

**BERGEN COUNTY UTILITIES AUTHORITY
MINUTES OF THE REGULAR MEETING
JULY 27, 2017**

**In the matter of the 460th Regular Meeting of
The Bergen County Utilities Authority**

1. The **proof of meeting notice** calling the July 27, 2017, 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
John 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 June 22, 2017 Work Session be approved was moved by Commissioner Bonaventuro and Seconded by Commissioner Kelley and was carried. Commissioner Gumble 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. FINANCE AND LEGAL COMMITTEE:

Resolution 17-1-025 - Approve bills and the claims supported by vouchers totaling \$6,363,818.69 for the month of July 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 17-1-026 - Acceptance of Independent Auditor's Report for the year ending December 31, 2016. 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 17-1-027 – Authorize Amendment of Professional Services Contract to McManimon, Scotland & Baumann, L.L.C. – Bond Counsel.. 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 17-1-028 – Authorize Amendment of Professional Services Contract to Shenehon Company – Professional Appraisal Services - 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 17-1-029 – Authorize acceptance of Qualifications of firm pursuant to N.J.S.A. 19:44A-20 et seq. - Legal Services - Richard O. Venino, Jr., Esq. 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 17-1-030 – Authorize Professional Services Contract – Legal Services - Richard O. Venino, Jr., Esq. – General Legal Counsel. 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.

6. CONSTRUCTION & ENGINEERING COMMITTEE:

Resolution 17-2-047 – Award Contract 17-17 to Nichem Company – Furnish, Deliver and Replace Media in Deep Bed Odor Control System at the Bergen County Utilities Authority (2 Years). Motion to adopt the resolution was made by Commissioner Juliano and Seconded by Commissioner Kelley. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 17-2-048 - Award Contract 17-19 to Nichem Company – Cogen Engine 3 Sulfer and Siloxane Treatment Media Procurement and Replacement (Two Years). Motion to adopt the resolution was made by Commissioner Juliano and Seconded by Commissioner Kelley. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 17-2-049 - Award Contract C-196 to Spartan Construction, Inc. – Control Building Exterior Wall Improvements. Motion to adopt the resolution was made by

Commissioner Juliano and Seconded by Commissioner Kelley. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 17-2-050 - Award Contract 17-20 to Perkin Elmer Health Sciences, Inc. – Furnish, Deliver and Install Perkin Elmer ICP (1 Year). Motion to adopt the resolution was made by Commissioner Juliano and Seconded by Commissioner Kelley. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 17-2-051 - Authorize the Exercise of Final One (1) year option for Contract No. 14-12 to CJ Vanderbeck & Son, Inc. – Boiler Maintenance for Little Ferry and Edgewater (Two Years with Two (2) One-Year Options). Motion to adopt the resolution was made by Commissioner Juliano and Seconded by Commissioner Kelley. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 17-2-052 - Authorize the Exercise of Final One (1) year option for Contract 16-09 to All Clean Building Services, Inc. – Janitorial Services (One Year with One (1) One-Year Option). Motion to adopt the resolution was made by Commissioner Juliano and Seconded by Commissioner Kelley. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 17-2-053 - Award Contract 105858-17 to American Industrial Supply Corp., Inc. – Valves for Pink Street and Edgewater. Motion to adopt the resolution was made by Commissioner Juliano and Seconded by Commissioner Kelley. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 17-2-054 - Award Contract 17-05 to Polydyne, Inc. – Furnish and Deliver Liquid Emulsion High Molecular Weight Cationic Polymer for Waste Activated Sludge/Gravity Belt Thickener for a Two (2) Year Period. Motion to adopt the resolution was made by Commissioner Juliano and Seconded by Commissioner Kelley. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 17-2-055 - Ratify and Approve Emergency Purchase Order No. 122126 Dated June 28, 2017 to Polydyne, Inc. for the purchase of Clarifloc NE - 1811 for an amount not to exceed the sum of \$30,360.00, in accordance with the Authority's emergency purchase protocol. Motion to adopt the resolution was made by Commissioner Juliano and Seconded by Commissioner Kelley. A roll call was taken and the resolution was adopted as reflected in these minutes.

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

BERGEN COUNTY UTILITIES AUTHORITY
Minutes of the Regular Meeting
July 27, 2017

9. The Board Secretary then distributed proposed minutes of the July 27, 2017 Regular Meeting for review by the Commissioners.

10. Move to approve the Minutes of the Regular Meeting of July 27, 2017 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 July 27, 2017 was made by Commissioner Massa and Seconded by Commissioner Bentz and was unanimously carried.

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

Resolution #	17-1-025	17-1-026	17-1-027	17-1-028	17-1-029	17-1-030	17-2-047	17-2-048
Chairman Phillips	Y	Y	Y	Y	Y	Y	Y	Y
V. Chair. DeLisio	Y	Y	Y	Y	Y	Y	Y	Y
Comm. Bentz	Y	Y	Y	Y	Y	Y	Y	Y
Comm. Bonaventuro	Y	Y	Y	Y	Y	Y	Y	Y
Comm. Gumble	Y	Y	Y	Y	Y	Y	Y	Y
Comm. Juliano	Y	Y	Y	Y	Y	Y	Y	Y
Comm. Kelley	Y	Y	Y	Y	Y	Y	Y	Y
Comm. Massa, Jr.	Y	Y	Y	Y	Y	Y	Y	Y
Comm. Warms	Y	Y	Y	Y	Y	Y	Y	Y

Resolution #	17-2-049	17-2-050	17-2-051	17-2-052	17-2-053	17-2-054	17-2-055
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

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

Respectfully submitted,



Michael Henwood
Board Secretary

Date: July 27, 2017

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

WHEREAS, N.J.S.A. 40A:5A-15 requires the governing body of each local authority to cause an annual audit of its accounts to be made; and

WHEREAS, pursuant to N.J.S.A. 40A:5A-15, the annual audit report for the fiscal year ended December 31, 2016 has been completed and filed with the Commissioners of the Bergen County Utilities Authority (the "Authority"); and

WHEREAS, N.J.S.A. 40A:5A-17 requires the Board of Commissioners of the Authority, as the governing body thereof, to, within forty-five (45) days of receipt of the annual audit, certify by resolution to the Local Finance Board that each member thereof has personally reviewed the annual audit report, and specifically the sections of the audit report entitled "General Comments" and "Recommendations," and has evidenced same by group affidavit in the form prescribed by the Local Finance Board; and

WHEREAS, the members of the governing body have received the annual audit and have personally reviewed the annual audit, and have specifically reviewed the sections of the annual audit report entitled "General Comments" and "Recommendations" in accordance with N.J.S.A. 40A:5A-17, and have received and reviewed the corrective action plan prepared by the Authority's Acting Treasurer in response thereto.

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

1. The Board of Commissioners of the Authority, by adoption of this Resolution as the governing body of the Authority, does hereby certify to the Local Finance Board of the State of New Jersey that each Commissioner has personally reviewed the annual audit report for the fiscal year ended December 31, 2016, and specifically has reviewed the sections of the audit report entitled "General Comments" and "Recommendations," and has evidenced same by group affidavit in the form prescribed by the Local Finance Board.

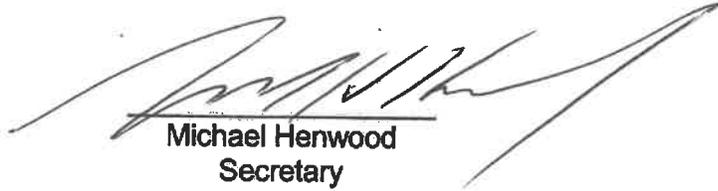
2. The Secretary of the Authority is hereby directed to promptly submit to the Local Finance Board the aforesaid group affidavit, accompanied by a certified true copy of this Resolution.

3. The Board of Commissioners of the Authority does hereby adopt the corrective action plan prepared by the Acting Treasurer of the Authority.

4. The formal action(s) of the Board of 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).

17-1-026

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of July 27, 2017.



