

**BERGEN COUNTY UTILITIES AUTHORITY
MINUTES OF THE REGULAR MEETING
JUNE 22, 2017**

**In the matter of the 459th Regular Meeting of
The Bergen County Utilities Authority**

1. The **proof of meeting notice** calling the June 22, 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
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 May 25, 2017 Work Session be approved was moved by Commissioner Kelley and Seconded by Commissioner Juliano and was carried.
4. Chairman Phillips opened the meeting to the public and asked if anyone present wished to be heard. The meeting was closed to the public.

5. FINANCE AND LEGAL COMMITTEE:

Resolution 17-1-022 - Approve bills and the claims supported by vouchers totaling \$5,317,168.07 for the month of June 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 17-1-023 - Supplemental Resolution of the Bergen County Utilities Authority permitting the redistribution of bond proceeds authorized by Supplemental Resolution 13-

1-046, as permitted by article VIII of the resolution entitled "Resolution Authorizing the Issuance of Water Pollution Control System Revenue Bonds of the Bergen County Utilities Authority", adopted October 31, 1985, as supplemented and amended. 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 17-1-024 – Authorize Amendment of Professional Services Contract to Kaufman Semeraro & Leibman LLP. – 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 17-2-038 – Award Contract 17-18 to Applied Analytics, Inc. – Furnish and Deliver Instrumentation Equipment, Parts and Supplies to the Bergen County Utilities Authority 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 17-2-039 - Authorize Amendment of Cost Estimate for Electric Generation Supply Services Contract No.16-13 – Direct Energy Business. 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 17-2-040 - Authorize Renewal of Cooperative Purchase Contract with New Jersey Harbor Dischargers Group and award contract to Great Lakes Environmental Center for Professional Environmental Services. 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 17-2-041 - Authorize Amendment of Professional Services Contract with Arcadis - Phase I Services for the Edgewater WPCF Project. 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 17-2-042 - Authorize Amendment of Professional Services Contract with Alaimo Group - Edgewater WPCF Project. 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 17-2-043 - Authorize Amendment of Professional Services Contract with Neglia Engineering - Edgewater WPCF Project. 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 17-2-044 - Award Professional Services Contract - Special Engineering Services - Analysis of Cogeneration Facility Waste Heat Recovery Units - Mott MacDonald, LLC. 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 17-2-045 - Authorize Amendment of Professional Services Contract with Remington & Vernick Engineers - Project Manager for Bio Power Expansion Project. 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 17-2-046 - Award Professional Services Contract — Special Engineering Services - BCUA Little Ferry Water Pollution Control Facility - Energy Resilience Bank Substations Project - PS&S Integrated Services. 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.
9. The Board Secretary then distributed proposed minutes of the June 22, 2017 Regular Meeting for review by the Commissioners.
10. Move to approve the Minutes of the Regular Meeting of June 22, 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 June 22, 2017 was made by Commissioner Kelley and Seconded by Commissioner Massa and was unanimously carried.
11. Upon motion duly made, seconded and unanimously carried, the meeting was adjourned.

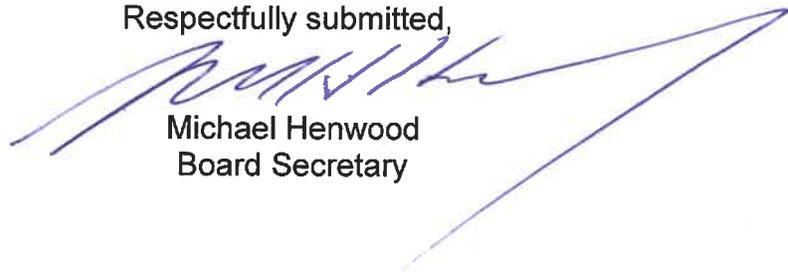
BERGEN COUNTY UTILITIES AUTHORITY
Minutes of the Regular Meeting
June 22, 2017

Resolution #	17-1-022	17-1-023	17-1-024	17-2-038	17-2-039	17-2-040	17-2-041	17-2-042
Chairman Phillips	Y	Y	Y	Y	Y	Y	Y	Y
V. Chair. DeLisio	Y	Y	Y	Y	Y	Y	Y	Y
Comm. Bentz	Y	Y	Y	Y	Y	Y	Y	Y
Comm. Bonaventuro	Y	Y	Y	Y	Y	Y	Y	Y
Comm. Gumble	-	-	-	-	-	-	-	-
Comm. 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 #	17-2-043	17-2-044	17-2-045	17-2-046
Chairman Phillips	Y	Y	Y	Y
V. Chair. DeLisio	Y	Y	Y	Y
Comm. Bentz	Y	Y	Y	Y
Comm. Bonaventuro	Y	Y	Y	Y
Comm. Gumble	-	-	-	-
Comm. Juliano	Y	Y	Y	Y
Comm. Kelley	Y	Y	Y	Y
Comm. Massa, Jr.	Y	Y	Y	Y
Comm. Warms	Y	Y	Y	Y

