointment

The Chair shall appoint such standing or special committees as the Chair deems necessary and designate the chair and Members thereof. Standing Committees shall be the Construction & Engineering Committee, the Legal & Finance Committee, the Personnel & Administration Committee, the Security & Safety Committee, the Strategic Planning Committee and the By-Laws Committee.

Section 2. Duties of the Committee Chair

The committee chair shall call the committee together, from time to time or as directed by the Authority to review or initiate, as the case may be, recommendations to the Authority, with regard to the specific issues, questions, policies and planning relating to matters falling under the jurisdiction of the committee. The committee chair and Members shall develop and formulate a "mission" statement and define the objectives of the committee. Thereafter, the committee chair shall call the committee together from time to time to formulate and/or review, as the case may be,

recommendations to the Authority with regard to the matters subject to the jurisdiction of the committee. Whatever is not agreed to by the majority of the Membership present and not voted on at a committee meeting cannot form part of that committee's report(s) to the Authority.

The committee chair shall be responsible to call the Members of the committee to order, ascertain that a quorum is present, and to announce that the business of the committee is in correct order; to ensure that the business of the committee is addressed and completed expeditiously so that committee recommendations are made to the Authority for further consideration; the committee chair shall also enforce all rules to maintain order, decorum, and debate, and to respond to parliamentary inquiries and point of order, to declare, when appropriate, when the committee is recessed or adjourned, and in general, to exercise the functions of the committee chair of the Authority limited, however, to the business before his or her committee.

The committee chair shall present to the Authority his or her report of the committee's recommendations and respond to any questions or comments when it is appropriate to do so, during the meetings of the Authority at which committee reports are presented.

All Committee meetings shall comply with all requirements of the Open Public Meetings Act, N.J.S.A. 10:4-1 et seq.

Article 10. Fiscal Year

Section 1. Fiscal Year

The fiscal year of the Authority shall begin on January 1 and end on December 31 of each year.

Article 11. Modification and Repeal

Section 1. Procedure

These By-laws may be modified or repealed, in whole or in part, by the affirmative vote of at least five (5) Members of the Authority at any regular meeting of the authority, or at a special meeting at which the modification or repeal of the By-Laws, in whole or in part, shall be considered, provided however, that written notice of any such special meeting shall have been sent to each Member in accordance with the notice requirements of the Open Public Meetings Act (N.J.S.A. 10:4-6, et seq.).

Chairman

ADOPTED: February 22, 2018

Resolution 18-4-002

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

BE IT RESOLVED by the Commissioners of the Bergen County Utilities Authority that the Financial Actions directed by Mathew McCarter, Acting Treasurer, during the month of January 2018 be and are hereby ratified and approved.

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

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of February 22, 2018.



Michael Herwood
Board Secretary

Dated: February 22, 2018

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

WHEREAS, there exists the need to engage the services of a certified public accountant/registered municipal accountant to provide **Audit and Accounting Services** to the Bergen County Utilities Authority (the "Authority"); and

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

WHEREAS, N.J.S.A. 40A:11-1, et seq. provides that a contract for professional auditing services may be awarded without competitive bidding as a "professional service"; and

WHEREAS, this contract was awarded through a fair and open process, pursuant to N.J.S.A. 19:44A-20.4 et seq. through a publicly advertised Request for Qualifications ("RFQ"); and

WHEREAS, **Lerch, Vinci & Higgins, L.L.P.** has submitted a proposal to provide **Audit and Accounting Services** to the Authority, dated **February 7, 2018**, which proposal has been reviewed by the Authority; and

WHEREAS, the Authority desires to appoint and retain **Lerch, Vinci & Higgins, L.L.P.** to provide **Audit and Accounting Services** to the Authority for a **One (1) Year Term**, until a successor is selected, or at the pleasure of the Authority, whichever shall first occur or be exercised, respectively; and

WHEREAS, the Authority Commissioners have determined that **Lerch, Vinci & Higgins, L.L.P.** is competent, qualified and experienced to provide the **Audit and Accounting Services** to the Authority; and

WHEREAS, the Authority has determined, on the basis of the foregoing, that it is necessary for its efficient operation to retain the services of **Lerch, Vinci & Higgins, L.L.P.** to provide **Audit and Accounting Services** to the Authority; and

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

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

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

1. **Lerch, Vinci & Higgins, L.L.P.** shall be and is hereby appointed to provide **Audit and Accounting Services** to the Authority for a **One (1) Year Term**, until a successor is selected, or at the pleasure of the Authority, whichever shall first occur or be exercised, respectively.

2. The Chairman shall be and is hereby authorized to execute an agreement, similar in form and substance to the agreement on file on the Office of the Executive Director, by and between the Authority and **Lerch, Vinci & Higgins, L.L.P.** memorializing the scope of services and compensation to be paid for such services, 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 agreement retaining **Lerch, Vinci & Higgins, L.L.P.** 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 **Lerch, Vinci & Higgins, L.L.P.** and the Authority.

4. The total amount authorized to be paid pursuant to the contract herein awarded shall not exceed the total sum of **\$215,000.00** without further action by the Board of Commissioners.

5. The Acting Treasurer's Certification that funds are available shall be placed on file and made available for public inspection in the Office of the Executive Director and made a part hereof.

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

7. The formal action(s) of the Commissioners of 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 February 22, 2018.



Michael Herwood
Board Secretary

Dated: February 22, 2018

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 2/22/2018
RESOLUTION #: 18-1-009

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 AUDIT & FINANCIAL ADVISORY
W-350-51000-000

VENDOR LERCH, VINCI, & HIGGINS, L.L.P.

CONTRACT NUMBER 18022201

REASON AUDIT & ACCOUNTING SERVICES

AMOUNT \$215,000.00

CONTRACT LENGTH MARCH 1, 2018 - FEBRUARY 28, 2019

Matthew M. Carter
ACTING TREASURER

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

WHEREAS, there exists the need for the Bergen County Utilities Authority (the "Authority") to engage the services of a **Financial Advisor**; and

WHEREAS, N.J.S.A. 40A:11-5(1)(a)(ii) authorizes and permits the procurement of **Financial Advisory Services** without competitive bidding, where said services are in the nature of an "extraordinary unspecifiable service"; and

WHEREAS, **Financial Advisory Services** are recognized as "extraordinary unspecifiable services" as said services 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); and

WHEREAS, the Authority's Acting Treasurer has determined that the engagement of a **Financial Advisor** is necessary to provide for the efficient operation of the Authority; and

WHEREAS, pursuant to and in accordance with N.J.A.C. 5:34-2.3, the Authority's Acting Treasurer has provided the Authority's Commissioners with a Certification, dated February 22, 2018, describing the nature of the work to be done, stating that it is not reasonably possible to draft specifications, and describing why the contract satisfies the Statutory and Administrative Code requirements for extraordinary unspecifiable services; and

WHEREAS, **Acacia Financial Group, Inc.** has submitted a proposal to provide **Financial Advisory Services** to the Authority, dated **February 12, 2018**, which proposal has been reviewed by the Authority's Executive Director and Acting Treasurer and determined to be fair and reasonable; and

WHEREAS, the Authority has determined, based upon the foregoing, that it is necessary for its efficient operation to retain the services of **Acacia Financial Group, Inc.** to provide **Financial Advisory Services** to the Authority for the year 2018 until the Authority's annual 2019 reorganization meeting, until a successor is selected, or at the pleasure of the Authority, whichever shall first occur or be exercised, respectively; and

WHEREAS, the Commissioners of the Authority have determined that **Acacia Financial Group, Inc.** is competent, qualified, experienced and has a proven reputation in the field of **Financial Advisory Services**; and

WHEREAS, this contract was awarded 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 **Acacia Financial Group, Inc.** was found to be qualified to provide these services.

WHEREAS, the Authority is desirous of retaining **Acacia Financial Group, Inc.** to provide **Financial Advisory Services** to the Authority; and

WHEREAS, the Authority's Acting Treasurer's Certificate of Available Funds, maintained on file at the Authority, sets forth that sufficient funds for the procurement of the **Financial Advisory Services** have been allotted in the Authority's budget; and

WHEREAS, N.J.S.A. 40A:11-1, et seq. requires that the resolution authorizing the award of a contract for extraordinary unспециifiable services without public bidding and the contract itself be available for public inspection.

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

1. **Acacia Financial Group, Inc.** shall be and is hereby selected by the Authority to perform **Financial Advisory Services** to the Authority for the year 2018, until the Authority's annual 2019 reorganization meeting, until a successor is selected, or at the pleasure of the Authority, whichever shall first occur or be exercised, respectively.

2. The Chairman shall be and is hereby authorized to execute an Agreement by and among the Authority and **Acacia Financial Group, Inc.** memorializing the scope of services to be performed and compensation to be paid therefor, in substantially the form and substance on file in the office of the Executive Director, and satisfactory to the Authority as evidenced by the Chairman's signature thereon.

3. The Acting Treasurer's Certification that funds are available shall be placed on file and made available for public inspection in the Office of the Executive Director and made a part hereof.

4. The total amount authorized to be paid for services provided on an hourly basis pursuant to the contract herein awarded shall not exceed the total sum of **\$17,500.00** without further action by the Board of Commissioners. For all services with respect to the authorization and the issuance of a permanent bond issue or other financing, the amount paid shall be in accordance with the aforesaid proposal.

5. A copy of this resolution and the Agreement retaining **Acacia Financial Group, Inc.** for the aforesaid services pursuant to this Resolution shall be placed on file and made

18-1-010

available for public inspection in the office of the Executive Director, upon execution by **Acacia Financial Group, Inc.** and the Authority.

6. A Notice of Contract Award shall be published in the form prescribed by law.

7. The formal action(s) of the Commissioners of The Bergen County Utilities Authority embodied herein are expressly contingent upon and subject to the provisions of N.J.S.A 40:14B-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 February 22, 2018.



Michael Henwood
Board Secretary

Dated: February 22, 2018

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 2/22/2018
RESOLUTION #: 18-1-010

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

AUDIT & FINANCIAL ADVISORY
W-350-51000-000

VENDOR

ACACIA FINANCIAL GROUP, INC.

CONTRACT NUMBER

18022202

REASON

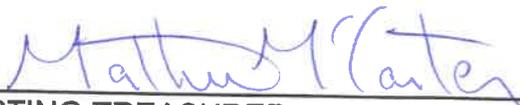
FINANCIAL ADVISORY SERVICES

AMOUNT

\$17,500.00

CONTRACT LENGTH

MARCH 1, 2018 - FEBRUARY 28, 2019


ACTING TREASURER

**CERTIFICATION FOR AN EXTRAORDINARY
UNSPECIFIABLE SERVICES CONTRACT**

TO: Members of the Board of Commissioners
FROM: Mathew McCarter
Acting Treasurer, Bergen County Utilities Authority
DATE: February 22, 2018
SUBJECT: Award of Contract for Financial Consultant

This is a contract for the Provision of Consulting - Financial Consultant

This certification is submitted to request your approval of a resolution authorizing a contract to be executed as follows:

Firm: Acacia Financial Group ("Contractor")
Duration: Until the Authority's 2019 Reorganization Meeting.
Purpose: To provide services to the Authority in regards to the provision of Financial Consulting Services.

This is to request an award of a contract 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.

The contract will be for the provision of financial consulting services. As Acting Treasurer, I am familiar with the nature of the work to be done under the contract for Financial Consultant 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 BCUA, that the financial consulting be performed by an entity with expertise, extensive training and a proven reputation in the field of endeavor of providing such consulting service.

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, and services requiring financial expertise in the rendering of advice, have been recognized by the Division of Local Government Services, (Local Finance Notice AU 2002-2) as within the statutory definition of Extraordinary Unspecifiable Services.

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:

It is not reasonably possible to draft specifications for these services adequately defining the expertise and skill requires in such complex type matters as covered by

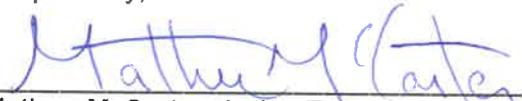
the contract to be let, such services being of such a qualitative nature as well as an endeavor, the scope of which is not reasonably determinable in advance of the receipt of proposals from those with required expertise and skill.

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 Provision of Financial Consultant services was advertised on December 18, 2017, and statements of qualifications were received. The Contractor was duly qualified by resolution of the Authority dated January 25, 2018. Informal Quotations from at least two qualified providers of Financial Consultant services were informally solicited, and the BCUA has determined the proposal of the Contractor to be fair and reasonable. It is my recommendation that an award for the Provision of Financial Consultant services be provided 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,


Mathew McCarter, Acting Treasurer

(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, there exists the need to retain legal counsel to perform requisite legal services to represent the Bergen County Utilities Authority (the "Authority") as its **General Legal Counsel**; and

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

WHEREAS, N.J.S.A. 40A:11-1, et seq. provides that a contract for legal services may be awarded without competitive bidding as a "professional service"; and

WHEREAS, this contract was awarded through a fair and open process, pursuant to N.J.S.A. 19:44A-20.4 et seq. through a publicly advertised Request for Qualifications ("RFQ"); and

WHEREAS, **Kaufman, Semeraro & Leibman, L.L.P** has submitted a proposal to serve as **General Legal Counsel**, dated February 7, 2018, which proposal has been reviewed by the Authority; and

WHEREAS, the Authority's Commissioners have determined that **Kaufman, Semeraro & Leibman, L.L.P** is competent and qualified to serve as the Authority's **General Legal Counsel**; and

WHEREAS, the Authority desires to appoint and retain **Kaufman, Semeraro & Leibman, L.L.P.** to serve as the Authority's **General Legal Counsel** for a **One (1) Year Term**, until a successor is selected, or at the pleasure of the Authority, whichever shall first occur or be exercised, respectively; and

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

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

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

18-1-011

1. **Kaufman, Semeraro & Leibman, L.L.P.** shall be and is hereby appointed to serve as **General Legal Counsel** to the Authority for a **One (1) Year Term**, until a successor is selected, or at the pleasure of the Authority, whichever shall first occur or be exercised, respectively.