Michael Henwood
Secretary

Dated: July 27, 2017

17-1-026

Page 2 of 2

LOCAL AUTHORITIES
GROUP AFFIDAVIT FORM

PRESCRIBED BY
THE NEW JERSEY LOCAL FINANCE BOARD

AUDIT REVIEW CERTIFICATE

We, the members of the governing body of the Bergen County Utilities Authority being of full age and being duly sworn according to law, upon our oath depose and say:

1. We are duly appointed members of the Bergen County Utilities Authority
2. We certify, pursuant to N.J.S.A. 40A:5A-17, that we have each reviewed the annual audit report for the fiscal year ended December 31, 2016, and specifically the sections of the audit report entitled "**General Comments**" and "**Recommendations.**"

(PRINT NAME)

(SIGNATURES)

Ronald Phillips, Chair

Louis J. Delisio, Vice Chair

Catherine T. Bentz, Commissioner

Bruce Bonaventuro, Commissioner

Daniel Gumble, Commissioner

Paul A. Juliano, Commissioner

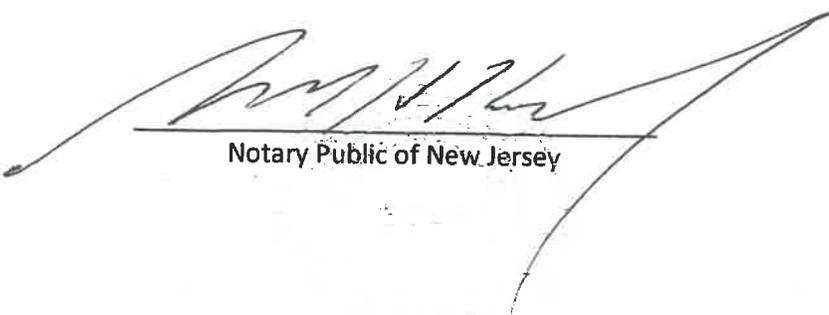
Thomas S. Kelly, Commissioner

Peter C. Massa, Jr., Commissioner

Jon Warms, Commissioner

SWORN to and subscribed before me

This 27th day of July, 2017


Notary Public of New Jersey

MICHAEL H HENWOOD
ID # 50015077
NOTARY PUBLIC
STATE OF NEW JERSEY
My Commission Expires April 30, 2020

17-1-027

**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 17-1-012 adopted February 23, 2017, appointed McManimon, Scotland & Baumann, LLC ("MSB") to serve as Bond Counsel 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 17-1-012 Authorized the Chairman of the Board of Commissioners of the Authority to execute an contract by and between the Authority and MSB (the "Contract") memorializing the services to be provided by MSB to the Authority as Bond Counsel and providing the budget for compensation to be paid by the Authority to MSB for the providing of as-needed hourly based services, pursuant to which payment is not to exceed the total sum of \$25,000.00 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 MSB on March 1, 2017; and

WHEREAS, MSB, operating under the Contract, has continued to provide significant necessary and valuable services to the Authority as the Authority's Bond Counsel on an as-requested basis on a number of critical ongoing matters as well as additional other projects requiring the performance of such services outside of normal services performed by MSB as Bond Counsel which the Authority identified since the commencement of the term of the Contract, which projects include implementing a procurement process in conformity with protocols of the New Jersey Economic Development Authority Energy Resiliency Bank (the "ERB") to ensure the receipt by the Authority of a \$25,000,000.00 grant from the ERB, which funds are needed by the Authority to finance the costs associated with the undertaking and completion of certain projects; and

WHEREAS, the Contract provides for a compensation budget of \$25,000.00 to be paid by the Authority to MSB for services performed pursuant thereto and, by written

17-1-027

17-1-027

correspondence dated July 17, 2017, MSB advised the Authority that as of July 17, 2017 MSB required that the compensation budget be increased by the sum of \$17,500.00 to pay for work performed by MSB outside of their normal services performed as Bond Counsel; and

WHEREAS, MSB, by the July 17, 2017 written correspondence, requested that the Authority increase the compensation budget provided for by the Contract by the total sum of \$17,500.00, resulting in an amended Contract compensation budget of an amount not to exceed the total sum of \$42,500.00; and

WHEREAS, the Executive Director of the Authority has determined that MSB has performed all services under the Contract in an effective and efficient manner and further determined that the remaining work to be performed by MSB 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 July 17, 2017 written correspondence of MSB, including the request of MSB to increase the compensation budget for the total compensation to be paid by the Authority to MSB 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 MSB pursuant to the Contract in the total sum of \$17,500.00, resulting in an amended compensation budget under the Contract in an amount not to exceed the total sum of \$42,500.00 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 MSB 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 \$17,500.00 and the total amount of compensation to now be paid by the Authority to MSB pursuant to the amended Contract shall not exceed the total sum of \$42,500.00 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 MSB, 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.

17-1-027

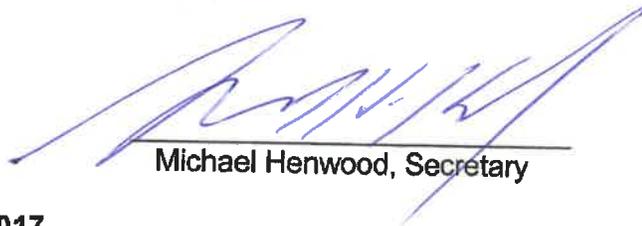
3. A copy of this Resolution, and the contract amending the Contract with MSB pursuant to this Resolution, shall be placed on file and made available for public inspection in the Office of the Executive Director, upon execution by MSB and the Authority.

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

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

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

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of July 27, 2017.



Michael Henwood, Secretary

Dated: July 27, 2017

17-1-027

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 07/27/2017
RESOLUTION #: 17-1-027

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 MC MANIMON, SCOTLAND & BAUMANN, L.L.C.

CONTRACT NUMBER 17022305

REASON INCREASE IN THE PROFESSIONAL SERVICES
NEEDS OF THE AUTHORITY FOR
BOND COUNSEL

AMOUNT \$17,500.00

CONTRACT LENGTH MARCH 1, 2017 - FEBRUARY 28, 2018

Matthew Mente
ACTING TREASURER

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

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

WHEREAS, 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 Edgewater 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") including a compliance plan to achieve the additional treatment required for the pollutants copper, zinc, and summer and winter ammonia; and

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

WHEREAS, after acquiring the Edgewater WPCF, the Authority assumed responsibility for the compliance plan for the outfall extension project; 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 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 has proposed an alternative to convert the Edgewater WPCF into a sewage pumping station, construct a sanitary sewage force main extending from the Edgewater WPCF to the 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 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 violate the New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq. ("Act") and the regulations promulgated pursuant thereto, specifically N.J.A.C. 7:14A-1 et seq., if it is not permitted to 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 of 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 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, the wastewater flows from the Edgewater WPCF are now proposed to be treated in a more efficient, effective, and cost effective manner at the Authority's Little Ferry WPCF; and

WHEREAS, as part of the Edgewater WPCF Project, the Authority determined that specialized **Professional Appraisal Services** were required to be performed by a real estate appraiser with significant experience in the specialized practice of appraising railroad corridors and railroad property, including the application of the "across the fence" methodology, in connection with the Edgewater WPCF Project; and

WHEREAS, the specialized **Professional Appraisal Services** required to be provided include the providing of appraisals for railroad owned properties, which the

Authority will be required to acquire an easement or other interest in, in order to advance the Edgewater WPCF Project pursuant to and consistent with the terms of the 2015 ACO; and

WHEREAS, said specialized **Professional Appraisal 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., seeking a real estate appraiser with significant experience in the specialized practice of appraising railroad corridors and railroad property and familiarity with the "across the fence" methodology in connection with the Edgewater WPCF Project; and

WHEREAS, Resolution 17-1-014, adopted February 23, 2017 by the Board of Commissioners of the Authority, authorized the Authority's General Legal Counsel to retain, and further authorized the Authority's General Legal Counsel to execute a contract (the "Contract") to retain, **Shenehon Company** to provide the aforesaid specialized **Professional Appraisal Services** in connection with the Edgewater WPCF Project for an amount not to exceed the total sum of \$29,000.00 without further approval of the Board of Commissioners of the Authority; and

WHEREAS, the Contract was executed by and on behalf of General Legal Counsel and **Shenehon Company** on February 24, 2017; and

WHEREAS, **Shenehon Company**, operating under the Contract, has continued to provide significant necessary and valuable specialized **Professional Appraisal Services** in connection with the Edgewater WPCF Project; and