<p>Y = Yes R = Recuse A = Abstain N = No - = Absent</p>

Respectfully submitted,



Michael Henwood
Board Secretary

Date: June 22, 2017

**SUPPLEMENTAL RESOLUTION OF THE BERGEN COUNTY
UTILITIES AUTHORITY PERMITTING THE
REDISTRIBUTION OF BOND PROCEEDS AUTHORIZED BY
SUPPLEMENTAL RESOLUTION 13-1-046, AS PERMITTED BY
ARTICLE VIII OF THE RESOLUTION ENTITLED
“RESOLUTION AUTHORIZING THE ISSUANCE OF WATER
POLLUTION CONTROL SYSTEM REVENUE BONDS OF THE
BERGEN COUNTY UTILITIES AUTHORITY”, ADOPTED
OCTOBER 31, 1985, AS SUPPLEMENTED AND AMENDED.**

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

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

WHEREAS, on September 26, 2013, the Authority adopted a supplemental bond resolution 13-1-046 entitled “2013 Supplemental Bond Resolution of the Bergen County Utilities Authority Supplementing and Amending Certain Provisions of the Authority’s General Bond Resolution Duly Adopted October 31, 1985, As Amended and Supplemented, and Providing for the Issuance of Not To Exceed \$12,000,000 Principal Amount of Water Pollution Control System Revenue Bonds, Series 2013, of the Bergen County Utilities Authority And Determining Certain Other Matters In Connection Therewith” (the “2013 Supplemental Bond Resolution”) authorizing the issuance of bonds for certain capital projects in certain allocated amounts for each project as set forth in Exhibit A; and

WHEREAS, the Authority has determined that it needs the power to allocate the bond proceeds authorized by the 2013 Supplemental Bond Resolution in a manner determined by the Authority on an ongoing basis due to changes in the costs of the individual projects from the time of original authorization;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE BERGEN COUNTY UTILITIES AUTHORITY, BERGEN COUNTY, NEW JERSEY, as follows:

1. The Authority is hereby authorized to allocate the bond proceeds authorized by the 2013 Supplemental Bond Resolution in a manner determined by the Authority on an ongoing basis due to changes in the costs of the individual projects from the time of original authorization, and any prior allocation of bond proceeds for payment of costs beyond what was anticipated for any individual project is hereby ratified.

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

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

3. This resolution shall take effect immediately.

17-1-023

Moved by:

Seconded by:

RECORDED VOTE:

<u>Name</u>	<u>AYE</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Ronald Phillips, Chairman	X			
Louis DeLisio, Vice Chairman	X			
Catherine T. Bentz	X			
Bruce Bonaventuro	X			
Daniel Gumble				X
Paul A. Juliano	X			
Thomas S. Kelley	X			
Jon Warms	X			

The following resolution is a true and complete copy of a resolution of The Bergen County Utilities Authority adopted at a regular meeting thereof duly called and held on June 22, 2017.



MICHAEL HENWOOD, SECRETARY

EXHIBIT A

ATTACHMENT A

June 22, 2017

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

Ladies and Gentlemen:

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

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

On September 26, 2013, the Authority adopted supplemental bond resolution 13-1-046 entitled "2013 Supplemental Bond Resolution of the Bergen County Utilities Authority Supplementing and Amending Certain Provisions of the Authority's General Bond Resolution Duly Adopted October 31, 1985, As Amended and Supplemented, and Providing for the Issuance of Not To Exceed \$12,000,000 Principal Amount of Water Pollution Control System Revenue Bonds, Series 2013, of the Bergen County Utilities Authority And Determining Certain Other Matters In Connection Therewith" (the "2013 Supplemental Bond Resolution") authorizing the issuance of bonds for certain capital projects as detailed on an exhibit attached to the 2013 Supplemental Bond Resolution;

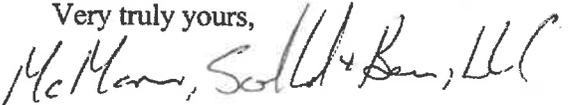
The Authority has determined that it needs the power to allocate the bond proceeds authorized by the 2013 Supplemental Bond Resolution in a manner determined by the Authority on an ongoing basis due to changes in the costs of the individual projects from the time of original authorization. Therefore on June 22, 2017 the Authority adopted a supplemental resolution entitled "Supplemental Resolution of the Bergen County Utilities Authority Permitting the Redistribution of Bond Proceeds Authorized by Supplemental Resolutions 13-1-046, As Permitted by Article VIII of the Resolution Entitled "Resolution Authorizing the Issuance of Water Pollution Control System Revenue Bonds of the Bergen County Utilities Authority", Adopted October 31, 1985, as supplemented and amended" (the "Amending Resolution").

In our capacity as bond counsel, we have examined the Constitution and statutes of the State, including the Act, the General Bond Resolution, the 2013 Supplemental Bond Resolution and

the Amending Resolution and other instruments as we have deemed necessary to enable us to express the opinions hereinafter set forth. As to matters of fact, we have relied upon the representations of the Authority and, where we have deemed appropriate, representations or other certifications of public officials. Further, in expressing such opinions, we have relied upon the genuineness, truthfulness and completeness of the resolutions, documents, records and instruments referred to above.