2. The Chairman shall be and is hereby authorized to execute an agreement, similar in form and substance to the agreement on file at the Authority by and between the Authority and **Kaufman, Semeraro & Leibman, L.L.P.**, memorializing the scope of services and compensation to be paid for such services, 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 a copy of the Agreement retaining **Kaufman, Semeraro & Leibman, L.L.P.** to serve as **General Legal Counsel** to 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 **Kaufman, Semeraro & Leibman, L.L.P.** and the Authority.

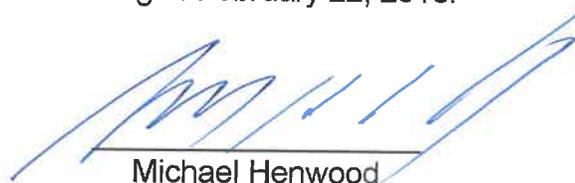
4. The total amount authorized to be paid pursuant to the contract herein awarded shall not exceed the total sum of **\$125,000.00**, without further action by the Board of Commissioners.

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

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

7. The formal action(s) of the Commissioners of 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 February 22, 2018.



Michael Henwood
Board Secretary

DATED: February 22, 2018

18-1-011

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 2/22/2018

RESOLUTION #: 18-1-011

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

LEGAL
W-350-50800-000

VENDOR

KAUFMAN, SEMERARO & LEIBMAN, L.L.P.

CONTRACT NUMBER

18022203

REASON

GENERAL LEGAL COUNSEL

AMOUNT

\$125,000.00

CONTRACT LENGTH

MARCH 1, 2018 - FEBRUARY 28, 2019


ACTING TREASURER

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

WHEREAS, there exists the need to retain legal counsel to perform requisite legal services to represent the Bergen County Utilities Authority (the "Authority") as its **Bond Counsel**, in connection with the authorization and issuance of obligations for projects the Authority elects to undertake, and for other related legal services the Authority may request; and

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

WHEREAS, N.J.S.A. 40A:11-1 et seq., provides that a contract for legal services may be awarded without competitive bidding as a "professional service"; and

WHEREAS, this contract was awarded through a fair and open process, pursuant to N.J.S.A. 19:44A-20.4 et seq. through a publicly advertised Request for Qualifications ("RFQ"); and

WHEREAS, **McManimon, Scotland & Baumann, L.L.C.** has submitted a proposal to serve as **Bond Counsel** to the Authority dated **February 12, 2018**, which proposal has been reviewed by the Authority; and

WHEREAS, the Authority desires to appoint and retain **McManimon, Scotland & Baumann, L.L.C.** to serve as the Authority's **Bond Counsel** for a **One (1) Year Term**, until a successor is selected, or at the pleasure of the Authority, whichever shall first occur or be exercised, respectively; and

WHEREAS, the Authority Commissioners have determined that **McManimon, Scotland & Baumann, L.L.C.** is competent, qualified and experienced to serve as the Authority's **Bond Counsel**; and

WHEREAS, the Authority has determined on the basis of the foregoing, that it is necessary for its efficient operation to retain the services of **McManimon, Scotland & Baumann, L.L.C.** to serve as **Bond Counsel** to the Authority; and

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

18-1-012

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

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

1. **McManimon, Scotland & Baumann, L.L.C.** shall be and is hereby appointed to serve as **Bond Counsel** to the Authority for a **One (1) Year Term**, until a successor is selected, or at the pleasure of the Authority, whichever shall first occur or be exercised, respectively.
2. The Chairman shall be and is hereby authorized to execute an Agreement in form and substance similar to the agreement on file at the Authority, by and between the Authority and **McManimon, Scotland & Baumann, L.L.C.**, memorializing the scope of services to be rendered and compensation to be paid for such services, 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 agreement engaging **McManimon, Scotland & Baumann, L.L.C.** as **Bond Counsel** 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 **McManimon, Scotland & Baumann, L.L.C.** and the Authority.
4. The total amount authorized to be paid pursuant to the contract herein awarded shall not exceed the total sum of **\$25,000.00** for services billed on an hourly basis, without further action by the Board of Commissioners. For all legal services with respect to the authorization and the issuance of a permanent bond issue or other financing, the amount paid shall be in accordance with the aforesaid proposal.
5. A notice of this contract award shall be published in the form prescribed by law.
6. The formal action(s) of the Commissioners of 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 February 22, 2018.



Michael Henwood
Board Secretary

DATED: February 22, 2018

18-1-012

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 2/22/2018

RESOLUTION #: 18-1-012

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

LEGAL
W-350-50800-000

VENDOR

MCMANIMON, SCOTLAND & BAUMANN, L.L.C.

CONTRACT NUMBER

18022204

REASON

BOND COUNSEL

AMOUNT

\$25,000.00

CONTRACT LENGTH

MARCH 1, 2018 - FEBRUARY 28, 2019

Matthew McCarty
ACTING TREASURER

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

WHEREAS, there exists the need to continue to engage **Special Legal Counsel** to represent the Bergen County Utilities Authority (the "Authority") in various labor and employment matters, related litigation, and performing such additional legal services which may, from time to time, be requested by the Authority; and

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

WHEREAS, N.J.S.A. 40A:11-1, et seq. provides that a contract for legal services may be awarded without competitive bidding as a "professional service"; and

WHEREAS, this contract was awarded through a fair and open process, pursuant to N.J.S.A. 19:44A-20.4 et seq. through a publicly advertised Request for Qualifications ("RFQ"); and

WHEREAS, **Florio Perrucci Steinhardt & Fader, L.L.C.** has submitted a proposal to continue to serve as **Special Legal Counsel** to the Authority dated **February 5, 2018**, which proposal has been reviewed by the Authority; and

WHEREAS, the Authority has determined on the basis of the foregoing, that it is necessary for its efficient operation to retain the services of **Florio Perrucci Steinhardt & Fader, L.L.C.** as **Special Legal Counsel** to represent the Authority in various labor and employment matters, related litigation, and performing such additional legal services which may, from time to time, be requested by the Authority; for a **One (1) Year Term**, until a successor is selected, or at the pleasure of the Authority, whichever first occurs or be exercised, respectively; and

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

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

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

1. **Florio Perrucci Steinhardt & Fader, L.L.C.** shall be and it is hereby engaged by the Authority as **Special Legal Counsel** to represent the Authority in various labor and employment matters, related litigation, and performing such additional legal services which may, from time to time, be requested by the Authority; for a **One (1) Year Term**, until a successor is selected, or at the pleasure of the Authority, whichever first occurs or be exercised, respectively.

2. The Chairman shall be and is hereby authorized to execute an Agreement in form and substance similar to the agreement on file at the Authority, by and between the Authority and **Florio Perrucci Steinhardt & Fader, L.L.C.** memorializing the scope of services to be rendered and compensation to be paid for such services, 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 a copy of the agreement engaging **Florio Perrucci Steinhardt & Fader, L.L.C.** to serve as **Special Legal Counsel** to 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 **Florio Perrucci Steinhardt & Fader, L.L.C.** and the Authority.

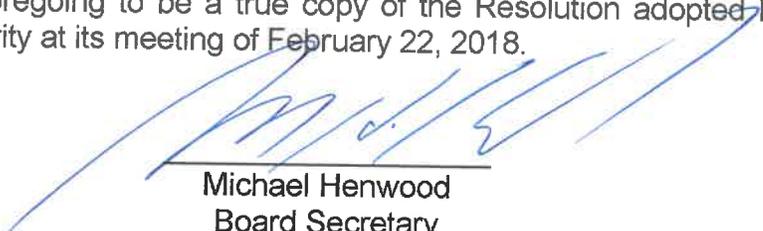
4. The total amount authorized to be paid pursuant to the contract herein awarded shall not exceed the total sum of **\$25,000.00** without further action by the Board of Commissioners.

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

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

7. The formal action(s) of the Commissioners of 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 February 22, 2018.



Michael Henwood
Board Secretary

DATED: February 22, 2018

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 2/22/2018

RESOLUTION #: 18-1-013

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

LEGAL
W-350-50800-000

VENDOR

FLORIO, PERRUCCI, STEINHARDT & FADER, L.L.C.

CONTRACT NUMBER

18022205

REASON

SPECIAL LEGAL COUNSEL

AMOUNT

\$25,000.00

CONTRACT LENGTH

MARCH 1, 2018 - FEBRUARY 28, 2019


ACTING TREASURER

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

WHEREAS, there exists the need to continue to engage **Special Legal Counsel** to represent the Bergen County Utilities Authority (the "Authority") in various labor and employment matters, related litigation, and performing such additional legal services which may, from time to time, be requested by the Authority; and

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

WHEREAS, N.J.S.A. 40A:11-1, et seq. provides that a contract for legal services may be awarded without competitive bidding as a "professional service"; and

WHEREAS, this contract was awarded through a fair and open process, pursuant to N.J.S.A. 19:44A-20.4 et seq. through a publicly advertised Request for Qualifications ("RFQ"); and

WHEREAS, **Eric M. Bernstein & Associates, L.L.C.** has submitted a proposal to continue to serve as **Special Legal Counsel** to the Authority dated **February 6, 2018**, which proposal has been reviewed by the Authority; and

WHEREAS, the Authority has determined on the basis of the foregoing, that it is necessary for its efficient operation to retain the services of **Eric M. Bernstein & Associates, L.L.C.** as **Special Legal Counsel** to represent the Authority in various labor and employment matters, related litigation, and performing such additional legal services which may, from time to time, be requested by the Authority; for a **One (1) Year Term**, until a successor is selected, or at the pleasure of the Authority, whichever first occurs or be exercised, respectively; and

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

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

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

1. **Eric M. Bernstein & Associates, L.L.C.** shall be and it is hereby engaged by the Authority as **Special Legal Counsel** to represent the Authority in various labor and employment matters, related litigation, and performing such additional legal services which may, from time to time, be requested by the Authority; for a **One (1) Year Term**, until a successor is selected, or at the pleasure of the Authority, whichever first occurs or be exercised, respectively.

2. The Chairman shall be and is hereby authorized to execute an Agreement in form and substance similar to the agreement on file at the Authority, by and between the Authority and **Eric M. Bernstein & Associates, L.L.C.** memorializing the scope of services to be rendered and compensation to be paid for such services, 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 a copy of the agreement engaging **Eric M. Bernstein & Associates, L.L.C.** to serve as **Special Legal Counsel** to 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 **Eric M. Bernstein & Associates, L.L.C.** and the Authority.

4. The total amount authorized to be paid pursuant to the contract herein awarded shall not exceed the total sum of **\$50,000.00** without further action by the Board of Commissioners.

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

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

7. The formal action(s) of the Commissioners of 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 February 22, 2018.



Michael Henwood
Board Secretary

DATED: February 22, 2018

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 2/22/2018

RESOLUTION #: 18-1-014

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

LEGAL
W-350-50800-000

VENDOR

ERIC M. BERNSTEIN & ASSOCIATES, L.L.C.

CONTRACT NUMBER

18022206

REASON

SPECIAL LEGAL COUNSEL

AMOUNT

\$50,000.00

CONTRACT LENGTH

MARCH 1, 2018 - FEBRUARY 28, 2019

Matthew M. Carter
ACTING TREASURER

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

WHEREAS, there exists the need to continue to engage **Special Legal Counsel** to represent the Bergen County Utilities Authority (the "Authority") in various labor and employment matters, related litigation, and performing such additional legal services which may, from time to time, be requested by the Authority; and

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

WHEREAS, N.J.S.A. 40A:11-1, et seq. provides that a contract for legal services may be awarded without competitive bidding as a "professional service"; and

WHEREAS, this contract was awarded through a fair and open process, pursuant to N.J.S.A. 19:44A-20.4 et seq. through a publicly advertised Request for Qualifications ("RFQ"); and

WHEREAS, **Price, Meese, Shulman & D'Arminio, P.C.** has submitted a proposal to continue to serve as **Special Legal Counsel** to the Authority dated **February 7, 2018**, which proposal has been reviewed by the Authority; and

WHEREAS, the Authority has determined on the basis of the foregoing, that it is necessary for its efficient operation to retain the services of **Price, Meese, Shulman & D'Arminio, P.C.** as **Special Legal Counsel** to represent the Authority in various labor and employment matters, related litigation, and performing such additional legal services which may, from time to time, be requested by the Authority; for a **One (1) Year Term**, until a successor is selected, or at the pleasure of the Authority, whichever first occurs or be exercised, respectively; and

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

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

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

1. **Price, Meese, Shulman & D'Arminio, P.C.** shall be and it is hereby engaged by the Authority as **Special Legal Counsel** to represent the Authority in various labor and employment matters, related litigation, and performing such additional legal services which may, from time to time, be requested by the Authority; for a **One (1) Year Term**, until a successor is selected, or at the pleasure of the Authority, whichever first occurs or be exercised, respectively.

2. The Chairman shall be and is hereby authorized to execute an Agreement in form and substance similar to the agreement on file at the Authority, by and between the Authority and **Price, Meese, Shulman & D'Arminio, P.C.** memorializing the scope of services to be rendered and compensation to be paid for such services, 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 a copy of the agreement engaging **Price, Meese, Shulman & D'Arminio, P.C.** to serve as **Special Legal Counsel** to 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 **Price, Meese, Shulman & D'Arminio, P.C.** and the Authority.