WHEREAS, the Contract provides for a compensation budget of \$29,000.00 to be paid to **Shenehon Company** for services performed pursuant thereto and, by written correspondence dated July 21, 2017, **Shenehon Company** advised that, due to travel expenses exceeding the amount initially budgeted for and the need to perform additional unanticipated services, which additional unanticipated services included but were not limited to researching relevant comparable sales data and conducting additional on-site research which required a second excursion to the State of New Jersey on short notice, as of July 21, 2017 **Shenehon Company** required that the Contract compensation budget be increased by the sum of \$26,000.00 to pay for the necessary work performed by **Shenehon Company** in connection with preparing the required property appraisal for the Edgewater WPCF Project; and

WHEREAS, Shenehon Company, by the July 21, 2017 written correspondence, requested that the compensation budget provided for by the Contract be increased by the total sum of \$26,000.00, resulting in an amended Contract compensation budget of an amount not to exceed the total sum of \$55,000.00; and

WHEREAS, the Executive Director of the Authority has determined that **Shenehon Company** has performed all services under the Contract in an effective and efficient manner and further determined that the remaining work to be performed by **Shenehon Company** 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 July 21, 2017 written correspondence of **Shenehon Company**, including the request of **Shenehon Company** to increase the compensation budget for the total compensation to be paid to **Shenehon Company** under the Contract, and based upon that review and the above determinations, he has concluded and recommended that the Authority should consent to the amending of the Contract by increasing the budget for compensation to be paid to **Shenehon Company** pursuant to the Contract in the total sum of \$26,000.00, resulting in an amended compensation budget under the Contract in an amount not to exceed the total sum of \$55,000.00 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 this purpose.

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

1. That the Authority's General Legal Counsel shall be and is hereby authorized to amend the Contract to provide that the compensation to be paid to **Shenehon Company** pursuant thereto shall be increased in the amount of \$26,000.00 and the total amount of compensation to now be paid to **Shenehon Company** pursuant to the amended Contract shall not exceed the total sum of \$55,000.00 without further approval of the Board of Commissioners of the Authority.

2. The Authority's General Legal Counsel shall be and is hereby authorized to execute a contract with **Shenehon Company** amending the Contract as approved and authorized by this Resolution.

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. 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.

17-1-028

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

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

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of July 27, 2017.



Michael Henwood
Secretary

Dated: July 27, 2017

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 07/27/2017

RESOLUTION #: 17-1-028

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

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

VENDOR

SHENEHON COMPANY

CONTRACT NUMBER

17022307

REASON

INCREASE IN THE PROFESSIONAL SERVICES
NEEDS OF THE AUTHORITY FOR
EDGEWATER SEWAGE FORCE
MAIN PROJECT

AMOUNT

\$26,000.00

CONTRACT LENGTH

MARCH 1, 2017 - FEBRUARY 28, 2018

Matthew Mente

ACTING TREASURER

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

WHEREAS, the Bergen County Utilities Authority (the "Authority") has followed the fair and open process pursuant to N.J.S.A. 19:44A-20 et seq. for receiving Requests for Qualifications; and

WHEREAS, on or about July 6, 2017 the Authority issued a Request For Qualifications for Legal Services, in accordance with the requirements of N.J.S.A. 19:44A-20, et seq.; and

WHEREAS, the Authority received and opened Qualifications for the above listed positions on July 12, 2017; and

WHEREAS, pursuant to the Request For Qualifications, the Authority's Review Team conducted a review of the responses received and recommends that the firms listed below be deemed qualified for the following positions; and

WHEREAS, the Authority's Finance & Legal Committee recommends that the firms listed below be deemed qualified for the following positions.

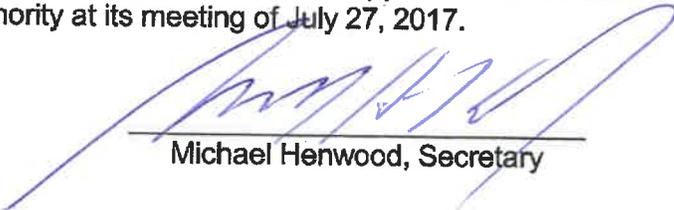
NOW, THEREFORE, BE IT RESOLVED, by the Commissioners of the Bergen County Utilities Authority that the following firm be and are hereby qualified to render services on behalf of the Authority for the year of 2017:

Legal Services

Richard O. Venino, Jr., Esq. - Counsellor at Law

BE IT FURTHER RESOLVED that 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 July 27, 2017.



Michael Henwood, Secretary

Dated: July 27 2017

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

WHEREAS, there exists the need to retain **Special Legal Counsel** to represent the Bergen County Utilities Authority (the "Authority") in connection with certain land title questions that have arisen concerning certain land parcels on and/or contiguous to the Authority's property located in the Borough of Little Ferry, Bergen County, New Jersey, and to also represent the Authority in any litigation resulting therefrom; 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, **Richard O. Venino, Jr., Esq.** has submitted a proposal to serve as **Special Legal Counsel** to the Authority dated **July 10, 2017**, which proposal has been reviewed by the Authority; and

WHEREAS, the Board of Commissioners of the Authority has determined that **Richard O. Venino, Jr., Esq.** is competent, qualified and experienced to serve as **Special Legal Counsel** to the Authority; and

WHEREAS, the Authority desires to appoint and retain **Richard O. Venino, Jr., Esq.** to serve as **Special 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; 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 **Richard O. Venino, Jr., Esq.** as **Special Legal Counsel** to represent the Authority in addressing the above referenced land title questions, 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

17-1-030

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. **Richard O. Venino, Jr., Esq.** shall be and it is hereby engaged by the Authority as **Special Legal Counsel** to represent the Authority in connection with certain land title questions that have arisen concerning certain land parcels on and/or contiguous to the Authority's property in the Borough of Little Ferry, Bergen County, New Jersey, and in any litigation resulting therefrom, 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 a contract by and between the Authority and **Richard O. Venino, Esq.** 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 contract engaging **Richard O. Venino, Jr., Esq.** 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 **Richard O. Venino, Jr., Esq.** and the Authority.

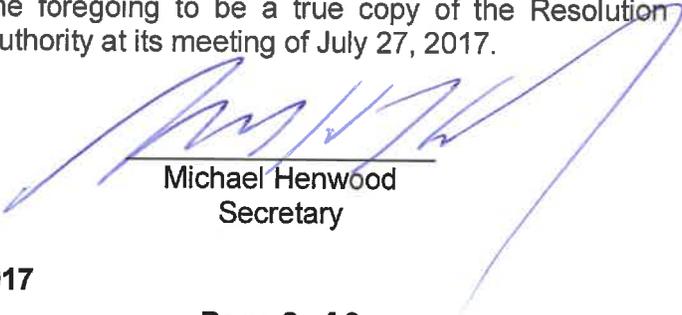
4. The total amount authorized to be paid pursuant to the contract herein awarded shall not exceed the total sum of **\$30,500.00** without further action by the Board of Commissioners.

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).

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of July 27, 2017.



Michael Henwood
Secretary

DATED: July 27, 2017

Page 2 of 2

17-1-030

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 07/27/2017

RESOLUTION #: 17-1-030

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

W-350-50800-000

LEGAL

VENDOR

RICHARD O. VENINO, JR., ESQ

CONTRACT NUMBER

17072701

REASON

SPECIAL LEGAL COUNSEL

AMOUNT

\$30,500.00

CONTRACT LENGTH

AUGUST 1, 2017 - JULY 31, 2018

Matthew H. Pate

ACTING TREASURER

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

WHEREAS, on prior occasion, upon advertisement and pursuant to specifications, the Bergen County Utilities Authority (the "Authority") solicited bid proposals to **Furnish, Deliver and Replace Media in Deep Bed Odor Control System for a Two (2) Year Period**, pursuant to and in accordance with **Contract No. 17-17**; and

WHEREAS, the following bid proposals were received by the Authority on **June 13, 2017** for **Contract No.17-17**:

Vendor	Total Amount Bid for Two (2) Years
Nichem Company Newark, NJ	\$119,840.00
General Carbon Corp. Paterson, NJ	\$139,540.00

WHEREAS, the Authority's **Qualified Purchasing Agent** and the Authority's **Environmental Consulting Engineer, ARCADIS US, Inc.**, have reviewed the bid proposals and have recommended that **Nichem Company** be awarded **Contract No. 17-17** in accordance with N.J.S.A. 40:11-1 et seq., as the lowest complying and responsible bidder; and

WHEREAS, on the basis of the foregoing, the Authority has determined that **Nichem Company** constitutes the lowest complying and responsible bidder for **Contract No. 17-17**, in accordance with N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, publicly bid contracts are in compliance with the fair and open process pursuant to N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, the award of this 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. **Nichem Company** shall be and is hereby determined to be the lowest complying and responsible bidder to **Furnish, Deliver and Replace Media in Deep Bed Odor Control System**, constituting **Contract No. 17-17** for a **Two (2) Year Period** for a total amount not to exceed the sum of **\$119,840.00** without further approval of the Commissioners of the Authority.