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

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

Very truly yours,


**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

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

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

WHEREAS, in furtherance of providing these essential services, the Board of Commissioners of the Authority, by Resolution 16-1-013 adopted February 25, 2016, appointed Kaufman, Semeraro & Leibman, L.L.P. to serve as General Legal 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 16-1-013 Authorized the Chairman of the Board of Commissioners of the Authority to execute an agreement by and between the Authority and Kaufman, Semeraro & Leibman, L.L.P. (the "Agreement") memorializing the services to be provided by Kaufman, Semeraro & Leibman, L.L.P. to the Authority as General Legal Counsel and providing the budget for compensation to be paid by the Authority to Kaufman, Semeraro & Leibman, L.L.P. for the providing of those services, pursuant to which payment is not to exceed the total sum of \$100,000.00 without further approval of the Board of Commissioners of the Authority; and

WHEREAS, the Agreement was executed by and on behalf of the Authority and Kaufman, Semeraro & Leibman, L.L.P. on March 1, 2016; and

WHEREAS, Resolution 16-1-038 adopted August 25, 2016 by the Board of Commissioners of the Authority authorized the Chairman of the Board of Commissioners to modify the Agreement by increasing the budget for compensation to be paid by the Authority to Kaufman, Semeraro & Leibman, L.L.P. under the Agreement by the amount of \$75,000.00, resulting in an amended Agreement compensation budget in the total sum of \$175,000.00 without further approval of the Board of Commissioners of the Authority; and

WHEREAS, Kaufman, Semeraro & Leibman, L.L.P., operating under the Agreement subsequent to the adoption of Resolution 16-1-038, continued to provide significant necessary and valuable legal services to the Authority as the Authority's General Legal Counsel on an as-requested basis, and by Resolution 17-1-006 adopted January 26, 2017 by the Board of Commissioners of the Authority, the Chairman of the Board of Commissioners was authorized to modify the Agreement by increasing the budget for compensation to be paid by the Authority to Kaufman, Semeraro & Leibman, L.L.P. under the Agreement by the amount of \$22,500.00, resulting in an amended

Agreement compensation budget in the total sum of \$197,500.00 without further approval of the Board of Commissioners of the Authority; and

WHEREAS, Kaufman, Semeraro & Leibman, L.L.P., operating under the Agreement subsequent to the adoption of Resolution 17-1-006, has continued to provide significant necessary and valuable legal services to the Authority as the Authority's General Legal Counsel on an as-requested basis on a number of critical ongoing projects as well as additional other projects the Authority identified since the commencement of the term of the Agreement, which projects include:

- Cogeneration Project;
- Negotiation/Litigation with PSE&G;
- Edgewater WPCF Project; and
- Sludge Management Assistance: Assisting the Authority with the preparation of bid documents for residuals hauling.

; and

WHEREAS, by written correspondence dated June 21, 2017, Kaufman, Semeraro & Leibman, L.L.P. advised the Authority that as of February 28, 2017, Kaufman, Semeraro & Leibman, L.L.P. had expended approximately \$202,400.00 in services to the Authority under the Agreement and the Agreement, as amended by Resolution 17-1-006, provides for a compensation budget of \$197,500.00 to be paid by the Authority to Kaufman, Semeraro & Leibman, L.L.P. for services performed pursuant thereto; and

WHEREAS, Kaufman, Semeraro & Leibman, L.L.P., by the June 21, 2017 written correspondence, requested that the Authority increase the compensation budget provided for by the Agreement by the total sum of \$4,900.00, resulting in an amended Agreement compensation budget of an amount not to exceed the total sum of \$202,400.00 without further approval of the Board of Commissioners of the Authority; and

WHEREAS, the Authority's Executive Director has determined that Kaufman, Semeraro & Leibman, L.L.P. has performed all services under the Agreement in an effective and efficient manner and further determined that the remaining work to be performed by Kaufman, Semeraro & Leibman, L.L.P. under the Agreement is essential to the proper and effective operation of the Authority's Water Pollution Control Division and critical to the health, welfare and safety of the ratepayers and employees of the Authority; and

WHEREAS, the Authority's Executive Director has reviewed the June 21, 2017 written correspondence of Kaufman, Semeraro & Leibman, L.L.P., including the request of Kaufman, Semeraro & Leibman, L.L.P. to increase the compensation budget under the

Agreement for the total compensation to be paid by the Authority to Kaufman, Semeraro & Leibman, L.L.P., and based upon the above determinations and his review of the June 21, 2017 written correspondence of Kaufman, Semeraro & Leibman, L.L.P., he has concluded and recommended that the Authority should amend the Agreement by increasing the budget for compensation to be paid by the Authority to Kaufman, Semeraro & Leibman, L.L.P. pursuant to the Agreement in the total sum of \$4,900.00, resulting in an amended compensation budget under the Agreement in an amount not to exceed the total sum of \$202,400.00 without further approval of the Board of Commissioners of the Authority; and

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

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

1. The Agreement entered into by and between the Authority and Kaufman, Semeraro & Leibman, L.L.P. shall be and is hereby modified by the Authority and the Agreement shall be modified to provide that the compensation to be paid by the Authority pursuant thereto shall be increased in the amount of \$4,900.00 and the total amount of compensation to now be paid by the Authority to Kaufman, Semeraro & Leibman, L.L.P. pursuant to the modified Agreement shall not exceed the total sum of \$202,400.00 without further approval of the Board of Commissioners of the Authority.