4. The total amount authorized to be paid pursuant to the contract herein awarded shall not exceed the total sum of **\$95,000.00** without further action by the Board of Commissioners.

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

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

7. The formal action(s) of the Commissioners of 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 February 22, 2018.



Michael Henwood
Board Secretary

DATED: February 22, 2018

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 2/22/2018

RESOLUTION #: 18-1-015

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

LEGAL
W-350-50800-000

VENDOR

PRICE, MEESE, SHULMAN & D'ARMINIO P.C.

CONTRACT NUMBER

18022207

REASON

SPECIAL LEGAL COUNSEL

AMOUNT

\$95,000.00

CONTRACT LENGTH

MARCH 1, 2018 - FEBRUARY 28, 2019

Mathew McCarter
ACTING TREASURER

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

WHEREAS, there exists the need for the Bergen County Utilities Authority (the "Authority") to engage the services of a consultant to provide **Public Relations Consultant Services**; and

WHEREAS, N.J.S.A. 40A:11-5(1)(a)(ii) authorizes and permits the procurement of specialized services such as public relations services without competitive bidding, where said services are in the nature of "extraordinary unspecifiable services", and

WHEREAS, **Public Relations Consultant Services** are considered "extraordinary unspecifiable services," as said services 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); and

WHEREAS, pursuant to and in accordance with N.J.A.C. 5:34-2-3, the Authority's Executive Director has provided the Authority's Commissioners with a Certification, dated **February 23, 2017**, attached hereto and made a part hereof, describing, inter alia, the nature of the work to be done and describing in detail why the contract satisfied the Statutory and Administrative Code requirements for "extraordinary unspecifiable services;" and

WHEREAS, this contract was awarded through a fair and open process, pursuant to N.J.S.A. 19:44A-20.4 et seq. through a publicly advertised Request for Qualifications ("RFQ"); and

WHEREAS, **The Catania Consulting Group, Inc.** has submitted a proposal to serve as **Public Relations Consultant** to the Authority, dated **February 7, 2018**, which proposal has been reviewed by the Authority; and

WHEREAS, the Authority desires to enter into a contract with **The Catania Consulting Group, Inc.** to serve as **Public Relations Consultant** to the Authority for the year 2018, until the Authority's annual 2019 reorganization meeting, until a successor is selected, or at the pleasure of the Authority, whichever shall first occur or be exercised, respectively; and

WHEREAS, the Authority Commissioners have determined that **The Catania Consulting Group, Inc.** is competent, qualified and experienced to serve as the Authority's **Public Relations Consultant**; and

WHEREAS, the Authority has determined, on the basis of the foregoing, that it is necessary for its efficient operation to retain the services of **The Catania Consulting Group, Inc.** to serve as **Public Relations Consultant** to the Authority; and

WHEREAS, N.J.S.A. 40A:11-1, et seq. requires that the resolution authorizing the award of a contract for extraordinary unspecifiable services without public bidding and the contract itself be available for public inspection; and

WHEREAS, the Chief Financial Officer of the Authority has certified that funds are available for this purpose.

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

1. **The Catania Consulting Group, Inc.** shall be and is hereby appointed to serve as **Public Affairs and Media Relations Consultant** to the Authority for the year 2018, until the Authority's annual 2019 reorganization meeting, until a successor is selected, or at the pleasure of the Authority, whichever shall first occur or be exercised, respectively.
2. The Chairman shall be and is hereby authorized to execute an agreement, similar in form and substance to the agreement on file at the Authority, by and between the Authority and **The Catania Consulting Group, Inc.** memorializing the scope of services and compensation to be paid for such services, 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 agreement retaining **The Catania Consulting Group, Inc.** pursuant to this Resolution shall be placed on file and made available for public inspection in the Office of the Executive Director, upon execution by **The Catania Consulting Group, Inc.** and the Authority.
4. The total amount authorized to be paid pursuant to the contract herein awarded shall not exceed the total sum of **\$42,000.00** without further action by the Board of Commissioners.
5. The Chief Financial Officer's Certification that funds are available shall be placed on file and made available for public inspection at the Authority and made a part hereof.
6. A notice of this contract award shall be published in the form prescribed by law.

7. The formal action(s) of the Commissioners of 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 February 22, 2018.



Michael Henwood
Board Secretary

DATED: February 22, 2018

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 2/22/2018
RESOLUTION #: 18-1-016

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 PUBLIC RELATIONS & INFORMATION
W-350-51100-000

VENDOR THE CATANIA CONSULTING GROUP, INC.

CONTRACT NUMBER 18022208

REASON PUBLIC AFFAIRS & MEDIA
RELATIONS CONSULTANT

AMOUNT \$42,000.00

CONTRACT LENGTH MARCH 1, 2018 - FEBRUARY 28, 2019

Mathew McCarty
ACTING TREASURER

**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: February 22, 2018
SUBJECT: Award of Contract for Public Relations Services Consultant

This is a contract for the Provision of Consulting – Public Relations. This certification is submitted to request your approval of a resolution authorizing a contract to be executed as follows:

Firm: The Catania Consulting Group Inc. (“Contractor”)
Duration: Until the Authority’s 2019 reorganization meeting.
Cost: Not to exceed \$42,000.00 annually.
Purpose: To provide services to the Authority for provision of Public Relations Consulting Services.

This is to request an award of a contract 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.

The contract will be for the provision of public relations consulting services. Contractor will assist the Authority with the identification of public relations opportunities and the formulation and processing of public outreach and education for the Authority’s benefit and use in furtherance of its operations. As Executive Director, I am familiar with the nature of the work to be done under the contract for Public Relations Consultant 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 BCUA, that the services related to public relations consulting be performed by an entity with expertise, extensive training and a proven reputation in the field of endeavor of providing such consulting service.

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. Written specifications cannot be drafted because the services to be undertaken will evolve depending upon the rapidly changing landscape that shapes public perception through the media.

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:

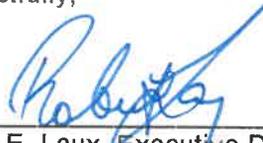
It is not reasonably possible to draft specifications for these services adequately defining the expertise and skill required in such complex type matters as covered by the contract to be let, such services being of such a qualitative nature as well as the scope of which is not reasonably determinable 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 Public Communications.

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 Provision of Grants Consultant Services was advertised on December 18, 2017, and statements of qualifications were received. The Contractor was duly qualified by resolution of the Authority dated January 25, 2018. Informal Quotations from qualified providers of Public Relations Services were informally solicited, and the BCUA has determined the proposal of the Contractor to be fair and reasonable. It is my recommendation that an award for the Provision of Public Relations Consultant services be provided 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 unspicifiable service in accordance with the requirements thereof.

Respectfully,



Robert E. Laux, Executive Director

(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, there exists the need to engage the services of a Legal/Government/Service Consultant to serve as **Grants/Government Service Consultant** to the Bergen County Utilities Authority (the "Authority"); and

WHEREAS, N.J.S.A. 40A:11-5(1)(a)(ii) authorizes and permits the procurement of **Grants/Government Service Consultant** services without competitive bidding, where said services are in the nature of an "extraordinary unspecifiable service"; and

WHEREAS, **Grants/Government Service Consultant** services are recognized as "extraordinary unspecifiable services" as said services 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) and this contract is awarded without competitive bidding as an "extraordinary unspecifiable service", pursuant to and in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the Authority's Executive Director has determined that the engagement of a **Grants/Government Service Consultant** is necessary to provide for the efficient operation of the Authority; and

WHEREAS, pursuant to and in accordance with N.J.A.C. 5:34-2.3, the Authority's Executive Director has provided the Authority's Commissioners with a Certification, dated February 23, 2017, describing the nature of the work to be done, stating that it is not reasonably possible to draft specifications, and describing why the contract satisfies the Statutory and Administrative Code requirements for extraordinary unspecifiable services; and

WHEREAS, **Gibbons P.C.** has submitted a proposal to serve as **Grants/Government Service Consultant** to the Authority dated **February 12, 2018**, which proposal has been reviewed by the Authority's Executive Director and determined to be fair and reasonable; and

WHEREAS, the Authority has determined, based upon the foregoing, that it is necessary for its efficient operation to retain the services of **Gibbons P.C.** to provide **Grants/Government Service Consultant** services to the Authority for the year 2018 until the Authority's annual 2019 reorganization meeting, until a successor is selected, or at the pleasure of the Authority, whichever shall first occur or be exercised, respectively; and

WHEREAS, the Commissioners of the Authority have determined that **Gibbons P.C.** is competent, qualified, experienced and has a proven reputation in the field of **Grants/Government Service Consultant** services; and

WHEREAS, this contract was awarded 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 **Gibbons P.C.** was found to be qualified to provide these services; and

WHEREAS, the Authority desires to enter into a contract with **Gibbons P.C.** to serve as **Grants/Government Service Consultant** to the Authority for a **One (1) Year Term**, until a successor is selected, or at the pleasure of the Authority, whichever shall first occur or be exercised, respectively; and

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

WHEREAS, N.J.S.A. 40A:11-1, et seq. requires that the resolution authorizing the award of a contract for extraordinary unspecifiable services without public bidding and the contract itself be available for public inspection.

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

1. **Gibbons P.C.** shall be and is hereby appointed to serve as **Grants/Government Service Consultant** to the Authority for a **One (1) Year Term**, until a successor is selected, or at the pleasure of the Authority, whichever shall first occur or be exercised, respectively.

2. The Chairman shall be and is hereby authorized to execute an agreement, similar in form and substance to the agreement on file in the Office of the Executive Director, by and between the Authority and **Gibbons P.C.** memorializing the scope of services and compensation to be paid for such services, 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 agreement retaining **Gibbons P.C.** as **Grants/Government Service Consultant** pursuant to this Resolution shall be placed on file and made available for public inspection in the Office of the Executive Director, upon execution by the Authority.

4. The total amount authorized to be paid pursuant to the contract herein awarded shall not exceed the total sum of **\$96,000.00** without further action by the Board of Commissioners.

5. The Acting Treasurer's Certification that funds are available shall be placed on file and made available for public inspection in the Office of the Executive Director and made a part hereof.

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

18-1-017

7. The formal action(s) of the Commissioners of The Bergen County Utilities Authority embodied herein are expressly contingent upon and subject to the provisions of N.J.S.A. 40:14B-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 February 22, 2018.



Michael Henwood
Board Secretary

Dated: February 22, 2018

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 2/22/2018

RESOLUTION #: 18-1-017

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

LEGAL
W-350-50800-000

VENDOR

GIBBONS P.C.

CONTRACT NUMBER

18022209

REASON

GRANTS/GOVERNMENT SERVICE CONSULTANT

AMOUNT

\$96,000.00

CONTRACT LENGTH

MARCH 1, 2018 - FEBRUARY 28, 2019

Mathew McCarter
ACTING TREASURER

**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: February 22, 2018

SUBJECT: Award of Contract for Grants / Government Services Consultant

This is a contract for the Provision of Consulting - Grants Consultant. This certification is submitted to request your approval of a resolution authorizing a contract to be executed as follows:

Firm: Gibbons, P.C. ("Contractor")

Duration: Until the Authority's 2019 reorganization meeting.

Cost: Monthly amount of \$8,000.00 not to exceed \$96,000.00 annually.

Purpose: To provide services to the Authority for provision of Grants Consulting Services.

This is to request an award of a contract 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.

The contract will be for the provision of grants consulting services. Contractor will assist the Authority with the identification of grant opportunities and the formulation and processing of grant applications to obtain grant monies for the Authority's benefit and use in furtherance of its operations. As Executive Director, I am familiar with the nature of the work to be done under the contract for Grants Consultant 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 BCUA, that the services related to grants consulting be performed by an entity with expertise, extensive training and a proven reputation in the field of endeavor of providing such consulting service.

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. Written specifications cannot be drafted because the services to be undertaken will evolve depending upon the availability of grants. Furthermore, identifying which grants may be available to the Authority will also require expertise, knowledge and the experience to identify when grants may be available to the Authority and their benefit to the Authority and its ratepayers.

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:

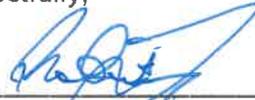
It is not reasonably possible to draft specifications for these services adequately defining the expertise and skill requires in such complex type matters as covered by the contract to be let, such services being of such a qualitative nature as well as an endeavor, the scope of which is not reasonably 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 to identify when grants may be available to the Authority and their benefit to the Authority and its ratepayers.

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 Provision of Grants Consultant Services was advertised on December 18, 2017, and statements of qualifications were received. The Contractor was duly qualified by resolution of the Authority dated January 25, 2018. Informal Quotations from qualified providers of Grants Consultant Services were informally solicited, and the BCUA has determined the proposal of the Contractor to be fair and reasonable. It is my recommendation that an award for the Provision of Grants Consultant services be provided 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 unspcifiable service in accordance with the requirements thereof.

Respectfully,



Robert E. Laux, Executive Director

(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 Authority wishes to make a donation to the **Little Ferry First Aid Corps, Little Ferry Hook & Ladder 1** and **Little Ferry Hose Company #1** in recognition of their dedicated services; and

WHEREAS, the Authority's Chief Financial Officer's Certificate of Available Funds, maintained on file at the Authority, sets forth that sufficient funds for the subject donations have been appropriated; and

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the Bergen County Utilities Authority that the sums of \$2,000.00 each be paid to the **Little Ferry First Aid Corps, Little Ferry Hook & Ladder 1**, and **Little Ferry Hose Company #1**, to support their respective services for the current year; and

BE IT FURTHER RESOLVED that the formal actions of the Commissioners of the Bergen County Utilities Authority embodies herein are expressly contingent upon and subject to N.J.S.A. 40:14B-4(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 February 22, 2018.