2. The Chairman shall be and is hereby authorized to execute a contract with **Nichem Company** of 750 Frelinghuysen Avenue, Newark, NJ 07114 to **Furnish, Deliver and**

17-2-047

Replace Media in Deep Bed Odor Control System, constituting **Contract No.17-17** for a **Two (2) Year Period** for a total amount not to exceed the sum of **\$119,840.00** without further approval of the Commissioners of the Authority.

3. The bid security of all unsuccessful bidders, if any, shall be returned in accordance with N.J.S.A. 40A:11-1 et seq.
4. The Acting Treasurer's Certification that funds are available shall be maintained on file 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. A copy of this Resolution and the contract executed pursuant to this Resolution, along with Contract No. 17-17, shall be placed on file and made available for public inspection in the Office of the Executive Director upon execution by Nichem Company and the Authority.
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-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 July 27, 2017.



Michael Henwood
Secretary

Dated: July 27, 2017

17-2-047

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 07/27/2017
RESOLUTION #: 17-2-047

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 W-670-60500-000
SLUDGE DISPOSAL

VENDOR NICHEM COMPANY

CONTRACT NUMBER 17-17

REASON FURNISH, DELIVER AND REPLACE MEDIA
IN DEEP BED ODOR CONTROL SYSTEM

AMOUNT \$119,840.00

CONTRACT LENGTH AUGUST 1, 2017 - JULY 31 ,2019

Matthew Mente

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 **Cogen Engine 3 Sulfur and Siloxane Treatment Media Procurement and Replacement for a Two (2) Year Period**, pursuant to and in accordance with **Contract No. 17-19**; and

WHEREAS, the following bid proposals were received by the Authority on **June 13, 2017** for **Contract No.17-19**:

Vendor	Total Amount Bid for Two (2) Years
Nichem Company Newark, NJ	\$195,900.00
General Carbon Corp. Paterson, NJ	\$432,000.00

WHEREAS, the Authority's **Qualified Purchasing Agent** and the Authority's **Environmental Consulting Engineer, ARCADIS US, Inc.**, have reviewed the bid proposals and have recommended that **Nichem Company** be awarded **Contract No. 17-19** in accordance with N.J.S.A. 40:11-1 et seq., as the lowest complying and responsible bidder; and

WHEREAS, on the basis of the foregoing, the Authority has determined that **Nichem Company** constitutes the lowest complying and responsible bidder for **Contract No. 17-19**, in accordance with N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, publicly bid contracts are in compliance with the fair and open process pursuant to N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, the award of this 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:

- Nichem Company** shall be and is hereby determined to be the lowest complying and responsible bidder for **Cogen Engine 3 Sulfur and Siloxane Treatment Media Procurement and Replacement**, constituting **Contract No. 17-19** for a **Two (2) Year Period** for a total amount not to exceed the sum of **\$195,900.00** without further approval of the Commissioners of the Authority.

17-2-048

2. The Chairman shall be and is hereby authorized to execute a contract with **Nichem Company** of 750 Frelinghuysen Avenue, Newark, NJ 07114 for **Cogen Engine 3 Sulfur and Siloxane Treatment Media Procurement and Replacement**, constituting **Contract No.17-19** for a **Two (2) Year Period** for a total amount not to exceed the sum of **\$195,900.00** without further approval of the Commissioners of the Authority.

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

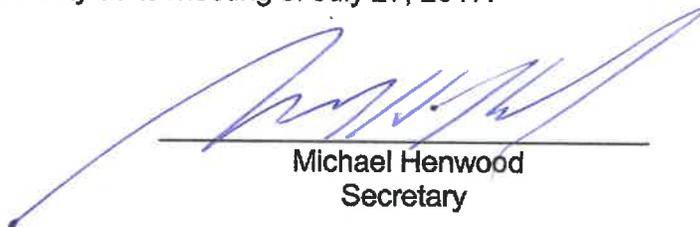
4. The Acting Treasurer's Certification that funds are available shall be maintained on file at the Authority and made a part hereof.

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

6. A copy of this Resolution and the contract executed pursuant to this Resolution, along with Contract No. 17-19, shall be placed on file and made available for public inspection in the Office of the Executive Director upon execution by Nichem Company and the Authority.

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-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 July 27, 2017.



Michael Henwood
Secretary

Dated: July 27, 2017

17-2-048

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 07/27/2017
RESOLUTION #: 17-2-048

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

W-550-62450-000
COGENERATION

VENDOR

NICHEM COMPANY

CONTRACT NUMBER

17-19

REASON

COGEN ENGINE 3
SULFUR AND SIXOLANE TREATMENT
MEDIA PROCUREMENT AND REPLACEMENT

AMOUNT

\$195,900.00

CONTRACT LENGTH

AUGUST 1, 2017 - JULY 31, 2019

Matthew H. Katz

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 the **Control Building Exterior Wall Improvements**, pursuant to and in accordance with **Contract No. C-196**; and

WHEREAS, the following bid proposals were received by the Authority on **July 18, 2017** for **Contract No. C-196**:

Vendor	Total Amount Bid
Spartan Construction, Inc. South Amboy, NJ	\$115,000.00
Askari Construction, Inc. Wyckoff, NJ	\$126,786.00
South Shore Construction, LLC Woodbridge, NJ	\$126,950.00
M&M Construction Technology, Inc. Staten Island, NY	\$148,800.00
Hilt Construction, Inc. Hillsborough, NJ	\$169,240.00
A1 Construction Services, Inc. Bellmore, NY	\$250,000.00
Paragon Restoration Corporation Kenilworth, NJ	\$264,045.00
SMAC Corp Saddle Brook, NJ	\$324,000.00

WHEREAS, the Authority's **Director of Engineering** and the Authority's **Consulting Engineer, Alaimo Group**, have reviewed the bid proposals and have recommended that **Spartan Construction, Inc.** be awarded **Contract No. C-196** in accordance with N.J.S.A. 40:11-1 et seq., as the lowest complying and responsible bidder; and

WHEREAS, on the basis of the foregoing, the Authority has determined that **Spartan Construction, Inc.** constitutes the lowest complying and responsible bidder for **Contract No. C-196**, in accordance with N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, publicly bid contracts are in compliance with the fair and open process pursuant to N.J.S.A. 19:44A-20.4 et seq.; and

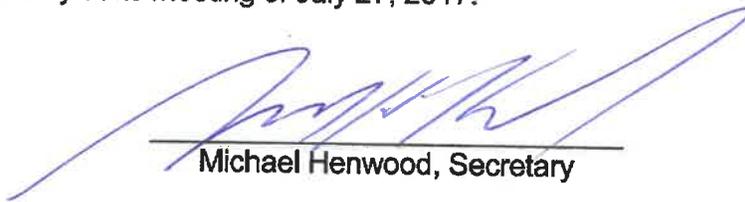
WHEREAS, the award of this contract is necessary for the efficient operation of the Authority; and

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. **Spartan Construction, Inc.** shall be and is hereby determined to be the lowest complying and responsible bidder for the **Control Building Exterior Wall Improvements**, constituting **Contract No. C-196** for a total sum of **\$115,000.00**.
2. The Chairman shall be and is hereby authorized to execute a contract with **Spartan Construction, Inc.** of 339 Oak Street, Suite C, South Amboy, NJ 08879 for the **Control Building Exterior Wall Improvements**, constituting **Contract No.C-196** for a total sum of **\$115,000.00**.
3. The bid security of all unsuccessful bidders, if any, shall be returned in accordance with N.J.S.A. 40A:11-1 et seq.
4. The Acting Treasurer's Certification that funds are available shall be maintained on file 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. A copy of this Resolution and the contract executed pursuant to this Resolution, along with Contract No.C-196, shall be placed on file and made available for public inspection in the Office of the Executive Director upon execution by Spartan Construction, Inc. and the Authority.
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-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 July 27, 2017.