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

3. A copy of this Resolution, and the agreement modifying the Agreement with Kaufman, Semeraro & Leibman, 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 Kaufman, Semeraro & Leibman, L.L.P. and the Authority.

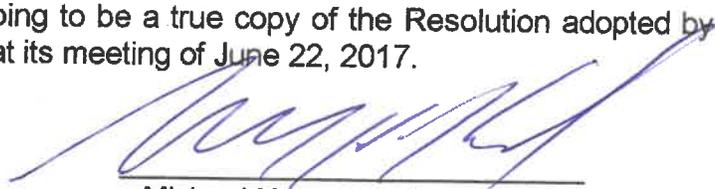
4. The Acting Treasurer's Certification that funds are available shall be maintained on file at the Authority.

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

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

17-1-024

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of June 22, 2017.



Michael Henwood, Secretary

Dated: June 22, 2017

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 06/22/2017

RESOLUTION #: 17-1-024

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

KAUFMAN, SEMERARO & LEIBMAN LLP

CONTRACT NUMBER

16022504

REASON

INCREASE IN THE PROFESSIONAL SERVICES
NEEDS OF THE AUTHORITY FOR
LEGAL WORK

AMOUNT

\$4,900.00

CONTRACT LENGTH

MARCH 1, 2016 TO FEBRAURY 28, 2017

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 to **Furnish and Deliver Instrumentation Equipment, Parts and Supplies (for a Two (2) Year Period)**, pursuant to and in accordance with **Contract No. 17-18**; and

WHEREAS, the following sole bid proposal was received by the Authority on **June 13, 2017** for **Contract No.17-18**:

Vendor	Percentage Discounted for ABB Products	Percentage Discounted for Polysonics Products	Percentage Discounted for Pulsar Products
Applied Analytics, Inc. Flemington, NJ	Five (5%) Percent	Two (2%) Percent	Two (2%) Percent

; and

WHEREAS, the Authority's **Qualified Purchasing Agent** and **Director of Water Pollution Control** have reviewed the sole bid proposal and have recommended that **Applied Analytics, Inc.** be awarded **Contract No. 17-18** 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 **Applied Analytics, Inc.** constitutes the lowest complying and responsible bidder for **Contract No. 17-18**, 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. **Applied Analytics, Inc.** shall be and is hereby determined to be the lowest complying and responsible bidder to **Furnish and Deliver Instrumentation Equipment, Parts and Supplies**, constituting **Contract No. 17-18** for a **Two (2) Year Period** for an amount not to exceed the total sum of **\$400,000.00**.

2. The Chairman shall be and is hereby authorized to execute a contract with **Applied Analytics, Inc.** of One Highway 12, Plaza One, Flemington, NJ 08822 to **Furnish and Deliver Instrumentation Equipment, Parts and Supplies**, constituting **Contract No.17-18** for a **Two (2) Year Period** for an amount not to exceed the total sum of **\$400,000.00**.

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.

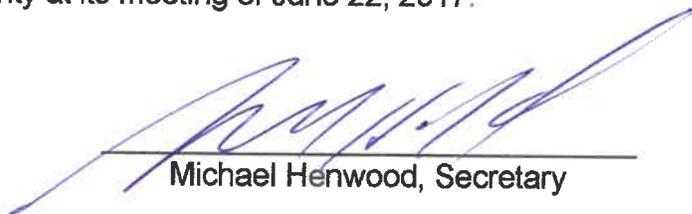
4. The Acting Treasurer's Certification that funds are available shall be maintained on file at the Authority and made a part hereof.

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. 17-18, shall be placed on file and made available for public inspection in the Office of the Executive Director upon execution by Applied Analytics, 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 June 22, 2017.



Michael Henwood, Secretary

Dated: June 22, 2017

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 06/22/2017

RESOLUTION #: 17-2-038

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-550-62100-000
INSTRUMENTATION

VENDOR

APPLIED ANALYTICS, INC.

CONTRACT NUMBER

17-18

REASON

FURNISH AND DELIVER INSTRUMENTATION
EQUIPMENT, PARTS AND SUPPLIES

AMOUNT

\$400,000.00

CONTRACT LENGTH

July 1, 2017 to June 30, 2019



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 online electronic bid proposals via Reverse Auction for the providing of **Electric Generation Supply Service** to the Authority, pursuant to and in accordance with **Contract No. 16-13**; and

WHEREAS, by way of Resolution 16-2-035 adopted by the Board of Commissioners of the Authority on June 23, 2016, **Direct Energy Business** was determined to be the lowest complying and responsible bidder to provide **Electric Generation Supply Service** to the Authority, pursuant to and in accordance with **Contract No. 16-13 (for the Authority's CIEP Account)**, for a term of **Twenty-Four (24) Months** at the rate of **\$0.08750 per kWh as per CIEP Option B** for an estimated total sum of **\$2,345,000.00**, as the Authority estimated that the amount of usage under **Contract No. 16-13 (for the Authority's CIEP Account)** during the term of **Twenty-Four (24) Months** to be **26,800,000 kWhs** of usage; and