Michael Henwood
Board Secretary

Dated: February 22, 2018

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 2/22/2018

RESOLUTION #: 18-1-018

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

SERVICES - OTHER EXPENSES
A-620-54500-000

VENDOR

LITTLE FERRY FIRST AID CORPS
LITTLE FERRY HOOK & LADDER 1
LITTLE FERRY HOSE COMPANY #1

CONTRACT NUMBER

N/A

REASON

SERVICES

AMOUNT

\$2,000 EACH

CONTRACT LENGTH

N/A



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 17-1-008 adopted February 23, 2017, appointed Lerch, Vinci & Higgins, L.L.P. ("LVH") to provide Audit and Accounting Services 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 17-1-008 Authorized the Chairman of the Board of Commissioners of the Authority to execute a contract by and between the Authority and LVH (the "Contract") memorializing the Audit and Accounting Services to be provided by LVH to the Authority, including advisory services which are provided by LVH to the Authority on an as-needed services, pursuant to which payment by the Authority to LVH is not to exceed the total sum of \$215,000.00 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 LVH on March 1, 2017; and

WHEREAS, LVH, operating under the Contract, has continued to provide significant necessary and valuable services to the Authority, including providing advisory 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, LVH, by written correspondence dated February 22, 2018, advised the Authority that as of February 22, 2018, LVH had expended approximately \$215,000.00 in services to the Authority under the Contract and the Contract provides for a compensation budget of \$215,000.00 to be paid by the Authority to LVH for services performed pursuant thereto; and

WHEREAS, LVH, by written correspondence dated February 22, 2018 requested that the Authority increase the compensation budget provided for by the Contract by the

18-1-019

total sum of \$35,000.00, resulting in an amended Contract compensation budget of an amount not to exceed the total sum of \$250,000.00; and

WHEREAS, the Executive Director of the Authority has determined that LVH has performed all services under the Contract in an effective and efficient manner and further determined that the remaining work to be performed by LVH 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 February 22, 2018 written correspondence of LVH, including the request of LVH to increase the compensation budget for the total compensation to be paid by the Authority to LVH 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 LVH pursuant to the Contract in the total sum of \$35,000.00, resulting in an amended compensation budget under the Contract in an amount not to exceed the total sum of \$250,000.00 without further approval of the Board of Commissioners of the Authority; and

WHEREAS, the Authority's Acting Treasurer has certified that funds are available for the modification of the 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 LVH 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 \$35,000.00 and the total amount of compensation to now be paid by the Authority to LVH pursuant to the amended Contract shall not exceed the total sum of \$250,000.00 without further approval of the Board of Commissioners of the Authority.

2. The Chairman of the Authority shall be and is hereby authorized to execute a contract by and among the Authority and LVH, 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 LVH 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 LVH and the Authority.

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

18-1-019

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 February 22, 2018.



Michael Henwood, Secretary

Dated: February 22, 2018

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 2/22/2018

RESOLUTION #: 18-1-019

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

AUDIT & FINANCIAL ADVISORY
W-350-51000-000

VENDOR

LERCH, VINCI, & HIGGINS, L.L.P.

CONTRACT NUMBER

17022301

REASON

INCREASE IN THE PROFESSIONAL SERVICE
NEEDS OF THE AUTHORITY FOR
AUDIT & ACCOUNTING SERVICES

AMOUNT

\$35,000.00

CONTRACT LENGTH

MARCH 1, 2017 - FEBRUARY 28, 2018


ACTING TREASURER

**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, due to unforeseen difficulties obtaining permits necessary to construct the extended outfall, specifically the denial by the Army Corps of Engineers of the request of the Authority for the issuance of a permit to extend the outfall further and deeper into the Hudson River, the Authority proposed an alternative to convert the Edgewater WPCF into a sewage pumping station, construct a sewage force main, and treat the wastewater at the Authority's Little Ferry Water Pollution Control Facility (the "Little Ferry WPCF"), which is another facility owned and operated by the Authority located at the Foot of Mehrhof Road, Borough of Little Ferry, Bergen County, New Jersey and the Authority would then close the Edgewater WPCF and direct all wastewater previously directed to the Edgewater WPCF to the Little Ferry WPCF for treatment (the "Edgewater WPCF Project"); and

WHEREAS, the NJDEP has 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 Edgewater WPCF to the Little Ferry WPCF 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 properties identified by the Authority's engineers together with access and construction easements/agreements; and

WHEREAS, the Authority is now required to authorize its professionals to commence that process by acquiring easement and/or license interest(s) in certain identified properties owned by The New York, Susquehanna & Western Railway ("NYS&W"), which process includes, if necessary, the Authority exercising its power to condemn real property pursuant to N.J.S.A. 40:14B-20; and

WHEREAS, in furtherance of the Edgewater WPCF Project, and as an initial step in the Authority acquiring title to or an easement interest in the identified properties owned by NYS&W, the Board of Commissioners of the Authority, by Resolution 17-1-014 adopted February 23, 2017, authorized the Authority's General Legal Counsel to engage Shenehon Company to provide professional appraisal services in connection with the Edgewater WPCF Project; and

WHEREAS, Shenehon Company completed and provided to the Authority a written appraisal dated July 26, 2017, placing a fair market value of Seven Hundred Twenty-Three Thousand and 00/100THS (\$723,000.00) Dollars on all property interests which the Authority must acquire in properties owned by NYS&W as part of the Edgewater WPCF Project; and

WHEREAS, the Authority's General Legal Counsel, on behalf of the Authority, must pursue and engage in good faith negotiations with NYS&W in order to acquire those identified interests in property owned by NYS&W which the Authority must obtain as part of the Edgewater WPCF Project; and

WHEREAS, the Authority has deemed that it is in its best interest and the interest of its ratepayers that the Authority authorize its General Legal Counsel to pursue and engage in good faith negotiations with NYS&W for the acquisition by the Authority of the needed interests in properties owned by NYS&W, based upon the fair market value as set by the appraisal prepared and provided by Shenehon Company, in order for the Authority to undertake and complete the Edgewater WPCF Project and, in the event the negotiations with NYS&W are unsuccessful, to initiate condemnation proceedings to establish those necessary property interests without further action by the Commissioners of the Authority.

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

1. Kaufman, Semeraro & Leibman, LLP, as General Legal Counsel to the Authority, shall be and is hereby authorized to pursue and engage in good faith negotiations with NYS&W for the acquisition of easement or other similar interests in those properties owned by NYS&W which are necessary for the undertaking and completion of the Edgewater WPCF Project as those properties and interests in properties have been determined and identified by the Authority's engineers and as those properties and interests in properties have been appraised by Shenehon Company.

2. In the event NYS&W does not accept the offer presented, and the easement or other similar property interests required to be obtained by the Authority in properties owned by NYS&W cannot otherwise be acquired through negotiations authorized by this Resolution, then the Authority shall and does hereby authorize Kaufman, Semeraro & Leibman, LLP to initiate procedures to condemn the easement(s) or other similar property interest(s) in properties owned by NYS&W for the benefit of the Authority, which procedures shall include but not be limited to the filing of a complaint in condemnation with the Superior Court of New Jersey and the filing of a Notice of Taking, based upon the written appraisal provided by Shenehon Company setting forth the fair market values of the interests to be acquired by the Authority in properties owned by NYS&W, without further action or authorization by the Board of Commissioners.

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

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

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

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of February 22, 2018.



Michael Henwood
Secretary

Dated: February 22, 2018

**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, due to unforeseen difficulties obtaining permits necessary to construct the extended outfall, specifically the denial by the Army Corps of Engineers of the request of the Authority for the issuance of a permit to extend the outfall further and deeper into the Hudson River, the Authority proposed an alternative to convert the Edgewater WPCF into a sewage pumping station, construct a sewage force main, and treat the wastewater at the Authority's Little Ferry Water Pollution Control Facility (the "Little Ferry WPCF"), which is another facility owned and operated by the Authority located at the Foot of Mehrhof Road, Borough of Little Ferry, Bergen County, New Jersey and the Authority would then close the Edgewater WPCF and direct all wastewater previously directed to the Edgewater WPCF to the Little Ferry WPCF for treatment (the "Edgewater WPCF Project"); and

WHEREAS, the NJDEP has 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 Edgewater WPCF to the Little Ferry WPCF 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 properties identified by the Authority's engineers together with access and construction easements/agreements; and

WHEREAS, the Authority initiated negotiations with The New York Susquehanna & Western Railway ("NYS&W") to acquire certain easements along the proposed route for the sanitary sewer force main project; and

WHEREAS, NYS&W obtained an appraisal of the easements prepared by RMI Midwest dated October 5, 2016 placing a fair market value of \$9,460,000 for the permanent easements on the property interests required to be acquired by the Authority.

WHEREAS, in furtherance of the Edgewater WPCF Project, and as an initial step in the Authority acquiring title to or an easement interest in the identified properties owned by NYS&W, the Board of Commissioners of the Authority, by Resolution 17-1-014 adopted February 23, 2017, authorized the Authority's General Legal Counsel to engage Shenehon Company to provide professional appraisal services in connection with the Edgewater WPCF Project; and

WHEREAS, Shenehon Company completed and provided to the Authority a written appraisal dated July 26, 2017, placing a fair market value of Seven Hundred Twenty-Three Thousand and 00/100THS (\$723,000.00) Dollars on all property interests which the Authority must acquire in properties owned by NYS&W as part of the Edgewater WPCF Project; and

WHEREAS, prior to formally proceeding with the condemnation process, the Authority is desirous of engaging in non-binding mediation with NYS&W in an attempt to amicably resolve the fair market value of the property interests required to be acquired by the Authority; and

WHEREAS, because the property interests required to be acquired by the Authority are within active and abandoned rail lines, the valuation methodology is unique and requires specialized expertise; and

WHEREAS, the Authority and NYS&W have agreed to the designation of an independent mediator with knowledge and expertise regarding the valuation of active and abandoned rail properties; and

WHEREAS, it is in the best interests of the Authority to seek to amicably resolve the valuation of the property interests required to be acquired for the Edgewater WPCF Project prior to formally proceeding with the condemnation process.

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

1. Kaufman, Semeraro & Leibman LLP, as General Legal Counsel to the Authority, and the Executive Director, be and hereby are authorized to engage in the

mediation process with NYS&W, including the retention of the independent mediator mutually acceptable to the Authority and NYS&W.

2. Nothing contained in this Resolution shall be construed so as to restrict or preclude General Legal Counsel from proceeding with the condemnation process pursuant to Resolution 18-1-020 adopted February 22, 2018. Notwithstanding, General Legal Counsel may forbear any act in furtherance of the condemnation process if, in the judgment of General Legal Counsel and the Executive Director, it is in the best interests of the Authority to continue with the mediation process.

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

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

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

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of February 22, 2018.



Michael Henwood
Secretary

Dated: February 22, 2018

**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, there exists the need to engage the services of **Remington, Vernick and Arango Engineers ("RVA")** of Secaucus, New Jersey, a licensed professional engineer, to serve as **Energy Management and related Air Pollution Control Permit Engineering Consultant**; and

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

WHEREAS, N.J.S.A. 40A:11-1, et seq. provides that a contract for professional engineering services may be awarded without competitive bidding as a "professional service"; and

WHEREAS, the Authority has adopted a qualifications-based selection policy and a fair and open process for professional services, pursuant to N.J.S.A. 19:44A-20.4 et seq. through a publicly advertised Request for Qualifications ("RFQ") and Request for Proposals ("RFP"); and

WHEREAS, **RVA** has submitted a proposal to serve as **Energy Management and related Air Pollution Control Permit Engineering Consultant** dated February 9, 2018, which proposal has been reviewed by the Director of Engineering of the Authority; and

WHEREAS, the Director of Engineering of the Authority has determined from recent services and statement of qualifications that **RVA** is competent, qualified, and experienced to serve as **Energy Management and related Air Pollution Control Permit Engineering Consultant**; and

WHEREAS, the Authority desires to appoint and retain **RVA** to serve as **Energy Management and related Air Pollution Control Permit Engineering Consultant** for a

One (1) Year Term ending February 28, 2019, until a successor is selected, or at the pleasure of the Authority, whichever shall first occur or be exercised, respectively; and

WHEREAS, the Authority has determined, based upon the foregoing, that it is necessary for its efficient operation to retain the services of **RVA** to serve as **Energy Management and related Air Pollution Control Permit Engineering Consultant** to the Authority; and

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

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

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

1. That **RVA** shall be and is hereby appointed to serve as **Energy Management and related Air Pollution Control Permit Engineering Consultant** for a **One (1) Year Term ending February 28, 2019**, until a successor is selected, or at the pleasure of the Authority, whichever shall first occur or be exercised, respectively.

2. The Chairman shall be and is hereby authorized to execute an agreement by and between the Authority and **RVA** memorializing the scope of services and hourly billing rates to be paid for such services as is acceptable to the Authority, as evidenced by the Chairman's signature thereon.

3. A copy of this resolution and the agreement retaining **RVA** as **Energy Management and related Air Pollution Control Permit Engineering Consultant** shall be placed on file and made available for public inspection in the office of the Executive Director, upon execution by **RVA** and the Authority.

4. The total amount authorized to be paid pursuant to the contract herein awarded shall not exceed the total sum of **\$250,000.00** without further action by the Board of Commissioners.

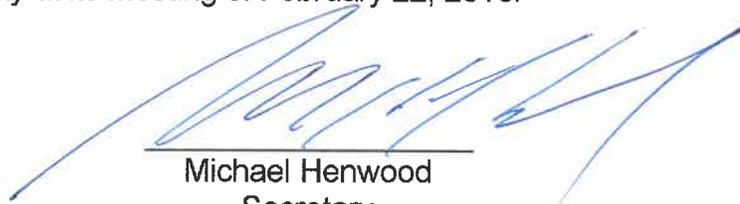
5. The Acting Treasurer's Certification that funds are available shall be placed on file and made available for public inspection in the Office of the Executive Director.