Michael Henwood, Secretary

Dated: July 27, 2017

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 07/27/2017

RESOLUTION #: 17-2-049

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

W-200-80800-000
CAPITAL OUTLAY

VENDOR

SPARTAN CONSTRUCTION, INC

CONTRACT NUMBER

C-196

REASON

CONTROL BUILDING EXTERIOR WALL IMPROVEMENTS

AMOUNT

\$115,000.00

CONTRACT LENGTH

TO COMPLETION

Matthew H. Pente

ACTING TREASURER

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

WHEREAS, on prior occasion, upon advertisement and pursuant to specifications, the Bergen County Utilities Authority (the "Authority") solicited bid proposals to **Furnish, Deliver and Install Perkin-Elmer ICP for a One (1) Year Period**, pursuant to and in accordance with **Contract No. 17-20**; and

WHEREAS, the following sole bid proposal was received by the Authority on **July 18, 2017** for **Contract No.17-20**:

Vendor	Total Amount Bid
Perkin Elmer Health Sciences, Inc. Shelton, CT	\$72,540.90

WHEREAS, the Authority's **Qualified Purchasing Agent** has reviewed the sole bid proposal and has recommended that **Perkin Elmer Health Sciences, Inc.** be awarded **Contract No. 17-20** in accordance with N.J.S.A. 40:11-1 et seq., as the lowest complying and responsible bidder; and

WHEREAS, on the basis of the foregoing, the Authority has determined that **Perkin Elmer Health Sciences, Inc.** constitutes the lowest complying and responsible bidder for **Contract No. 17-20**, in accordance with N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, publicly bid contracts are in compliance with the fair and open process pursuant to N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, the award of this 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. **Perkin Elmer Health Sciences, Inc.** shall be and is hereby determined to be the lowest complying and responsible bidder to **Furnish, Deliver and Install Perkin-Elmer ICP**, constituting **Contract No. 17-20** for a **One (1) Year Period** for a total sum of **\$72,540.90**.

2. The Chairman shall be and is hereby authorized to execute a contract with **Perkin Elmer Health Sciences, Inc.** of 710 Bridgeport Avenue, Shelton, CT 06484 to **Furnish, Deliver and Install Perkin-Elmer ICP**, constituting **Contract No.17-20** for a **One (1) Year Period** for a total sum of **\$72,540.90**.

17-2-050

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

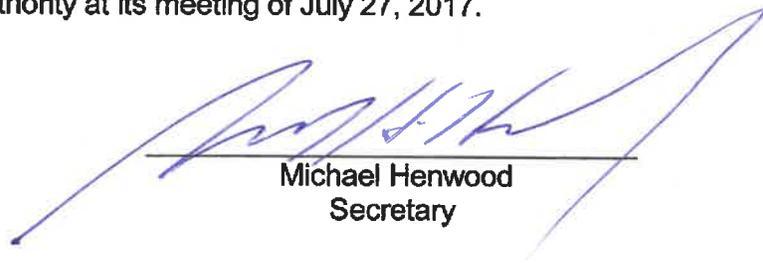
4. The Acting Treasurer's Certification that funds are available shall be maintained on file at the Authority and made a part hereof.

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

6. A copy of this Resolution and the contract executed pursuant to this Resolution, along with Contract No. 17-20, shall be placed on file and made available for public inspection in the Office of the Executive Director upon execution by Perkin Elmer Health Sciences, Inc. and the Authority.

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-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 July 27, 2017.



Michael Henwood
Secretary

Dated: July 27, 2017

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 07/27/2017
RESOLUTION #: 17-2-050

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

W-240-56800-000
COMPLIANCE - EQUIPMENT

VENDOR

PERKIN ELMER HEALTH SCIENCES, INC

CONTRACT NUMBER

17-20

REASON

FURNISH, DELIVER, INSTALL, PERKIN-ELMER ICP

AMOUNT

\$72,540.90

CONTRACT LENGTH

AUGUST 1, 2017 - JULY 31, 2018

Matthew Mente
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 **Boiler Maintenance for Little Ferry and Edgewater – Two (2) Year Contract with Two (2) One (1) Year Options**, pursuant to and in accordance with **Contract No. 14-12**; and

WHEREAS, by way of Resolution 14-2-035 adopted June 26, 2014 by the Board of Commissioners of the Authority, **CJ Vanderbeck & Son, Inc.** was determined to be the lowest complying and responsible bidder for **Boiler Maintenance for Little Ferry and Edgewater**, constituting **Contract No. 14-12** for a total contract price of \$132,000.00 per year and for each option year for a total contract price of \$132,000.00; and

WHEREAS, by way of Resolution 14-2-035 adopted June 26, 2014 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 **CJ Vanderbeck & Son, Inc.** for **Boiler Maintenance for Little Ferry and Edgewater**, constituting **Contract No. 14-12** for a total contract price of **\$264,000.00** for the initial **Two (2) Year Period**; and

WHEREAS, pursuant to the bid specifications of **Contract No. 14-12**, the Authority, by Resolution 16-2-033 adopted May 26, 2016 by the Board of Commissioners of the Authority, previously exercised the first **One (1) Year Option** of **Contract No. 14-12** and the Authority has the option to exercise the second **One (1) Year Option** and extend the contract for **Boiler Maintenance for Little Ferry and Edgewater** with **CJ Vanderbeck & Son, Inc.** for an additional **One (1) Year Period** in the total sum of **\$132,000.00** for the second option year, **Year Three (4)** of **Contract No. 14-12**; and

WHEREAS, pursuant to N.J.S.A. 40A:11-15(44) the Authority finds **CJ Vanderbeck & Son, Inc.** has performed **Contract No. 14-12** for **Boiler Maintenance for Little Ferry and Edgewater** in an effective and efficient manner; and

WHEREAS, exercising the second **One (1) Year Option** of **Contract No. 14-12** to **CJ Vanderbeck & Son, Inc.** for **Boiler Maintenance for Little Ferry and Edgewater** 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 **CJ Vanderbeck & Son, Inc.** for **Boiler Maintenance for Little Ferry and Edgewater**, pursuant to and in accordance with **Contract No. 14-12**, which exercises the second **One (1) Year Option** by the Authority to extend the contract for an additional **One (1) Year Period** (commencing August 1, 2017 and expiring July 31, 2018) for the total sum of **\$132,000.00**.

17-2-051

2. All other terms of **Contract No. 14-12** 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: 14-12, shall be placed on file and made available for public inspection in the Office of the Executive Director upon execution by CJ Vanderbeck & Son, 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 July 27, 2017.



Michael Henwood
Secretary

Dated: July 27, 2017

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 07/27/2017

RESOLUTION #: 17-2-051

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

W-550-61800-000
BOILERS

VENDOR

CJ VANDERBECK & SON, INC.