WHEREAS, by way of Resolution 16-2-035 adopted by the Board of Commissioners of the Authority on June 23, 2016, the Chairman of the Board of Commissioners of the Authority was authorized to execute an agreement with **Direct Energy Business** the ("Agreement") to provide **Electric Generation Supply Service** to the Authority constituting **Contract No. 16-13 (for the Authority's CIEP Account)**, for a term of **Twenty-Four (24) Months** at the rate of **\$0.08750 per kWh for the Authority's CIEP Account** for an estimated total sum of **\$2,345,000.00**; and

WHEREAS, the Agreement was executed by and on behalf of the Authority and **Direct Energy Business** effective on or about July 1, 2016; and

WHEREAS, since the award of **Contract No. 16-13, Direct Energy Business**, operating under the Agreement, has continued to provide **Electric Generation Supply Services** to the Authority on an as-needed basis; and

WHEREAS, since the commencement date of the Agreement, the Authority has expended approximately \$2,274,971.00 for **Electric Generation Supply Services** under the Agreement through March 31, 2017, and the Agreement provides for an estimated cost total of \$2,345,000.00 to be paid by the Authority to **Direct Energy Business** for **Electric Generation Supply Services** for the **Twenty-Four (24) Month** term of **Contract No. 16-13**; and

WHEREAS, the Authority's Director of Water Pollution Control has estimated that the Authority will be required to expend an additional \$2,500,000.00 for **Electric Generation Supply Services** pursuant to the Agreement through the remainder of the term thereof; and

17-2-039

WHEREAS, the Authority's Director of Water Pollution Control has determined that **Direct Energy Business** has delivered **Electric Generation Supply Services** to the Authority under the Agreement in an effective and efficient manner and further determined that the remaining **Electric Generation Supply Services** to be provided by **Direct Energy Business** to the Authority under the Agreement is essential for the continued proper and effective operation of the Authority's Water Pollution Control Division and critical to the health, welfare and safety of the ratepayers and employees of the Authority; and

WHEREAS, the Authority's Director of Water Pollution Control has concluded and recommended that the Authority should amend the initial estimated cost of \$2,345,000.00 as noted in Resolution 16-2-035 to be paid by the Authority to **Direct Energy Business** for **Electric Generation Supply Services** pursuant to the Agreement, by increasing that estimated cost total by the additional amount of \$2,500,000.00, resulting in an amended estimated cost total in an amount not to exceed the total sum of \$4,845,000.00 to be paid by the Authority to **Direct Energy Business** for **Electric Generation Supply Services** under the Agreement, without further approval of the Board of Commissioners of the Authority; and

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

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

1. The Agreement entered into by and between the Authority and **Direct Energy Business** shall be and is hereby modified by the Authority and the Agreement shall be modified to provide that the estimated cost total to be paid by the Authority to **Direct Energy Business** for **Electric Generation Supply Services** under the Agreement shall be increased by the sum of \$2,500,000.00 and the amended estimated cost total shall be in an amount not to exceed the total sum of \$4,845,000.00 without further approval of the Board of Commissioners of the Authority .

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

3. A copy of this Resolution, and the agreement modifying the Agreement with **Direct Energy Business** 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 **Direct Energy Business** and the Authority.

17-2-039

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 modification of the Agreement shall be published in the form prescribed by law.

6. The formal action(s) of the Commissioners of the Bergen County Utilities Authority embodied herein are expressly contingent upon and subject to the provisions of N.J.S.A 40:14B-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 June 22, 2017.



Michael Henwood
Secretary

Dated: June 22, 2017

17-2-039

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 06/22/2017

RESOLUTION #: 17-2-039

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-370-59400-000
ELECTRICITY

VENDOR

DIRECT ENERGY BUSINESS

CONTRACT NUMBER

16-13

REASON

INCREASE IN ENERGY COST DUE TO
INCREASE IN ESTIMATED COMMODITY
USAGE THROUGH REMAINDER OF CONTRACT

AMOUNT

\$2,500,000.00

CONTRACT LENGTH

June 1, 2016 to May 31, 2018



ACTING TREASURER

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

WHEREAS, the Bergen County Utilities Authority (the "Authority") is a member of the New Jersey Harbor Dischargers Group ("NJHDG"), a cooperative pricing system in accordance with N.J.A.C. 5:34-7.1 et seq.; and

WHEREAS, the members of the NJHDG include the following public agencies:

Bergen County Utilities Authority (Little Ferry & Edgewater);
Joint Meeting of Essex and Union Counties;
Linden Roselle Sewerage Authority;
Middlesex County Utilities Authority;
North Bergen Municipal Utilities Authority;
North Hudson Sewerage Authority;
Passaic Valley Sewerage Authority;
Rahway Valley Sewerage Authority; and
Secaucus Municipal Utilities Authority.