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

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

18-2-008

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of February 22, 2018.



Michael Henwood
Secretary

Dated: February 22, 2018

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 2/22/2018

RESOLUTION #: 18-2-008

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

FUNDS AVAILABLE

X

FUNDS ARE NOT AVAILABLE

BUDGET ACCOUNT

ENGINEERING
W-350-50400-000

VENDOR

REMINGTON, VERNICK AND ARANGO ENGINEERS

CONTRACT NUMBER

18022210

REASON

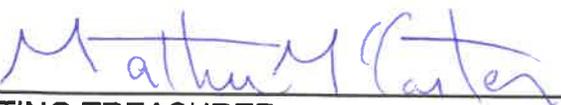
ENERGY MANAGEMENT and RELATED
AIR POLLUTION CONTROL
PERMIT ENGINEERING CONSULTANT

AMOUNT

\$250,000.00

CONTRACT LENGTH

MARCH 1, 2018 - FEBRUARY 28, 2019


ACTING TREASURER

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

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

WHEREAS, The Bergen County Utilities Authority ("Authority") plays an important role in providing 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, the Authority's water pollution control system assets are located on approximate 200 acres of land and over 100 miles of sewer maintenance easements; and

WHEREAS, a portion of the 200 acres of property and 100 miles of easements are located on wetlands, tidelands, waterfront, streams, and other restricted and regulated lands; and

WHEREAS, the Authority's capital improvement program may require the acquisition of land upon which the work is to be performed, rights-of-way for access thereto, and other such lands that may be designated for the use of construction, in addition to easements for permanent structures; and

WHEREAS, there exists the need to engage the services of an engineering firm authorized to provide professional engineering services in the State of New Jersey to serve as **Site Work Engineering/Land Surveying Consultant** to the Authority; and

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

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

WHEREAS, **Neglia Engineering Associates** has submitted a Statement of Qualifications and the Commissioners of the Authority have determined that **Neglia Engineering Associates** is competent, qualified and experienced to serve as the Authority's **Site Work Engineering/Land Surveying Consultant**; and

WHEREAS, **Neglia Engineering Associates** demonstrated in the Statement of Qualifications that **Neglia Engineering Associates** will provide professional staff to assist

the Authority in various engineering and surveying projects. **Neglia Engineering Associates** has a modern technically advanced staff made up of managers, professional engineers, professional surveyors, a certified landscape architect, construction inspectors, etc. and over fifty-five (55) years of experience in all aspects of engineering.; and

WHEREAS, Neglia Engineering Associates has satisfactorily served in the capacity of **Site Work Engineering/Land Surveying Consultant** for the Authority since March 2004; and

WHEREAS, based on **Neglia Engineering Associates'** Statement of Qualifications and prior history, the Authority issued a Request for Proposal ("RFP") dated February 1, 2018; and

WHEREAS, the RFP provided a scope of work that includes: attending meetings, as required, with Authority staff; provide monthly summary reports; is on call; and at the direction of the Authority performs professional engineering services in the areas of civil and other site work related engineering expertise as may be required for the day-to-day operation of the Authority's physical assets, including, but not limited to, two large secondary level water pollution control facilities, eight pump stations and associated force mains, over one hundred miles of intercepting sewers and over one hundred and fifty sewage flow meters. In addition to being responsible for site work related projects, the **Site Work Engineering/Land Surveying Consultant** shall perform land surveying work such as construction layout, deed searches, deed descriptions, easement searches, easement description, and all other land surveying related work as allowed by law, and as may be required and directed by the Authority; and

WHEREAS, the RFP specified that the professional engineering services (including any services that may be considered as landscape design/architectural services) are anticipated to fall within the following five phases of work.

- A. Study and Report;
- B. Preliminary Design;
- C. Final Design;
- D. Bidding or Negotiating; and
- E. Construction.

; and

WHEREAS, the RFP specified that general consulting engineering, special consulting engineering, and energy and air pollution control permit management engineering may be performed by others for the Authority; and

WHEREAS, the RFP specified that the **Site Work Engineering/Land Surveying Consultant** indemnify the Authority and provide insurance required by the Authority; and

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

WHEREAS, the RFP specified that payment for services rendered shall be computed-based on an hourly billing rate, plus reimbursables not to exceed \$100,000.00, during a period of service of three hundred and sixty-five (365) consecutive calendar days without further written authorization by contract amendment; and

WHEREAS, **Neglia Engineering Associates** has submitted a proposal to serve as **Site Work Engineering/Land Surveying Consultant**, dated **February 9, 2018**, on a time and material basis not to exceed \$100,000.00, which proposal has been reviewed by the Authority's Director of Engineering; and

WHEREAS, the proposal included attachments including hourly billing rates; and

WHEREAS, the Authority's Engineering and Construction Committee has concluded that the disruption of professional services and additional learning costs associated with a change in **Site Work Engineering/Land Surveying Consultant** will far exceed any benefit to the Authority; and

WHEREAS, the Authority has determined, based upon the foregoing, that it is necessary for its efficient operation to retain the services of **Neglia Engineering Associates** to serve as **Site Work Engineering/Land Surveying Consultant** to the Authority; and

WHEREAS, the Authority desires to appoint and retain **Neglia Engineering Associates** to serve as **Site Work Engineering/Land Surveying Consultant** to the Authority for a **One (1) Year Term**, until a successor is selected, or at the pleasure of the Authority, whichever shall first occur or be exercised, respectively; and

WHEREAS, N.J.S.A. 40A:11-1, et seq. provides that a contract for professional engineering services may be awarded without competitive bidding as a "professional service"; and

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

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

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

1. That **Neglia Engineering Associates** shall be and is hereby appointed to serve as **Site Work Engineering/Land Surveying Consultant** to Authority for a **One (1) Year Term**, until a successor is selected, or at the pleasure of the Authority, whichever shall first occur or be exercised, respectively.

2. The Chairman shall be and is hereby authorized to execute, an agreement, similar in form and substance to the agreement on file at the Authority, by and among the Authority and **Neglia Engineering Associates** memorializing the scope of services and hourly billing rates to be paid for such services as is acceptable to the Authority, as evidenced by the Chairman's signature thereon.

3. A copy of this resolution and the agreement retaining **Neglia Engineering Associates** as **Site Work Engineering/Land Surveying Consultant** shall be placed on file and made available for public inspection in the office of the Executive Director, upon execution by **Neglia Engineering Associates** and the Authority.

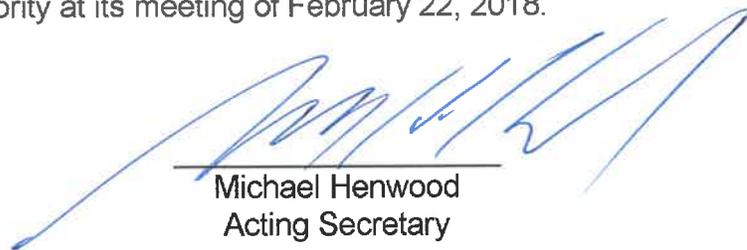
4. The total amount authorized to be paid pursuant to the contract herein awarded shall not exceed the total sum of **\$100,000.00** without further action by the Board of Commissioners.

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

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

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

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of February 22, 2018.



Michael Henwood
Acting Secretary

DATED: February 22, 2018

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 2/22/2018

RESOLUTION #: 18-2-009

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

FUNDS AVAILABLE

X

FUNDS ARE NOT AVAILABLE

BUDGET ACCOUNT

ENGINEERING
W-350-50400-000

VENDOR

NEGLIA ENGINEERING ASSOCIATES

CONTRACT NUMBER

18022211

REASON

SITE WORK ENGINEERING/LAND
SURVEYING CONSULTANT

AMOUNT

\$100,000.00

CONTRACT LENGTH

MARCH 1, 2018 - FEBRUARY 28, 2019

Matthew M. Carter
ACTING TREASURER

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

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

WHEREAS, The Bergen County Utilities Authority ("Authority") plays an important role in providing 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, there exists the need to engage the services of an engineering firm authorized to provide professional engineering services in the State of New Jersey to serve as **Special Environmental Engineer** to the Authority; and

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

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

WHEREAS, ARCADIS U.S. Inc. has submitted a Statement of Qualifications and the Commissioners of the Authority have determined that **ARCADIS U.S. Inc.** is competent, qualified and experienced to serve as the Authority's **Special Environmental Engineer**; and

WHEREAS, ARCADIS U.S. Inc. has a staff of approximately 1,500 engineers, scientists, planners, management consultants, and support personnel in the Water Division, is able to locally provide the Authority with any professional services as may be required and offers national expertise from thousands of wastewater treatment projects throughout the country, including state-of-the-art technology and process innovations; and

WHEREAS, ARCADIS U.S. Inc. has satisfactorily served in the capacity of **Special Environmental Engineer** for the Authority since March 2004; and

WHEREAS, based on **ARCADIS U.S. Inc.'s** Statement of Qualifications and prior history, the Authority issued a Request for Proposal (RFP) dated February 1, 2018; and

WHEREAS, the RFP provided a scope of work that includes:

- attending regular monthly meetings of the Authority's commissioners and attend other meetings upon request;
- provide monthly summary reports of on-going projects;
- being on-call and, at the direction of the Director, perform professional engineering services in the areas of civil and environmental expertise as may be required for water pollution control facility wastewater, sludge management, associated NJPDES, and other related permitting management and planning;
- updating the Authority's sewage sludge management plan, operations and maintenance manuals, safety manual, and Emergency Response Plan as may be requested and regulations require;
- assisting with engineering and administration of Authority's participation in the New Jersey Environmental Infrastructure Trust ("NJEIT") Fund;
- assisting in the identification of and application for other services of additional financing, such as community block grants (CBBG);
- providing FEMA support services for restoration and mitigation for Hurricane Sandy and other disasters/events; and
- any other special professional engineering service as may be authorized by the Director for compliance with regulatory agencies and associated permit management and compliance.

; and

WHEREAS, the scope of work in the RFP is required for the proper planning and operation of the Authority's physical assets, including, but not limited to, two large secondary level water pollution control facilities, eight pump stations and associated force mains, and over one hundred miles of intercepting sewers and over one hundred and fifty sewage flow meters; and

WHEREAS, the RFP specified that the professional engineering services are anticipated to fall within the following two phases of work: 1) Study and Report and 2) Operations; and

WHEREAS, the RFP specified that general consulting engineering, energy and air pollution control permit management engineering, site work, and property surveying projects may be performed by others for the Authority; and

WHEREAS, the RFP specified that the **Special Environmental Engineer** indemnify the Authority and provide insurance required by the Authority; and

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

WHEREAS, the RFP specified that payment for services rendered shall be computed based on an hourly billing rate, plus reimbursables not to exceed \$300,000.00, during a period of service of three hundred and sixty-five (365) consecutive calendar days without further written authorization by contract amendment; and

WHEREAS, **ARCADIS U.S. Inc.** has submitted a proposal to serve as **Special Environmental Engineer**, dated **February 12, 2018**, which proposal has been reviewed by the Authority's Director of Engineering; and

WHEREAS, the proposal included attachments including hourly billing rates, Certificate of Liability Insurance naming the Authority as an additional insured, New Jersey Business Registration Certificate, Ownership Disclosure Statement, Affirmative Action Compliance Notice, W-9 Form and Certificate of Employee Information Report; and

WHEREAS, the Authority's Engineering and Construction Committee has concluded that the disruption of professional services and additional learning costs associated with a change in **Special Environmental Engineer** will far exceed any benefit to the Authority; and

WHEREAS, the Authority has determined, based upon the foregoing, that it is necessary for its efficient operation to retain the services of **ARCADIS U.S. Inc.** to serve as **Special Environmental Engineer** to the Authority; and

WHEREAS, the Authority desires to appoint and retain **ARCADIS U.S. Inc.** to serve as **Special Environmental Engineer** to the Authority for a **One (1) Year Term**, until a successor is selected, or at the pleasure of the Authority, whichever shall first occur or be exercised, respectively; and

WHEREAS, N.J.S.A. 40A:11-1, et seq. provides that a contract for professional engineering services may be awarded without competitive bidding as a "professional service"; and

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

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

WHEREAS, the health and safety of the individuals visiting, living, and working in the Authority's sewer service district necessitate the on-going operation and maintenance of the Authority's water pollution control assets including, but not limited to, the appointment of a **Special Environmental Engineer**; and

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

WHEREAS, it is the Authority's responsibility that its assets are safeguarded and maintained and that all actions are taken to insure the integrity of the operation of the Authority and the expenditure of ratepayer funds.

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

1. That **ARCADIS U.S. Inc.** shall be and is hereby appointed to serve as **Special Environmental Engineer** to the Authority for a **One (1) Year Term**, until a successor is selected, or at the pleasure of the Authority, whichever shall first occur or be exercised, respectively.

2. The Chairman shall be and is hereby authorized to execute, an agreement, similar in form and substance to the agreement on file at the Authority, by and among the Authority and **ARCADIS U.S. Inc.** memorializing the scope of services and hourly billing rates to be paid for such services as is acceptable to the Authority, as evidenced by the Chairman's signature thereon.

3. A copy of this resolution and the agreement retaining **ARCADIS U.S. Inc.** as **Special Environmental Engineer** shall be placed on file and made available for public inspection in the office of the Executive Director, upon execution by **ARCADIS U.S., Inc.** and the Authority.

4. The total amount authorized to be paid pursuant to the contract herein awarded shall not exceed **\$300,000.00** without further action by the Board of Commissioners.