CONTRACT NUMBER

14-12

REASON

BOILER MAINTENANCE
FOR LITTLE FERRY AND EDGEWATER

AMOUNT

\$132,000.00

CONTRACT LENGTH

AUGUST 1, 2017 - JULY 31, 2018



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 **Janitorial Services (One (1) Year Contract with Two (2) One (1) Year Options)**, pursuant to and in accordance with **Contract No. 16-09**; and

WHEREAS, by way of Resolution 16-2-046 adopted July 27, 2016 by the Board of Commissioners of the Authority, **All Clean Building Services, Inc.** was determined to be the lowest complying and responsible bidder for **Janitorial Services**, constituting **Contract No. 16-09** for a total contract price of \$68,910.00 for year one (1) and for the initial option year for a total contract price of \$68,910.00; and

WHEREAS, by way of Resolution 16-2-046 July 27, 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 **All Clean Building Services, Inc.** for **Janitorial Services**, constituting **Contract No. 16-09** for a total contract price of **\$68,910.00** for the **Initial One (1) Year Period**; and

WHEREAS, pursuant to the terms of **Contract No. 16-09**, the Authority has the option to extend the contract for **Janitorial Services** with **All Clean Building Services, Inc.** for an additional **One (1) Year Period** for the total sum of **\$68,910.00**; and

WHEREAS, pursuant to N.J.S.A. 40A:11-15, the Authority finds **All Clean Building Services, Inc.** has performed **Contract No. 16-09** for **Janitorial Services** in an effective and efficient manner; and

WHEREAS, exercising the first **One (1) Year Option** of **Contract No. 16-09** to **All Clean Building Services, Inc.** for **Janitorial 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 **All Clean Building Services, Inc.** for **Janitorial Services**, pursuant to and in accordance with **Contract No. 16-09**, which exercises the first **One (1) Year Option** by the Authority to extend the contract for an additional **One (1) Year Period** (commencing August 1, 2017 and expiring July 31, 2018) for the total sum of **\$68,910.00**.

2. All other terms of **Contract No. 16-09** shall remain in full force and effect without modification.

17-2-052

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. 16-09, shall be placed on file and made available for public inspection in the Office of the Executive Director upon execution by All Clean Building Services, 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 July 27, 2017.



Michael Henwood
Secretary

Dated: July 27, 2017

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 07/27/2017
RESOLUTION #: 17-2-052

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

A-620-56100-000
JANITORIAL OUTSOURCE

VENDOR

ALL CLEAN BUILDING SERVICES INC.

CONTRACT NUMBER

16-09

REASON

JANITORIAL SERVICES

AMOUNT

\$68,910.00

CONTRACT LENGTH

AUGUST 1, 2017 - JULY 31, 2018

Matthew H. Pate

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 **Valves for Pink Street and Edgewater**, pursuant to and in accordance with **Requisition No. 105858-17**; and

WHEREAS, the following proposals were received by the Authority on **June 22, 2017** for **Requisition No. 105858-17**:

Vendor	Total Bid Price
Dave Heiner Associates, Inc. Parsippany, NJ	\$8,997.00
Ironbound Supply Company, Inc. Newark, NJ	\$15,413.17
American Industrial Supply Corp., Inc. Perth Amboy, NJ	\$21,147.01
HD Supply Facilities Maintenance d/b/a USABlueBook Waukegan, IL	\$24,776.00

; and

WHEREAS, the Authority's **Qualified Purchasing Agent** has reviewed the bid proposal of **Dave Heiner Associates, Inc.** and has indicated that the bid proposal of **Dave Heiner Associates, Inc.** has been deemed incomplete and non-conforming based upon the failure of **Dave Heiner Associates, Inc.** to submit a monetary bid amount for all necessary line items pursuant to and in accordance with **Requisition No. 105858-17**; and

WHEREAS, the Authority's **Qualified Purchasing Agent** has reviewed the bid proposal of **Ironbound Supply Company, Inc.** and has indicated that the bid proposal of **Ironbound Supply Company, Inc.** has been deemed incomplete and non-conforming based upon the representation contained therein that **Ironbound Supply Company, Inc.** would be providing valves to the Authority that are not equal, but that are in fact inferior, to the specific valve required to be provided to the Authority as identified at page 3 in the procurement forms for **Requisition No. 105858-17** as "Flowmatic 90CS, M&H C508 or approved equal"; and

WHEREAS, as the bid proposals of **Dave Heiner Associates, Inc.** and **Ironbound Supply Company, Inc.** have each been deemed incomplete and non-conforming, the Authority's **Qualified Purchasing Agent** has recommended that **American Industrial Supply Corp., Inc.** be awarded **Requisition No. 105858-17** 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; 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, on the basis of the foregoing, the Authority has determined that the proposal submitted to the Authority by **American Industrial Supply Corp., Inc.** constitutes the lowest complying and responsible bid proposal for **Requisition No. 105858-17**, 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 bid proposal of **Dave Heiner Associates, Inc.** shall be and is hereby rejected as being an incomplete and non-conforming bid, constituting a non-waivable, incurable material deviation from **Requisition No. 105858-17**.

2. The bid proposal of **Ironbound Supply Company, Inc.** shall be and is hereby rejected as being an incomplete and non-conforming bid, constituting a non-waivable, incurable material deviation from **Requisition No. 105858-17**.

3. The bid proposal of **American Industrial Supply** in the sum of \$21,147.01 shall be and is hereby determined to be the lowest complying and responsible bid proposal for **Valves for Pink Street and Edgewater** constituting **Requisition No.105858-17** for the total sum of **\$21,147.01**.

4. The Executive Director shall be and is hereby authorized to execute a contract with **American Industrial Supply** of **351 Smith Street, Perth Amboy, NJ 08861** for **Valves for Pink Street and Edgewater**, constituting **Requisition No. 105858-17** for the total sum of **\$21,147.01**.

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

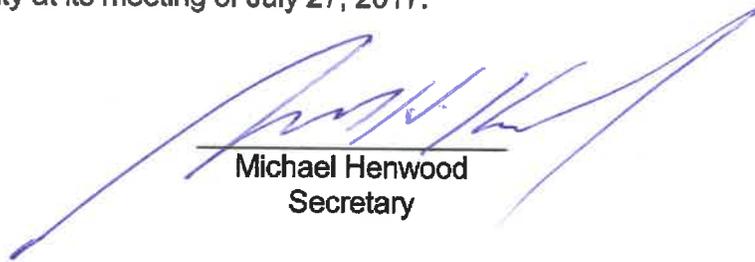
6. The Acting Treasurer's Certification that funds are available shall be maintained on file at the Authority and made a part hereof.

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

8. A copy of this Resolution and the contract executed pursuant to this Resolution, along with **Requisition No. 105858-17**, shall be placed on file and made available for public inspection in the office of the Executive Director upon execution by **American Industrial Supply** and the Authority.

9. 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 July 27, 2017.



Michael Henwood
Secretary

Dated: July 27, 2017

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 07/27/2017

RESOLUTION #: 17-2-053

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

W-630-63100-000
PIPES, VALVES & FITTINGS

VENDOR

AMERICAN INDUSTRIAL SUPPLY CORP, INC

CONTRACT NUMBER

105858-17

REASON

VALVES FOR PINK STREET AND EDGEWATER

AMOUNT

\$21,147.01

CONTRACT LENGTH

TO COMPLETION

Matthew Harte
ACTING TREASURER

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

WHEREAS, on prior occasion, upon advertisement and pursuant to specifications, the Bergen County Utilities Authority (the "Authority") solicited bid proposals to **Furnish and Deliver Liquid Emulsion High Molecular Weight Cationic Polymer for Waste Activated Sludge/Gravity Belt Thickener for a Two (2) Year Period**, pursuant to and in accordance with **Contract No. 17-05**; and

WHEREAS, no bid proposals were received by the Authority on January 10, 2017, the date set forth in the Invitation to Bid for the receipt of bid proposals pursuant to and in accordance with **Contract No. 17-05**; and

WHEREAS, the Board of Commissioners of the Authority, by Resolution 17-2-002 adopted January 26, 2017, authorized the Executive Director of the Authority or his designee to re-advertise for the solicitation of bid proposals for **Contract No. 17-05 (Rebid)** pursuant to N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the Authority received bid proposals on February 25, 2017, the date set forth in the Invitation to Bid for the receipt of bid proposals pursuant to and in accordance with **Contract No. 17-05 (Rebid)**;

WHEREAS, following review of the bid proposals received, the Authority discovered and determined that the bid specifications should be substantially revised and, by Resolution 17-2-011 adopted February 23, 2017, the Board of Commissioners of the Authority rejected all bid proposals received and authorized and directed the Authority's Qualified Purchasing Agent to revise the bid documents to correct and provide for necessary critical characteristics to **Furnish and Deliver Liquid Emulsion High Molecular Weight Cationic Polymer for Waste Activated Sludge/Gravity Belt Thickener for a Two (2) Year Period** pursuant to and in accordance with **Contract No. 17-05 (Rebid)** and further authorized the Executive Director of the Authority, or his designee, to re-advertise for the solicitation of bid proposals to **Furnish and Deliver Liquid Emulsion High Molecular Weight Cationic Polymer for Waste Activated Sludge/Gravity Belt Thickener for a Two (2) Year Period** pursuant to and in accordance with **Contract No. 17-05 (Rebid)** pursuant to N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the following bid proposals were received by the Authority on **April 25, 2017** for **Contract No. 17-05 (Rebid)**:

Vendor	Type	Unit Price (Per/ lb)	Total Bid Price (2 Years)
Polydyne, Inc. Riceboro, GA	Clarifloc NE – 1744	\$0.740	\$754,800.00
	Clarifloc NE - 1811	\$0.660	\$673,200.00
BASF Corporation Charlotte, NC	Zetag 8848 FS	\$0.739	\$753,780.00

; and

WHEREAS, Appendix A to the bid documents for **Contract No. 17-05 (Rebid)** provided that the "determination of the most cost-effective product will be based upon the product performance relative to the other products bid and tested"; and

WHEREAS, **Contract No. 17-05 (Rebid)** specified an extensive testing protocol that must be completed prior to the awarding of this contract in order to enable the Authority to evaluate and determine the lowest complying and responsible bidder; and

WHEREAS, following the receipt of the bid proposals identified and listed above, Authority staff tested the polymer samples pursuant to the specified extensive testing protocol in order to determine which vendor submitted the most cost effective polymer, and therefore, the lowest complying and responsible bid received by the Authority; and

WHEREAS, the performance test data was reviewed and evaluated by the Authority's Operation and Maintenance Department as set forth in a written memorandum, dated May 19, 2017, from the Authority's Director of Water Pollution Control to the Authority's Director of Engineering (the "Memorandum"); and

WHEREAS, the Authority's Director of Engineering reviewed the results and recommendation embodied in the Memorandum and recommended that **BASF Corporation** be awarded **Contract No. 17-05 (Rebid)** for a **Two (2) Year Period** for its product **ZETAG 8848 FS**, for a unit price of **\$0.74/lb** and a total amount not to exceed the sum of **\$754,800.00** pursuant to and in accordance with N.J.S.A. 40A:11-1 et seq., as the lowest complying and responsible bidder; and

WHEREAS, on the basis of the foregoing, by Resolution 17-2-033 adopted May 25, 2017 by the Board of Commissioners of the Authority, **BASF Corporation** was determined by the Authority to be the lowest complying and responsible bidder for **Contract No. 17-05 (Rebid)** for a **Two (2) Year Period**, in accordance with N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, by Resolution 17-2-033 adopted May 25, 2017 by the Board of Commissioners of the Authority, the Chairman was authorized to execute a contract with **BASF Corporation** to **Furnish and Delivery Liquid Emulsion High Molecular Weight Cationic Polymer for Waste Activated Sludge/Gravity Belt Thickener** for a **Two (2) Year Period** constituting **Contract No. 17-05 (Rebid)** for its product **ZETAG 8848 FS**; and

WHEREAS, subsequent to the adoption of Resolution 17-2-033 by the Board of Commissioners of the Authority, but prior to execution of **Contract No. 17-05 (Rebid)** by **BASF Corporation** and the Authority, **BASF Corporation's** product **ZETAG 8848 FS**, which was to be provided to the Authority by **BASF Corporation** under **Contract No. 17-05 (Rebid)**, failed to adequately perform in operational use by the Authority; and

WHEREAS, the failure of **BASF Corporation's** product **ZETAG 8848 FS** to adequately perform in operational use by the Authority was confirmed and memorialized by the Director of Water Pollution Control of the Authority in a Certification of Emergency dated June 28, 2017; and

17-2-054

WHEREAS, the Director of Water Pollution Control of the Authority certified within said Certification of Emergency that the product provided to the Authority by **BASF Corporation** failed during operational use by the Authority and having no suitable product available for use by the Authority could cause the shutdown of Activated Sludge Wasting that would eventually result in a process upset and cause the Authority to violate its NJPDES Permit; and

WHEREAS, by electronic mail sent by **BASF Corporation** to the Director of Water Pollution Control of the Authority on June 27, 2017, **BASF Corporation** acknowledged the failure of its product to adequately perform during operational use by the Authority and **BASF Corporation** set forth its agreement that as a result of that failure the Authority was required to award **Contract No. 17-05 (Rebid)** to another bidder; and

WHEREAS, the Director of Engineering of the Authority has determined and recommended to the Board of Commissioners of the Authority that the Authority must now rescind the prior award of **Contract No. 17-05 (Rebid)** to **BASF Corporation**; and

WHEREAS, the Director of Engineering of the Authority has determined that **Polydyne, Inc.**, previously determined by the Authority to be the second lowest complying and responsible bidder to **Furnish and Deliver Liquid Emulsion High Molecular Weight Cationic Polymer for Waste Activated Sludge/Gravity Belt Thickener** constituting **Contract No. 17-05 (Rebid)** for a **Two (2) Year Period** for its product **Clarifloc NE – 1811**, met specifications when tested by the Authority and is known by prior use of **Clarifloc NE - 1811** by the Authority and is now determined to be the lowest complying and responsible bidder for **Contract No. 17-05 (Rebid)**; and

WHEREAS, based upon the above, the Director of Engineering of the Authority has now recommended that **Polydyne, Inc.** be awarded **Contract No. 17-05 (Rebid)** for a **Two (2) Year Period** for its product **Clarifloc NE – 1811**, for a unit price of **\$0.660/lb** and a total amount not to exceed the total sum of **\$673,200.00** pursuant to and in accordance with N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, publicly bid contracts are in compliance with the fair and open process pursuant to N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, the award of this 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. Resolution 17-2-033, adopted May 25, 2017 by the Board of Commissioners of the Authority, and the award of **Contract No. 17-05 (Rebid)** to **BASF Corporation** pursuant thereto, shall be and is hereby rescinded in its entirety and the Authority shall not enter into **Contract No. 17-05 (Rebid)** with **BASF Corporation** for the reasons more fully set forth herein above.

17-2-054

2. **Polydyne, Inc.** shall be and is hereby determined to be the lowest complying and responsible bidder to **Furnish and Deliver Liquid Emulsion High Molecular Weight Cationic Polymer for Waste Activated Sludge/Gravity Belt Thickener** constituting **Contract No. 17-05 (Rebid)** for a **Two (2) Year Period** for its product **Clarifloc NE - 1811** for a unit price of **\$0.660/lb** and a total amount not to exceed the sum of **\$673,200.00** without further approval of the Commissioners of the Authority.

3. The Chairman shall be and is hereby authorized to execute a contract with **Polydyne, Inc.** of One Chemical Plant Rd., Riceboro, GA 31323 to **Furnish and Deliver Liquid Emulsion High Molecular Weight Cationic Polymer for Waste Activated Sludge/Gravity Belt Thickener** for a **Two (2) Year Period** constituting **Contract No. 17-05 (Rebid)**, for its product **Clarifloc NE - 1811** with a unit price of **\$0.660/lb** and a total amount not to exceed the sum of **\$673,200.00** without further approval of the Commissioners of the Authority.

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

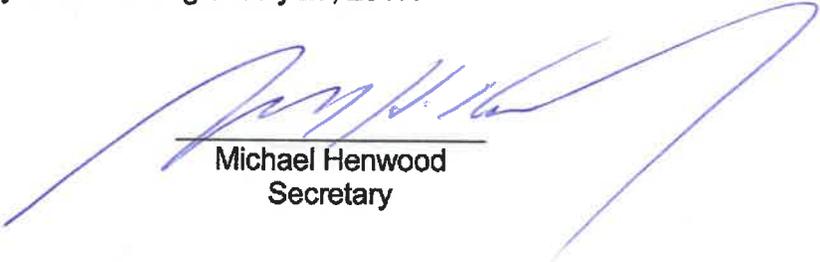
5. The bid security of **BASF Corporation** shall be returned in accordance with N.J.S.A. 40A:11-1, et seq.

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

7. A copy of this Resolution and the contract executed pursuant to this Resolution, along with Contract No. 17-05 (Rebid), shall be placed on file and made available for public inspection in the Office of the Executive Director upon execution by Polydyne, Inc. and the Authority.