; and

WHEREAS, the NJHDG has been assigned Cooperative Pricing System Identifier No. 52NJHDGCPSPS by the State of New Jersey, Department of Community Affairs, Division of Local Government Services; and

WHEREAS, with respect to the NJHDG, there exists the need for **Continued Professional Environmental Services** to coordinate the monitoring of the New York/New Jersey Harbor and its tributaries; provide technical assistance regarding the water quality monitoring program and the potential expansion of same; provide technical assistance regarding water quality and regulatory matters; provide representation for the NJHDG at nutrient, pathogens and toxics workgroup meetings; and for the performance of toxics and nutrient studies; 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, the **Great Lakes Environmental Center ("GLEC")** has submitted a proposal dated May 16, 2017 to the NJHDG and the Authority, respectively, to continue providing services consisting of **Continuing Professional Environmental Services** for the total sum of **\$130,000.00** for the period June 1, 2017 - May 31, 2018 (the "**GLEC Fees**"); and

WHEREAS, **GLEC** has satisfactorily represented the NJHDG since 1994; and

WHEREAS, the Authority's pro-rated NJHDG member's share is eleven and eleven-hundredths (11.11%) percent, resulting in the Authority being obligated to pay **\$14,443.00** of the **GLEC Fees**; and

WHEREAS, the maximum amount of the Authority's share of the **GLEC Fees** is the sum of **\$14,443.00**, and the Authority's Acting Treasurer has certified that funds are available for this purpose; and

WHEREAS, NJHDG and the Authority, respectively, have determined that **GLEC** is competent, qualified and experienced to provide these professional services as outlined above; and

WHEREAS, the Authority has concluded that the services consisting of **Continuing Professional Environmental Services**, are necessary for the continued efficient operations of the NJHDG and the Authority, respectively; 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 subject procurement have been allotted in the Authority's budget; 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 without public bidding and the contract itself be available for public inspection; and

WHEREAS, this contract has been awarded through a non-fair and open process pursuant to N.J.S.A. 19:44A-20.4, et seq., and **GLEC** having submitted and the Authority having received a C. 271 Political Contribution Disclosure Form in the required form, and the contract to be awarded shall include a provision prohibiting the **GLEC** from making reportable contributions during the term of the contract as required by N.J.S.A. 19:44A-20.4, et seq.

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

1. That **GLEC** shall be and is hereby retained by the members of the NJHDG and the Authority, respectively, to provide services consisting of **Continuing Professional Environmental Services** for the period June 1, 2017 - May 31, 2018 with total compensation therefore not to exceed the total sum of **\$130,000.00**, of which sum the Authority's portion, based upon its member's share in NJHDG being eleven and eleven-hundredths (11.11%) percent, shall not exceed the total sum of **\$14,443.00**.

2. The Chairman shall be and is hereby authorized to execute a contract by and among **GLEC**, NJHDG and the Authority, memorializing the scope of services to be performed by **GLEC** and the compensation to be paid to **GLEC** therefore, in the form acceptable to the Executive Director, and satisfactory to the NJHDG and the Authority, respectively, as evidenced by the Chairman's signature thereon.

3. The contract executed by and among **GLEC**, NJHDG and the Authority pursuant to this Resolution shall include a provision which prohibits **GLEC** from making reportable contributions during the term of the contract as required by N.J.S.A. 19:44A-20.4, et seq.

4. The Acting Treasurer's Certification that the funds are available and have been appropriated shall remain on file.

5. A copy of this Resolution and the contract retaining **GLEC** to provide the aforesaid services shall be placed on file and made available for public inspection in the Office of the Executive Director, upon execution by **GLEC**, NJHDG and the Authority, respectively.

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 June 22, 2017.



Michael Henwood
Secretary

Dated: June 22, 2017

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 06/22/2017
RESOLUTION #: 17-2-040

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-350-50400-000
ENGINEERING

VENDOR GREAT LAKES ENVIRONMENTAL CENTER

CONTRACT NUMBER 17062201

REASON PROFESSIONAL
ENVIRONMENTAL SERVICES

AMOUNT \$14,443.00

CONTRACT LENGTH June 1, 2017 to May 31, 2018

Matthew Carter
ACTING TREASURER

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

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

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

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

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

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

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

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

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

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

WHEREAS, Resolution 15-2-057 Authorized the Chairman of the Board of Commissioners of the Authority to execute an agreement by and between the Authority and ARCADIS US, Inc. (the "Agreement") memorializing the services to be provided by ARCADIS US, Inc. to the Authority as Engineer for the Phase 1 Services for the Edgewater WPCF Project and providing the budget for compensation to be paid by the Authority to ARCADIS US, Inc. for the providing of those services, pursuant to which payment is not to exceed the total sum of \$281,390.00 without further approval of the Board of Commissioners of the Authority; and

WHEREAS, the Agreement was executed by and on behalf of the Authority and ARCADIS US, Inc. on September 24, 2015; and

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

WHEREAS, since the adoption of Resolution 16-2-081 by the Board of Commissioners on December 22, 2016, ARCADIS U.S., Inc. has continued to provide significant necessary and valuable professional engineering services to the Authority on an as-requested basis under the Agreement, continuing to serve as the Authority's Engineer for the Phase 1 Services for the Edgewater WPCF Project since the commencement of the term of the Agreement, which tasks include:

- Prepare for and participate in ongoing weekly coordination meetings with the Authority's consultants for the Edgewater WPCF Project;
- Update the project schedule for the Edgewater WPCF Project as requested by the Authority;
- Prepare required quarterly status reports for the Edgewater pump station portion of the Edgewater WPCF Project for submission to the NJDEP;
- Initiate Cultural Resource Survey for the Edgewater WPCF Project as requested by the NJDEP;

17-2-041

- Coordinate with the Authority's force main consultant and the NJDEP as required for the Edgewater WPCF Project; and
- Provide technical support, review documents and draft submittals as requested by the Authority.