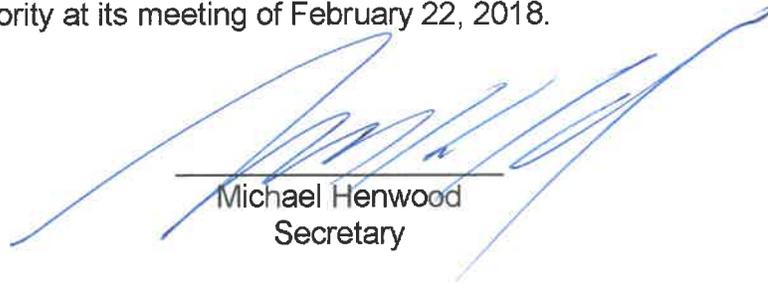
5. The Acting Treasurer's Certification that funds are available shall be placed on file and made available for public inspection at the Authority and made a part hereof.

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

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

18-2-010

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of February 22, 2018.



Michael Henwood
Secretary

DATED: February 22, 2018

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 2/22/2018

RESOLUTION #: 18-2-010

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

FUNDS AVAILABLE

X

FUNDS ARE NOT AVAILABLE

BUDGET ACCOUNT

ENGINEERING
W-350-50400-000

VENDOR

ARCADIS U.S., INC.

CONTRACT NUMBER

18022212

REASON

SPECIAL ENVIORNMENTAL ENGINEER

AMOUNT

\$300,000.00

CONTRACT LENGTH

MARCH 1, 2018 - FEBRUARY 28, 2019



ACTING TREASURER

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

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

WHEREAS, the Bergen County Utilities Authority ("Authority") plays an important role in providing 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, there exists the need to engage the services of an engineering firm authorized to provide professional engineering services in the State of New Jersey to serve as **General Consulting Engineer** to the Authority; and

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

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

WHEREAS, **Alaimo Group** has submitted a Statement of Qualifications and the Commissioners of the Authority have previously determined that **Alaimo Group** is competent, qualified and experienced to serve as the Authority's **General Consulting Engineers**; and

WHEREAS, **Alaimo Group** has satisfactorily served in the capacity of **General Consulting Engineer** for the Authority since March 2004; and

WHEREAS, based on Alaimo Group's Statement of Qualifications and prior history, the Authority issued a Request for Proposal ("RFP") dated February 1, 2018; and

WHEREAS, the RFP provided a scope of work including meeting preparation and attendance; monthly reports; user charge and connection change calculations and supporting report assistant; and completion of pre-existing general consulting projects; and

WHEREAS, the RFP specified that the **General Consulting Engineer** indemnify the Authority and provide insurance required by the Authority; and

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

WHEREAS, the RFP specified that payment for services rendered shall be computed-based on an hourly billing rate, plus reimbursables not to exceed the total sum of \$300,000.00, during a period of service of three hundred and sixty-five (365) consecutive calendar days without further written authorization by contract amendment; and

WHEREAS, **Alaimo Group** has submitted a proposal to serve as **General Consulting Engineer**, dated **February 6, 2018**, on a time and material basis, not to exceed \$300,000.00, which proposal has been reviewed by the Authority's Director of Engineering; and

WHEREAS, the proposal included attachments including hourly billing rates, Certificate of Liability Insurance naming the Authority as an additional insured, New Jersey Business Registration Certificate, Ownership Disclosure Statement, Affirmative Action Compliance Notice, Certificate of Employee Information Report, Exhibit A, Mandatory Equal Employment Opportunity Language, Iran Disclosure Form, W-9 Form and Certificate of Authorization; and

WHEREAS, previously the Authority's Engineering and Construction Committee has concluded that the disruption of professional services and additional learning costs associated with a change in **General Consulting Engineer** will far exceed any benefit to the Authority; and

WHEREAS, the Authority has determined, based upon the foregoing, that it is necessary for its efficient operation to retain the services of **Alaimo Group** to serve as **General Consulting Engineer** to the Authority; and

WHEREAS, the Authority desires to appoint and retain **Alaimo Group** to serve as **General Consulting Engineer** to the Authority for a **One (1) Year Term**, until a successor is selected, or at the pleasure of the Authority, whichever shall first occur or be exercised, respectively; and

WHEREAS, N.J.S.A. 40A:11-1, et seq. provides that a contract for professional engineering services may be awarded without competitive bidding as a "professional service"; and

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

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

WHEREAS, the health and safety of the individuals visiting, living, and working in the Authority's sewer service district necessitate the on-going operation and maintenance of the Authority's water pollution control assets, including, but not limited to, the appointment of a **General Consulting Engineer**; and

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

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

1. That **Alaimo Group** shall be and is hereby appointed to serve as **General Consulting Engineer** to the Authority for a **One (1) Year Term**, until a successor is selected, or at the pleasure of the Authority, whichever shall first occur or be exercised, respectively.

2. The Chairman shall be and is hereby authorized to execute, an agreement, similar in form and substance to the agreement on file at the Authority, by and among the Authority and **Alaimo Group** memorializing the scope of services and hourly billing rates to be paid for such services as is acceptable to the Authority, as evidenced by the Chairman's signature thereon.

3. A copy of this resolution and the agreement retaining **Alaimo Group** as **General Consulting Engineer** 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 total amount authorized to be paid pursuant to the contract herein awarded shall not exceed **\$300,000.00** without further action by the Board of Commissioners.

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

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

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

18-2-011

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of February 22, 2018.



Michael Henwood
Board Secretary

Dated: February 22, 2018

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 2/22/2018

RESOLUTION #: 18-2-011

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

FUNDS AVAILABLE

X

FUNDS ARE NOT AVAILABLE

BUDGET ACCOUNT

ENGINEERING
W-350-50400-000

VENDOR

ALAIMO GROUP

CONTRACT NUMBER

18022213

REASON

GENERAL CONSULTING ENGINEER

AMOUNT

\$300,000.00

CONTRACT LENGTH

MARCH 1, 2018 - FEBRUARY 28, 2019

Matthew McCarter
ACTING TREASURER

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

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

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

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

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

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

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

WHEREAS, in 2015 the NJDEP issued a renewed Surface Water Permit NJPDES Permit # NJ0020028 which incorporated a requirement to develop a CSO Long Term Control Plan.

WHEREAS, the Authority previously engaged the services of Hatch Mott MacDonald, LLC (now known as Mott MacDonald, LLC) to assist the Authority in formulating and conducting a group Public Participation Program and to implement a Public Participation Work Plan, in accordance with the reissued general permit for CSS's, which took effect on August 1, 2004, under the title, "Bergen County CSO Group," and to

develop, allocate costs and implement CSO Long-Term Control Plan studies and such other reports as may be required by the NJDEP and regulating the Authority's NJPDES General Permit for CSS's; and

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

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

WHEREAS, subsequent to the adoption of Resolution 15-1-038 by the Board of Commissioners of the Authority, the Authority's staff has met with representatives of the City of Hackensack, the Village of Ridgefield Park and the Borough of Fort Lee to coordinate the formulation, development and submission of the CSO Long-Term Control Plan for the aforesated municipalities, and the Authority, respectively; and

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

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

WHEREAS, there exists the need for the Authority to engage the services of an engineering firm authorized to provide professional engineering services in the State of New Jersey to serve as **Special Engineering Consultant** to the Authority for the **CSO Long-Term Control Plan Development**; and

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

WHEREAS, these services were solicited through a fair and open process, pursuant to N.J.S.A. 19:44A-20.4 et seq., as **Mott MacDonald, LLC** responded to the Authority's publicly advertised Request for Qualifications ("RFQ") and was qualified as

competent to provide consulting engineering services to the Authority by Resolution 18-2-001 adopted January 25, 2018 by the Board of Commissioners of the Authority; and

WHEREAS, the Authority has determined that **Mott MacDonald, LLC**, successor entity to **Hatch Mott MacDonald, LLC**, is competent, qualified and experienced to serve as the Authority's **Special Engineering Consultant** for the **CSO Long-Term Control Plan Development**; and

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

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

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

; and

WHEREAS, the RFP further provided that tasks 1, 3, 4 & 7 of the Scope of Work as repeated above herein shall be performed as specified in the RFP from March 1, 2018 to February 28, 2019.

WHEREAS, the RFP specified that the **Special Engineering Consultant** for the **CSO Long-Term Control Plan Development** shall be required to indemnify the Authority and provide insurance required by the Authority; and

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

WHEREAS, **Mott MacDonald, LLC** has submitted to the Authority a proposal to provide the aforesaid professional engineering services dated February 12, 2018, for an amount not to exceed the total sum of \$450,000.00 for the **Special Engineering Consultant** for the **CSO Long-Term Control Plan Development** for and during the time period of March 1, 2018 through and including February 28, 2019, which proposal has been reviewed and determined to be fair and reasonable by the Director of Engineering of the Authority; and

WHEREAS, the proposal included certain attachments, including hourly billing rates, Certificate of Liability Insurance naming Authority as additional insured, New Jersey Business Registration Certificate, Ownership Disclosure Statement, Affirmative Action Compliance Notice and Certificate of Employee Information Report; and

WHEREAS, the Authority has determined, based upon the foregoing, that it is necessary for its efficient operation to retain the services of **Mott MacDonald, LLC** to serve as **Special Engineering Consultant** to the Authority for the **CSO Long-Term Control Plan Development** for and during the time period of March 1, 2018 through and including February 28, 2019; and

WHEREAS, the Authority desires to appoint and retain **Mott MacDonald, LLC** to serve as **Special Engineering Consultant** to the Authority for the **CSO Long-Term Control Plan Development** for and during the time period of March 1, 2018 through and including February 28, 2019 for an amount not to exceed the total sum of 450,000.00; and

WHEREAS, N.J.S.A. 40A:11-1, et seq. provides that a contract for professional engineering services may be awarded without competitive bidding as a "professional service"; and

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

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

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

1. **Mott MacDonald** shall be and is hereby retained by the Authority to provide professional engineering services and to serve as **Special Engineering Consultant** to the Authority for the **CSO Long-Term Control Plan Development** for and during the time period commencing March 1, 2018 and expiring February 28, 2019 for an amount not to exceed the total sum of \$450,000.00, computed based on hourly rate plus all reimbursable items for tasks performed as set forth and included within the RFP and the February 8, 2018 written proposal of **Mott MacDonald, LLC**, without further approval of the Commissioners of the Authority.

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

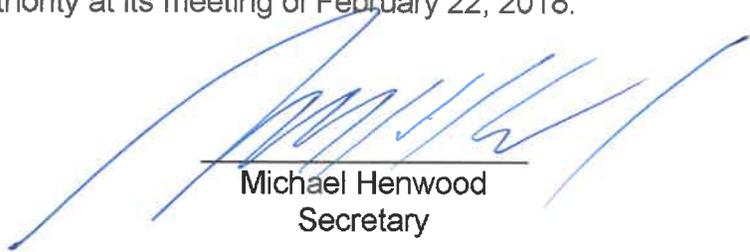
3. A copy of this Resolution and the contract retaining **Mott MacDonald, LLC** as **Special Engineering Consultant** to the Authority for the **CSO Long-Term Control Plan Development** pursuant to this Resolution shall be placed on file and made available for public inspection in the Office of the Executive Director, upon execution by Mott MacDonald and the Authority.

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

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

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

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of February 22, 2018.



Michael Henwood
Secretary

JDATED: February 22, 2018

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 2/22/2018

RESOLUTION #: 18-2-012

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

FUNDS AVAILABLE

X

FUNDS ARE NOT AVAILABLE

BUDGET ACCOUNT

ENGINEERING
W-350-50400-000

VENDOR

MOTT MACDONALD, LLC

CONTRACT NUMBER

18022214

REASON

SPECIAL ENGINEERING CONSULTANT
FOR CSO LONG-TERM CONTROL
PLAN DEVELOPMENT

AMOUNT

\$450,000.00

CONTRACT LENGTH

MARCH 1, 2018 - FEBRUARY 28, 2019

Matthew McCarter
ACTING TREASURER

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

WHEREAS, there exists the need for **VMware Software Updates and Support** in order to ensure the ongoing necessary and efficient operations of the Bergen County Utilities Authority (the "Authority"); and

WHEREAS, the Local Public Contracts Law, at N.J.S.A. 40A:11-12, provides that contracting units may purchase goods and/or services pursuant to contracts authorized by the State of New Jersey without the necessity of public bidding therefore; and

WHEREAS, **MRA International, Inc.** has been awarded New Jersey State Contract **SC-40116** for **NASPO Valuepoint Computer**; and

WHEREAS, **MRA International, Inc.** provided the Authority with a written quote dated January 16, 2018 for **VMware Software Updates and Support** under New Jersey State Contract **SC-40116 (Index M - 0483)**, in the total amount of **\$21,633.44**; and

WHEREAS, the **VMware Software Updates and Support** may be procured through State Contract **SC-40116 (Index M - 0483)** for a total cost of **\$21,633.44** as set forth and contained in the written proposal dated January 16, 2018 submitted to the Authority by **MRA International, Inc.**; and

WHEREAS, it has been recommended by the Authority's Qualified Purchasing Agent that it would be advantageous to the Authority, and result in a cost savings to the Authority and its ratepayers, for the Authority to procure **VMware Software Updates and Support** from **MRA International, Inc.** through New Jersey State Contract **SC-40116 (Index M - 0483)**; and

WHEREAS, contracts awarded pursuant to authorization from the State of New Jersey are in compliance with the fair and open process pursuant to 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; and

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

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

1. The Executive Director or his designee shall be and is hereby authorized to execute a purchase order, or purchase orders as may be required, for **VMware Software Updates and Support** in the total amount of **\$21,633.44**, as set forth and contained in the

18-2-013

written proposal dated January 16, 2018 submitted to the Authority by **MRA International, Inc.**, and in accordance with the terms of New Jersey State Contract **SC-40116 (Index M - 0483)**.