8. 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 July 27, 2017.



Michael Henwood
Secretary

Dated: July 27, 2017

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 07/27/2017

RESOLUTION #: 17-2-054

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 W-320-59700-000
POLYMERS

VENDOR POLYDYNE, INC.

CONTRACT NUMBER 17-05

REASON FURNISH AND DELIVER LIQUID EMULSION HIGH
MOLECULAR WEIGHT CATIONIC POLYMER FOR
WASTE ACTIVATED SLUDGE/GRAVITY BELT THICKENERS

AMOUNT \$673,200.00

CONTRACT LENGTH 8/1/2017 -7/31/2019

Matthew M. Pate

ACTING TREASURER

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

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

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

WHEREAS, the Authority plays an important role in providing these essential services within the Authority's sewer service district, which is within Bergen County; and

WHEREAS, on prior occasion, upon advertisement and pursuant to specifications, the Bergen County Utilities Authority (the "Authority") solicited bid proposals to Furnish and Deliver Liquid Emulsion High Molecular Weight Cationic Polymer for Waste Activated Sludge/Gravity Belt Thickener for a Two (2) Year Period, pursuant to and in accordance with Contract No. 17-05; and

WHEREAS, no bid proposals were received by the Authority on January 10, 2017, the date set forth in the Invitation to Bid for the receipt of bid proposals pursuant to and in accordance with Contract No. 17-05; and

WHEREAS, the Board of Commissioners of the Authority, by Resolution 17-2-002 adopted January 26, 2017, authorized the Executive Director of the Authority or his designee to re-advertise for the solicitation of bid proposals for Contract No. 17-05 (Rebid) pursuant to N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the Authority received bid proposals on February 25, 2017, the date set forth in the Invitation to Bid for the receipt of bid proposals pursuant to and in accordance with Contract No. 17-05 (Rebid);

WHEREAS, following review of the bid proposals received, the Authority discovered and determined that the bid specifications should be substantially revised and, by Resolution 17-2-011 adopted February 23, 2017, the Board of Commissioners of the Authority rejected all bid proposals received and authorized and directed the Authority's Qualified Purchasing Agent to revise the bid documents to correct and provide for necessary critical characteristics to Furnish and Deliver Liquid Emulsion High Molecular Weight Cationic Polymer for Waste Activated Sludge/Gravity Belt Thickener for a Two (2) Year Period pursuant to and in accordance with Contract No. 17-05 (Rebid) and further authorized the Executive Director of the Authority, or his designee, to re-advertise for the solicitation of bid proposals to Furnish and Deliver Liquid Emulsion High Molecular Weight Cationic Polymer for Waste Activated Sludge/Gravity Belt

17-2-055

Thickener for a Two (2) Year Period pursuant to and in accordance with Contract No. 17-05 (Rebid) pursuant to N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the following bid proposals were received by the Authority on April 25, 2017 for Contract No. 17-05 (Rebid):

Vendor	Type	Unit Price (Per/ lb)	Total Bid Price (2 Years)
Polydyne, Inc. Riceboro, GA	Clarifloc NE – 1744 Clarifloc NE - 1811	\$0.740 \$0.660	\$754,800.00 \$673,200.00
BASF Corporation Charlotte, NC	Zetag 8848 FS	\$0.739	\$753,780.00

; and

WHEREAS, by Resolution 17-2-033 adopted May 25, 2017 by the Board of Commissioners of the Authority, BASF Corporation was determined by the Authority to be the lowest complying and responsible bidder for Contract No. 17-05 (Rebid) for a Two (2) Year Period for its product ZETAG 8848 FS, in accordance with N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, subsequent to the adoption of Resolution 17-2-033 by the Board of Commissioners of the Authority, but prior to execution of Contract No. 17-05 (Rebid) by BASF Corporation and the Authority, BASF Corporation's product ZETAG 8848 FS, which was to be provided to the Authority by BASF Corporation under Contract No. 17-05 (Rebid), failed to adequately perform in operational use by the Authority; and

WHEREAS, as BASF Corporation's product ZETAG 8848 FS failed to adequately perform in operational use by the Authority, and as the Authority requires Liquid Emulsion High Molecular Weight Cationic Polymer for Waste Activated Sludge/Gravity Belt Thickener for its ongoing daily operations as having no suitable product could result in the shutdown of Activated Sludge Wasting which would then result in a process upset causing the Authority to be in violation of its NJPDES Permit, the Authority arranged for and purchased from Polydyne, Inc. its product Clarifloc NE – 1811, which product met specifications when tested by the Authority and which product is known by experience and prior use by the Authority; and

WHEREAS, N.J.S.A. 40A:11-6 authorizes the Authority to negotiate or award a contract without competitive bidding when an emergency affecting the public health, safety or welfare requires the immediate delivery of goods or the performance of services; and

WHEREAS, the Director of Water Pollution Control executed and provided to the Board of Commissioners of the Authority a Certification of Emergency dated June 28, 2017, a true and correct copy of which is annexed hereto and incorporated herein and made a part hereof by reference as if more fully set forth herein; and

WHEREAS, the Director of Water Pollution Control certified within said Certification of Emergency that the product provided to the Authority by BASF Corporation failed during operational use by the Authority and having no suitable product available for use by the Authority

could cause the shutdown of Activated Sludge Wasting that would eventually result in a process upset and cause the Authority to violate its NJPDES Permit; and

WHEREAS, the Director of Water Pollution Control further noted within said Certification of Emergency that based upon that failure of the product provided by BASF Corporation to the Authority, the Director of Water Pollution Control recommended that the Authority switch to and immediately purchase the product Clarifloc NE – 1811 from Polydyne, Inc.; and

WHEREAS, Requisition No. 106093 and Purchase Order No. 122126, were issued on or about June 27, 2017, in the amount of **\$30,360.00** for the emergency purchase of Clarifloc NE – 1811 from **Polydyne, Inc.**; and

WHEREAS, the Director of Water Pollution Control has determined and recommended that Polydyne, Inc.'s product Clarifloc NE – 1811 met specifications when tested by the Authority and is known by prior use by the Authority; and

WHEREAS, the Director of Water Pollution Control determined that the purchase of Clarifloc NE – 1811 from Polydyne, Inc. was emergently required and necessary to ensure the public's health and welfare, as set forth in the Certification of Emergency referenced above and annexed hereto; and

WHEREAS, emergency contracts are exempted from compliance with the fair and open process under N.J.S.A. 19:44A-20.4 et seq. so long as an Emergency Procurement Form is sent to the Division of Local Government Services within thirty (30) days of the issuance of the emergency contract; 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 Authority hereby authorizes, confirms, ratifies and approves the declaration of emergency by the Authority's Director of Water Pollution Control, dated June 28, 2017, resulting in the emergency purchase of Clarifloc NE – 1811 from Polydyne, Inc. to preserve the public health, safety and welfare.
2. The Authority hereby accepts the Certification of Emergency of Stephen Askew, Director of Water Pollution Control, dated June 28, 2017; and same is to be placed on file in the office of the Executive Director and available for public inspection.
3. **Requisition No. 106093 and Purchase order No. 122126 to Polydyne, Inc.** for the purchase of Clarifloc NE - 1811 shall be and is hereby accepted for processing and payment, for an amount not to exceed the sum of **\$30,360.00**, in accordance with the Authority's emergency purchase protocol.

17-2-055

4. An Emergency Procurement Form shall be sent to the Division of Local Government Services within thirty (30) days of June 28, 2017.

5. The Acting Treasurer's Certification that funds are available shall be maintained on file at 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 forgoing to be a true copy of the resolution adopted by the Bergen County Utilities Authority at its meeting of July 27, 2017.



Michael Henwood
Secretary

Dated: July 27, 2017

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 07/27/2017

RESOLUTION #: 17-2-055

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

W-320-59700-000
POLYMERS

VENDOR

POLYDYNE, INC.

CONTRACT NUMBER

REQ 106093 - PO 122126

REASON

FURNISH AND DELIVER CLARIFLOC NE - 1811

AMOUNT

\$30,360.00

CONTRACT LENGTH

TO COMPLETION

Matthew M. Pate
ACTING TREASURER