; and

WHEREAS, the Agreement, as amended by Resolution 16-2-081, provides for a compensation budget of \$306,390.00 to be paid by the Authority to ARCADIS US, Inc. for services performed pursuant thereto; and

WHEREAS, by written correspondence dated June 20, 2017, ARCADIS US, Inc. advised the Authority that, as of June 20, 2017, ARCADIS US, Inc. had expended approximately \$306,390.00 in services to the Authority under the Agreement; and

WHEREAS, ARCADIS US, Inc., by the June 20, 2017 written correspondence, requested that the Authority increase the compensation budget provided for by the Agreement by the total amount of \$50,000.00, resulting in an amended Agreement compensation budget of an amount not to exceed the total sum of \$356,390.00 without further approval of the Board of Commissioners of the Authority; and

WHEREAS, the Authority's Director of Engineering has determined that ARCADIS US, Inc. has performed all services under the Agreement in an effective and efficient manner and further determined that the remaining work to be performed by ARCADIS US, Inc. under the Agreement is essential to the proper and effective operation of the Authority's Water Pollution Control Division and critical to the health, welfare and safety of the ratepayers and employees of the Authority and necessary for the completion of Phase 1 Services for the Edgewater WPCF Project; and

WHEREAS, the Authority's Director of Engineering has reviewed the June 20, 2017 written correspondence of ARCADIS US, Inc., including the request of ARCADIS US, Inc. to increase the compensation budget under the Agreement for the total compensation to be paid by the Authority to ARCADIS US, Inc. for services provided by ARCADIS US, Inc. to the Authority pursuant to the Agreement, and based upon the above determinations and his review of the June 20, 2017 written correspondence of ARCADIS US, Inc., the Authority's Director of Engineering has concluded and recommended that the Authority should amend the Agreement by increasing the budget for compensation to be paid by the Authority to ARCADIS US, Inc. pursuant to the Agreement in the total amount of \$50,000.00; resulting in an amended compensation budget under the Agreement in an amount not to exceed the total sum of \$356,390.00 without further approval of the Board of Commissioners of the Authority; and

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

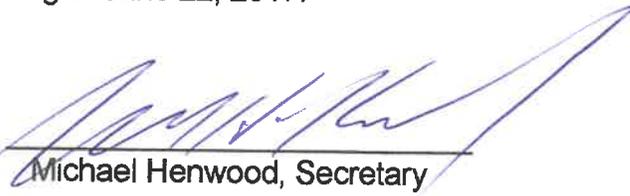
17-2-041

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

1. The Agreement entered into by and between the Authority and ARCADIS US, Inc. shall be and is hereby modified by the Authority and the Agreement shall be modified to provide that the compensation to be paid by the Authority pursuant thereto shall be increased in the amount of \$50,000.00 and the total amount of compensation to now be paid by the Authority to ARCADIS US, Inc. pursuant to the modified Agreement shall not exceed the total sum of \$356,390.00 without further approval of the Board of Commissioners of the Authority.
2. The Chairman of the Authority shall be and is hereby authorized to execute an agreement by and among the Authority and ARCADIS US, Inc., modifying the Agreement as approved and authorized by this Resolution, in the form acceptable to the Chairman, and satisfactory to the Authority as evidenced by the Chairman's signature thereon.
3. A copy of this Resolution, and the agreement modifying the Agreement with ARCADIS US, Inc. pursuant to this Resolution, shall be placed on file and made available for public inspection in the Office of the Executive Director, upon execution by ARCADIS US, Inc. and the Authority.
4. The Acting Treasurer's Certification that funds are available shall be maintained on file at the Authority.
5. A notice of this modification of the Agreement shall be published in the form prescribed by law.
6. The formal action(s) of the Commissioners of the Bergen County Utilities Authority embodied herein are expressly contingent upon and subject to the provisions of N.J.S.A. 40:14B-14(b).

17-2-041

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of June 22, 2017.



Michael Henwood, Secretary

Dated: June 22, 2017

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 06/22/2017

RESOLUTION #: 17-2-041

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

FUNDS AVAILABLE

X

FUNDS ARE NOT AVAILABLE

BUDGET ACCOUNT

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

VENDOR

ARCADIS US, INC.