2. The Authority shall be responsible to ensure that that goods and/or services procured through New Jersey State Contract **SC-40116 (Index M - 0483)** 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 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 on file at the Authority and made a part hereof.

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

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of February 22, 2018.



Michael Henwood
Secretary

Dated: February 22, 2018

18-2-013

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 2/22/2018
RESOLUTION #: 18-2-013

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

FUNDS AVAILABLE	<u>X</u>
FUNDS ARE NOT AVAILABLE	<u></u>
BUDGET ACCOUNT	<u>HARDWARE & SOFTWARE MAINTENANCE</u> <u>A-620-56300-000</u>
VENDOR	<u>MRA INTERNATIONAL, INC.</u>
CONTRACT NUMBER	<u>STATE CONTRACT 40116</u>
REASON	<u>VMWARE SOFTWARE UPDATES & SUPPORT</u>
AMOUNT	<u>\$21,633.44</u>
CONTRACT LENGTH	<u>N/A</u>

Matthew McCarter
ACTING TREASURER

BERGEN COUNTY UTILITIES AUTHORITY RESOLUTION

WHEREAS, on prior occasion, upon advertisement on the website of the Bergen County Utilities Authority (the "Authority") and pursuant to specifications, the Authority solicited bid proposals for **Telog Meter Field Service Inspections and Verifications**, pursuant to and in accordance with **Requisition No. 107546-18**; and

WHEREAS, the following sole proposal was received by the Authority on **January 23, 2018** for **Requisition No. 107546-18**:

<u>Vendor</u>	<u>Total Amount Bid</u>
Telog Instruments, Inc. Victor, NY	\$20,700.00

; and

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

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

WHEREAS, the Authority's **Qualified Purchasing Agent** has reviewed the sole bid proposal and has recommended that **Telog Instruments, Inc.** should be awarded **Requisition No.107546-18** as the lowest complying and responsible vendor, as defined under N.J.S.A. 40A:11-2 and allowable under the fair and open process pursuant to N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, on the basis of the foregoing, the Authority has determined that the proposal from **Telog Instruments, Inc.** constitutes the lowest complying and responsible proposal for **Requisition No. 107546-18**, in accordance with N.J.S.A. 40A:11-1 et seq.; and

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

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

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

1. The proposal of **Telog Instruments, Inc.** in the sum of **\$20,700.00** shall be and is hereby determined to be the lowest complying and responsible proposal for **Telog Meter Field Service Inspections and Verifications** constituting **Requisition No.107546-18** for the total sum of **\$20,700.00**.

2. The Executive Director shall be and is hereby authorized to execute a contract with **Telog Instruments, Inc. of 830 Canning Parkway, Victor, NY 14564 for Telog Meter Field Service Inspections and Verifications**, constituting **Requisition No. 107546-18** for the total sum of **\$20,700.00**.

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

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

5. A copy of this Resolution and the contract executed pursuant to this Resolution, along with **Requisition No. 107546-18**, shall be placed on file and made available for public inspection in the office of the Executive Director upon execution by Telog Instruments, Inc. and the Authority.

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

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of February 22, 2018.



Michael Henwood
Secretary

Dated: February 22, 2018

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 2/22/2018

RESOLUTION #: 18-2-014

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

COLLECTION SYSTEMS - PARTS & SUPPLIES
W-220-52300-000

VENDOR

TELOG INSTRUMENTS, INC.

CONTRACT NUMBER

REQUISITION NO. 107546-18

REASON

TELOG METER FIELD SERVICE
INSPECTIONS AND VERIFICATIONS

AMOUNT

\$20,700.00

CONTRACT LENGTH

N/A

Matthew McCarter
ACTING TREASURER

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

WHEREAS, on prior occasion, upon advertisement and pursuant to specifications, the Bergen County Utilities Authority (the "Authority") solicited bid proposals for **Grounds Maintenance Services – One (1) Year Contract with Two (2) One (1) Year Options**, pursuant to and in accordance with **Contract No. 16-07**; and

WHEREAS, by way of Resolution 16-2-020 adopted March 24, 2016 by the Board of Commissioners of the Authority, **Pat Scanlan Landscaping, Inc.** was determined to be the lowest complying and responsible bidder for **Grounds Maintenance Services**, constituting **Contract No. 16-07** for a total contract price of \$62,624.00 for the initial year; and for a total contract price of \$62,624.00 for each optional year exercised by the Authority; and

WHEREAS, by way of Resolution 16-2-020 adopted March 24, 2016 by the Board of Commissioners of the Authority, the Chairman of the Board of Commissioners of the Authority was authorized to execute a contract with **Pat Scanlan Landscaping, Inc.** for **Grounds Maintenance Services**, constituting **Contract No. 16-07** for a total contract price of **\$62,624.00** for the **initial One (1) Year Period**; and

WHEREAS, pursuant to the bid specifications of **Contract No. 16-07**, the Authority, by Resolution 17-2-026 adopted March 23, 2017 by the Board of Commissioners of the Authority, previously exercised the initial **One (1) Year Option** of **Contract No. 16-07** and the Authority has the option to exercise the second **One (1) Year Option** of **Contract No. 16-07** and extend the contract for **Grounds Maintenance Services** with **Pat Scanlan Landscaping, Inc.** for an additional **One (1) Year Period** in the total sum of **\$62,624.00** for the second option year, **Year Three (3)** of **Contract No. 16-07**; and

WHEREAS, pursuant to N.J.S.A. 40A:11-15 the Authority finds **Pat Scanlan Landscaping, Inc.** has performed **Contract No. 16-07** for **Grounds Maintenance Services** in an effective and efficient manner; and

WHEREAS, exercising the second **One (1) Year Option** of **Contract No. 16-07** to **Pat Scanlan Landscaping, Inc.** for **Grounds Maintenance Services** is necessary for the efficient operation of the Authority; and

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

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

1. The Executive Director shall be and he is hereby authorized to execute a contract with **Pat Scanlan Landscaping, Inc.** for **Grounds Maintenance Services**, pursuant to and in accordance with **Contract No. 16-07**, which exercises the second and final **One (1) Year Option** by the Authority to extend the contract for an additional **One (1) Year Period** (commencing April 1, 2018 and expiring March 31, 2019) for the total sum of **\$62,624.00**.

2. All other terms of **Contract No. 16-07** shall remain in full force and effect without modification.
3. The Acting Treasurer's Certification that funds are available shall be on file at the Authority and made a part hereof.
4. A notice of this contract award shall be published in the form prescribed by law.
5. A copy of this Resolution and the contract executed pursuant to this Resolution, along with Contract No. 16-07, shall be placed on file and made available for public inspection in the Office of the Executive Director upon execution by Pat Scanlan Landscaping, Inc. and the Authority.
6. The formal action(s) of the Commissioners of the Bergen County Utilities Authority embodied herein are expressly contingent upon and subject to the provisions of N.J.S.A. 40:14B-14(b).

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of February 22, 2018.



Michael Henwood
Secretary

Dated: February 22, 2018

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 2/22/2018

RESOLUTION #: 18-2-015

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

SERVICES - BUILDINGS & GROUNDS
A-620-56200-000

VENDOR

PAT SCANLAN LANDSCAPING, INC.

CONTRACT NUMBER

16-07 ONE YEAR OPTION

REASON

GROUNDS MAINTENANCE SERVICES

AMOUNT

\$62,624.00

CONTRACT LENGTH

APRIL 1, 2018 - MARCH 31, 2019

Matthew McCarter
ACTING TREASURER

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

WHEREAS, on prior occasion, upon advertisement and pursuant to specifications, the Bergen County Utilities Authority (the "Authority") solicited bid proposals for **Sludge Transfer Area Improvements**, pursuant to and in accordance with **Contract No. C-195** and

WHEREAS, on May 25, 2017, the Board of Commissioners of the Authority adopted Resolution 17-2-036, finding **Montana Construction Corp., Inc.** to be the lowest complying and responsible bidder for **Sludge Transfer Area Improvements** pursuant to and in accordance with **Contract No. C-195** and authorizing the execution of a contract with **Montana Construction Corp., Inc.** for **Sludge Transfer Area Improvements**, constituting **Contract No. C-195** for a total sum of **\$144,000.00**; and

WHEREAS, the Authority, subsequent to the awarding of **Contract C-195** to **Montana Construction Corp., Inc.**, determined that a quantity adjustment reduction was necessary for the total sum of **\$7,761.57**, which total sum was not required to be expended in order to complete the **Sludge Transfer Area Improvements**, resulting in a decrease in the amount of **\$7,761.57** for the total contract price of **Contract No. C-195**; and

WHEREAS, **Montana Construction Corp., Inc.** has submitted to the Authority a change order proposal dated November 6, 2017 ("Change Order No. 1"), requesting a decrease in the total sum of **\$7,761.57**, which sum shall fully satisfy the decreased costs for the adjustments to complete all work under **Contract No. C-195** as requested by the Authority and which sum does not substantially change the quality or character of the items or work to be provided and are now required in order to successfully complete **Contract No. C-195**; and

WHEREAS, the Authority's **Director of Engineering** and the Authority's **Consulting Engineer, Alaimo Group**, have reviewed, approved and recommended Change Order No. 1 submitted by **Montana Construction Corp., Inc.** to Process the Net Decrease in the sum of **\$7,761.57** for **Sludge Transfer Area Improvements**, in accordance with **Contract C-195**, for the adjusted total amended sum of **\$136,238.43**; and

WHEREAS, Change Order No. 1 to Process the Net Decrease in the sum of **\$7,761.57** is necessary for the efficient operation of the Authority; and

WHEREAS, **Montana Construction Corp., Inc.** has submitted payment application no. 2 (final) to the Authority in the total sum of **\$11,033.63**, which payment application is the final payment application to be submitted to the Authority by **Montana Construction Corp., Inc.** pursuant to and in accordance with **Contract C-195** and

18-2-016

includes request for payment of Change Order No. 1 submitted to the Authority by **Montana Construction Corp., Inc.**; and

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

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

1. The Chairman, or his designee, shall be and is hereby authorized to execute Change Order No. 1 to Process the Net Decrease in the sum of **\$7,761.57** as stated in the November 6, 2017 change order proposal of **Montana Construction Corp., Inc.** for **Sludge Transfer Area Improvements** in accordance with the terms of **Contract No. C-195** for an adjusted total amended sum of **\$136,238.43**.

2. The total aggregate amount awarded for **Contract No. C-195**, together with this amendment, shall not exceed the sum of \$136,238.43 without further action by the Board of Commissioners of the Authority.

3. A copy of this Resolution and the change order to Process the Net Decrease in the sum of \$7,761.57 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 on file at the Authority and made a part hereof.

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

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

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of February 22, 2018.



Michael Henwood
Secretary

Dated: February 22, 2018

BERGEN COUNTY UTILITIES AUTHORITY RESOLUTION

WHEREAS, on prior occasion, upon advertisement and pursuant to specifications, the Bergen County Utilities Authority (the "Authority") solicited bid proposals for **Control Building Exterior Wall Improvements**, pursuant to and in accordance with **Contract No. C-196** and

WHEREAS, on July 27, 2017, the Board of Commissioners of the Authority adopted Resolution 17-2-049, finding **Spartan Construction, Inc.** to be the lowest complying and responsible bidder for **Control Building Exterior Wall Improvements** pursuant to and in accordance with **Contract No. C-196** and authorizing the execution of a contract with **Spartan Construction, Inc.** for **Control Building Exterior Wall Improvements**, constituting **Contract No. C-196** for a total sum of **\$115,000.00**; and

WHEREAS, the Authority, subsequent to the awarding of **Contract C-196** to **Spartan Construction, Inc.**, determined that a quantity adjustment and installation of additional items were necessary for the total sum of \$1,000.00, which total additional sum was required to be expended in order to complete the **Control Building Exterior Wall Improvements**, resulting in an increase in the amount of \$1,000.00 for the total contract price of **Contract No. C-196**; and

WHEREAS, **Spartan Construction, Inc.** has submitted to the Authority a change order proposal dated December 14, 2017 ("Change Order No. 1"), requesting an increase in the total sum of **\$1,000.00**, which sum shall fully satisfy the increased costs for the adjustments to complete all work under **Contract No. C-196** as requested by the Authority and which sum does not substantially change the quality or character of the items or work to be provided and are now required in order to successfully complete **Contract No. C-196**; and

WHEREAS, the Authority's **Director of Engineering** and the Authority's **Consulting Engineer, Alaimo Group**, have reviewed, approved and recommended Change Order No. 1 submitted by **Spartan Construction, Inc.** to Process the Net Increase in the sum of **\$1,000.00** for **Control Building Exterior Wall Improvements**, in accordance with **Contract C-196**, for the adjusted total amended sum of **\$116,000.00**; and

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

WHEREAS, **Spartan Construction, Inc.** has submitted payment application no. 2 (final) to the Authority in the total sum of **\$8,788.00**, which payment application is the final payment application to be submitted to the Authority by **Spartan Construction, Inc.** pursuant to and in accordance with **Contract C-196** and includes request for

18-2-017

payment of Change Order No. 1 submitted to the Authority by **Spartan Construction, Inc.**; and

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

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

1. The Chairman, or his designee, shall be and is hereby authorized to execute Change Order No. 1 to Process the Net Increase in the sum of **\$1,000.00** as stated in the December 14, 2017 change order proposal of **Spartan Construction, Inc.** for **Control Building Exterior Wall Improvements** in accordance with the terms of **Contract No. C-196** for an adjusted total amended sum of **\$116,000.00**.

2. The total aggregate amount awarded for **Contract No. C-196**, together with this amendment, shall not exceed the sum of \$116,000.00 without further action by the Board of Commissioners of the Authority.

3. A copy of this Resolution and the change order to Process the Net Increase in the sum of \$1,000.00 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 on file at the Authority and made a part hereof.

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

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

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of February 22, 2018.



Michael Henwood
Secretary

Dated: February 22, 2018

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 2/22/2018

RESOLUTION #: 18-2-017

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
W-200-80800-000

VENDOR SPARTAN CONSTRUCTION, INC.

CONTRACT NUMBER C-196 CHANGE ORDER #1

REASON CONTROL BUILDING EXTERIOR
WALL IMPROVEMENTS

AMOUNT \$1,000.00

CONTRACT LENGTH TO COMPLETION

Matthew McCarter
ACTING TREASURER

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

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

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

WHEREAS, there previously existed a need for the Authority to solicit, and the Authority did solicit, bid proposals for **Liquid Sewage Sludge Transport – Tanker Truck**, pursuant to and in accordance with **Contract No. 16-05B (for a Three (3) Year Period with Two (2) One (1) Year Options)**; and

WHEREAS, by way of Resolution 16-2-070 adopted October 11, 2016 by the Board of Commissioners of the Authority, **Accurate Waste Removal Services, Inc. ("AWS")** was determined to be the lowest complying and responsible bidder to provide said services for **Liquid Sewage Sludge Transport – Tanker Truck** to the Authority in accordance with **Contract No. 16-05B**, and the Board, having further determined that it was necessary for the efficient operations of the Authority to retain the services of **AWS**, by Resolution 16-2-070 adopted October 11, 2016, appointed **AWS** to provide **Liquid Sewage Sludge Transport – Tanker Truck** services to the Authority for a **Three (3) Year Period with Two (2) One (1) Year Options** ; and

WHEREAS, Resolution 16-2-070 authorized the Chairman of the Board of the Authority to execute a contract by and between the Authority and **AWS** (hereinafter referred to as the "Contract") memorializing the services to be provided by **AWS** to the Authority pursuant to **Contract No. 16-05B**; and

WHEREAS, the Contract was executed by and on behalf of the Authority and **AWS** on November 1, 2016; and

WHEREAS, since execution of the Contract by the Authority and **AWS**, the Authority has completed certain capital improvements to improve the loading and unloading facilities on site at the Authority; and

WHEREAS, one of the improvements that the Authority has completed is the installation of meters to measure the amount of sludge that is loaded onto the tanker trucks to be hauled by **AWS** pursuant to the Contract; and

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WHEREAS, AWS is continuing to perform the services required by **Contract No. 16-05B** but the Authority seeks to amend the terms of **Contract No. 16-05B** in order to utilize the newly installed meters to measure the amount of liquid sewage sludge that is loaded into the tanker trucks to be hauled by **AWS** pursuant to the Contract; and

WHEREAS, the Authority has determined that the Contract is required to be modified and amended to include Part I, Section 1.1(F)(4)(c) which shall provide as follows:

The OWNER shall, at its absolute and sole discretion, have the option to not utilize the calculations for measurement of liquid sewage sludge as provided for in Part I, Section 1.1(F)(4)(b) of this contract to conduct measurements to determine the volume of liquid sewage sludge loaded into the CONTRACTOR'S vehicles, and instead utilize the meters installed by the Authority to measure the amount of liquid sewage sludge that is loaded into the tanker trucks of the CONTRACTOR for transport pursuant to this contract.

WHEREAS, the Authority has determined, based upon the foregoing, that it is necessary for its continued efficient operations to amend **Contract No. 16-05B** as provided herein above in order for the Authority and **AWS** to utilize the new meters installed by the Authority to measure the amount of liquid sewage sludge that is loaded into the **AWS** tanker trucks for transportation pursuant to the Contract.

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 **AWS** dated November 1, 2016 shall be and hereby is amended by the Authority and the Contract shall be amended to include Part I, Section 1.1(F)(4)(c) which shall provide as follows:

The OWNER shall, at its absolute and sole discretion, have the option to not utilize the calculations for measurement of liquid sewage sludge as provided for in Part I, Section 1.1(F)(4)(b) of this contract to conduct measurements to determine the volume of liquid sewage sludge loaded into the CONTRACTOR'S vehicles, and instead utilize the meters installed by the Authority to measure the amount of liquid sewage sludge that is loaded into the tanker trucks of the CONTRACTOR for transport pursuant to this contract.

2. The Chairman of the Board of Commissioners of the Authority shall be and is hereby authorized to execute a contract by and among the Authority and **AWS** amending the Contract as approved and authorized by this Resolution, in the form

18-2-018

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 **AWS** 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 **AWS** and the Authority.

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

5. The formal action(s) of the Commissioners of the Bergen County Utilities Authority embodied herein are expressly contingent upon and subject to the provisions of N.J.S.A. 40:14B-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 February 22, 2018.



Michael Henwood, Secretary

Dated: February 22, 2018

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

WHEREAS, there exists the need to engage the services of a **Health Insurance/Employee Benefits Consultant** to serve as **Health Insurance/Employee Benefits Consultant** to the Bergen County Utilities Authority (the "Authority"); and

WHEREAS, N.J.S.A. 40A:11-5(1)(a)(ii) authorizes and permits the procurement of **Health Insurance/Employee Benefits Consultant** services without competitive bidding, where said services are in the nature of an "extraordinary unspecifiable service"; and

WHEREAS, **Health Insurance/Employee Benefits Consultant** services are recognized as "extraordinary unspecifiable services" as said services 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) and this contract is awarded without competitive bidding as an "extraordinary unspecifiable service", pursuant to and in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the Authority's Executive Director has determined that the engagement of a **Health Insurance/Employee Benefits Consultant** is necessary to provide for the efficient operation of the Authority; and

WHEREAS, pursuant to and in accordance with N.J.A.C. 5:34-2.3, the Authority's Executive Director has provided the Authority's Commissioners with a Certification, dated February 22, 2018, describing the nature of the work to be done, stating that it is not reasonably possible to draft specifications, and describing why the contract satisfies the Statutory and Administrative Code requirements for extraordinary unspecifiable services; and

WHEREAS, **LaMendola Associates Inc.** has submitted a proposal to serve as **Health Insurance/Employee Benefits Consultant** to the Authority dated **February 12, 2018**, which proposal has been reviewed by the Authority's Executive Director and determined to be fair and reasonable; and

WHEREAS, the Authority has determined, based upon the foregoing, that it is necessary for its efficient operation to retain the services of **LaMendola Associates Inc.** to provide **Health Insurance/Employee Benefits Consultant** services to the Authority for the year 2018 until the Authority's annual 2019 reorganization meeting, until a successor is selected, or at the pleasure of the Authority, whichever shall first occur or be exercised, respectively; and

WHEREAS, the Commissioners of the Authority have determined that **LaMendola Associates Inc.** is competent, qualified, experienced and has a proven reputation in the field of **Health Insurance/Employee Benefits Consultant** services; and

WHEREAS, this contract was awarded 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.** was found to be qualified to provide these services; and

WHEREAS, the Authority desires to enter into a contract with **LaMendola Associates Inc.** to serve as **Health Insurance/Employee Benefits Consultant** to the Authority for a **One (1) Year Term**, until a successor is selected, or at the pleasure of the Authority, whichever shall first occur or be exercised, respectively; and

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

WHEREAS, N.J.S.A. 40A:11-1, et seq. requires that the resolution authorizing the award of a contract for extraordinary unspecifiable services without public bidding and the contract itself be available for public inspection.

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

1. That **LaMendola Associates Inc.** shall be and is hereby appointed to serve as **Health Insurance/Employee Benefits Consultant** to the Authority for a **One (1) Year Term**, until a successor is selected, or at the pleasure of the Authority, whichever shall first occur or be exercised, respectively.

2. The Chairman shall be and is hereby authorized to execute, an agreement, similar in form and substance to the agreement attached hereto, by and among the Authority and **LaMendola Associates Inc.** memorializing the scope of services and compensation to be paid for such services as is acceptable to the Authority, as evidenced by the Chairman's signature thereon.

3. A copy of this Resolution and the agreement retaining **LaMendola Associates Inc.** as **Health Insurance/Employee Benefits Consultant** pursuant to this Resolution shall be placed on file and made available for public inspection in the office of the Executive Director, upon execution by **LaMendola Associates Inc.** and the Authority.

4. The total amount authorized to be paid pursuant to the contract herein awarded shall not exceed the total sum of **\$47,500.00** without further action by the Board of Commissioners.

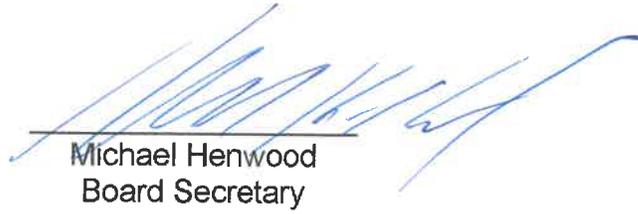
5. The Acting Treasurer's Certification that funds are available shall be placed on file and made available for public inspection at the Authority and made a part hereof.

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

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

18-3-003

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of February 22, 2018.



Michael Henwood
Board Secretary

DATED: February 22, 2018

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 2/22/2018
RESOLUTION #: 18-3-003

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 EMPLOYEE BENEFITS - HOSPITALIZATION
A-340-71000-000

VENDOR LAMENDOLA ASSOCIATES INC.

CONTRACT NUMBER 18022215

REASON HEALTH INSURANCE/
EMPLOYEE BENEFITS CONSULTANT

AMOUNT \$47,500.00

CONTRACT LENGTH MARCH 1, 2018 - FEBRUARY 28, 2019

Matthew McCarter
ACTING TREASURER

**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: February 22, 2018

SUBJECT: Award of Contract for Health Insurance/Employee Benefits Consultant

This is a contract for the Provision of Consulting - Health Insurance/Employee Benefits Consultant

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: Until the Authority's 2019 reorganization meeting.

Cost: Not to exceed \$47,500 annually.

Purpose: To provide services to the Authority in regards to the provision of consulting services - Health Insurance/Employee Benefits Consultant

This is to request an award of a contract 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.

The contract will be for the provision of Health Insurance/Employee Benefits Consultant services. As Executive Director, I am familiar with the nature of the work to be done under the contract for 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 BCUA, that Health Insurance/Employee Benefits Consultant services be performed by an entity with expertise, extensive training and a proven reputation in the field of endeavor.

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, and such services, being insurance consulting and administrative services, are automatically Extraordinary Unspecifiable Services. See also Local Finance Notice, and N.J.S.A. 40A:11-5(1)(m).

- 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:**

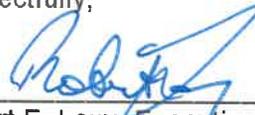
See II. Insurance consulting and administrative service contracts satisfy the criteria of Extraordinary Unspecifiable Services.

- 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 Provision of Health Insurance/Employee Benefits Consultant services was advertised on December 18, 2017, and statements of qualifications were received. Only one vendor responded to the Request for Qualifications. Under the circumstances the solicitation of competitive quotations from more than one vendor is impracticable. The Contractor was duly qualified by resolution of the Authority dated January 25, 2018. Informal Quotations from the Contractor for Health Insurance/Employee Benefits Consultant services were solicited, and the BCUA has determined the proposal of the Contractor to be fair and reasonable. It is my recommendation that an award for the Provision of Health Insurance/Employee Benefits Consultant be provided 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

(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, P.L. 2007, c. 311 et seq. provides for the awarding of Recycling Enhancement Tax entitlements by the Department of Environmental Protection to designate solid waste management districts to assist them in the preparation, revision and implementation of comprehensive solid waste management recycling plans; and

WHEREAS, The Bergen County Utilities Authority (the "Authority"), as planning and implementing agency for the Bergen County Solid Waste Management District, has made application for such financial assistance; and

WHEREAS, the application made by the Authority on behalf of the Bergen County Solid Waste Management District to the Commissioner of the New Jersey Department of Environmental Protection is for a **2017 Recycling Enhancement Act Tax Fund in the amount of \$723,766.00**; and

WHEREAS, upon approval of the foregoing application, the Authority proposes to utilize the funds derived from the **2017 Recycling Enhancement Act Tax Fund** to fund the Authority's Recycling Programs (the "Programs"); and

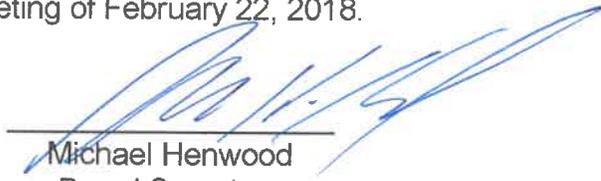
WHEREAS, the Authority, as planning and implementing agency for the Bergen County Solid Waste Management District, deems it in the best interest of the Authority's constituent municipalities and rate payers, to apply for the **2017 Recycling Enhancement Act Tax Fund** to fund its share of the costs of the Programs; and

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

1. The Chair shall be and is hereby authorized to execute an agreement by and between the Authority and the New Jersey Department of Environmental Protection for **the 2017 Recycling Enhancement Act Tax Fund** in the amount of **\$723,766.00** for the express purpose of funding solid waste services, to wit, the Programs;
2. The Authority does hereby hold the State of New Jersey, and its departments and agencies harmless from any damages, losses and claims which may arise directly or indirectly from the execution of the tax grant;
3. The Authority hereby accepts the terms and conditions set forth in the Recycling Enhancement Act and the guidelines promulgated under it;

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

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of February 22, 2018.



Michael Henwood
Board Secretary

Dated: February 22, 2018