CONTRACT NUMBER

15092402

REASON

EDGEWATER WPCF PROJECT

AMOUNT

\$50,000.00

CONTRACT LENGTH

TO COMPLETION

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

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

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

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

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

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

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

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WHEREAS, in furtherance of the Authority providing essential services, and in furtherance of the Edgewater WPCF Project, the Board of Commissioners of the Authority, by Resolution 15-2-058 adopted September 24, 2015, appointed Alaimo Group to provide Preliminary Design Phase Services to the Authority for the Edgewater WPCF Project for the duration of the project or until a successor is selected or at the pleasure of the Authority, whichever shall first occur or be exercised; and

WHEREAS, Resolution 15-2-058 Authorized the Chairman of the Board of Commissioners of the Authority to execute an agreement by and between the Authority and Alaimo Group (the "Agreement") memorializing the Preliminary Design Phase Services to be provided by Alaimo Group to the Authority for the Edgewater WPCF Project and providing the budget for compensation to be paid by the Authority to Alaimo Group for the providing of those services, pursuant to which payment is not to exceed the total sum of \$505,000.00 without further approval of the Board of Commissioners of the Authority; and

WHEREAS, the Agreement was executed by and on behalf of the Authority and Alaimo Group on September 24, 2015; and

WHEREAS, Alaimo Group, operating under the Agreement, has continued to provide significant necessary and valuable Preliminary Design Phase Services to the Authority for the Edgewater WPCF Project since the commencement of the term of the Agreement, which tasks include:

- Constructability evaluation and design within the Authority's proposed easements across certain properties not owned by the Authority;
- Additional Geotechnical consulting for linear route of proposed line;
- Expanded Cultural Resource Studies for linear route inside as well as outside the tunnel;
- Drainage improvement design outside East Tunnel Portal across properties not owned by the Authority;
- Multiple HDD alignments and pit locations on properties not owned by the Authority;
- Utilization of proposed 25' forcemain easements across properties not owned by the Authority for construction of necessary line;

17-2-042

- Utilization of existing 20' Overpeck relief and 30' 60" Overpeck interceptor Authority easements for construction of proposed line across property not owned by the Authority;
- Revise Bellman's Creek crossing location;
- Expand East portal ramp configuration and Old River road access;
- Permit coordination efforts;
- Amendment of design and construction schedules;
- Conduct test pits at two (2) splicing chamber locations inside tunnel and configure duct bank design at proposed route conflict location; and
- Address permitting issues.

; and

WHEREAS, by written correspondence dated May 8, 2017, Alaimo Group advised the Authority that, as of May 8, 2017, Alaimo Group had expended approximately \$505,000.00 in services to the Authority under the Agreement; and

WHEREAS, the Agreement provides for a compensation budget of \$505,000.00 to be paid by the Authority to Alaimo Group for services performed pursuant thereto; and

WHEREAS, Alaimo Group, by the May 8, 2017 written correspondence, requested that the Authority increase the compensation budget provided for by the Agreement by the total sum of \$100,000.00, resulting in an amended Agreement compensation budget of an amount not to exceed the total sum of \$605,000.00 without further approval of the Board of Commissioners of the Authority; and

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

WHEREAS, the Authority's Director of Engineering has reviewed the May 8, 2017 written correspondence of Alaimo Group, including the request of Alaimo Group to increase the compensation budget under the Agreement for the total compensation to be

17-2-042

paid by the Authority to Alaimo Group for services provided by Alaimo Group to the Authority pursuant to the Agreement, and based upon the above determinations and his review of the May 8, 2017 written correspondence of Alaimo Group, the Authority's Director of Engineering has concluded and recommended that the Authority should amend the Agreement by increasing the budget for compensation to be paid by the Authority to Alaimo Group pursuant to the Agreement in the total sum of \$100,000.00, resulting in an amended compensation budget under the Agreement in an amount not to exceed the total sum of \$605,000.00 without further approval of the Board of Commissioners of the Authority; and

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

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

1. The Agreement entered into by and between the Authority and Alaimo Group shall be and is hereby modified by the Authority and the Agreement shall be modified to provide that the compensation to be paid by the Authority pursuant thereto shall be increased in the amount of \$100,000.00 and the total amount of compensation to now be paid by the Authority to Alaimo Group pursuant to the modified Agreement shall not exceed the total sum of \$605,000.00 without further approval of the Board of Commissioners of the Authority.

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

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

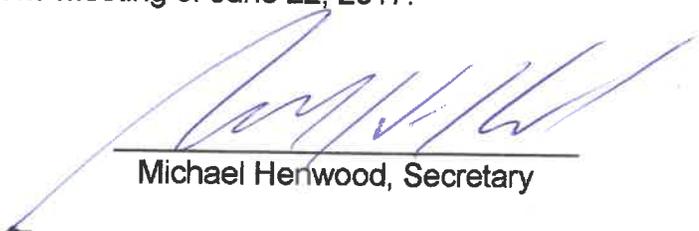
4. The Acting Treasurer's Certification that funds are available shall be maintained on file at the Authority.

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

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

17-2-042

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of June 22, 2017.



Michael Herwood, Secretary

Dated: June 22, 2017

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 06/22/2017

RESOLUTION #: 17-2-042

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

FUNDS AVAILABLE X

FUNDS ARE NOT AVAILABLE _____

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

VENDOR ALAIMO GROUP

CONTRACT NUMBER 15092401

REASON EDGEWATER WPCF PROJECT

AMOUNT \$100,000.00

CONTRACT LENGTH TO COMPLETION

Matthew McCarter
ACTING TREASURER

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, Neglia Engineering Associates, since the commencement of the term of the Agreement, has continued to provide significant necessary and valuable professional services to the Authority under the Agreement, resulting in the Board of Commissioners of the Authority, by Resolution 16-2-061 adopted September 22, 2016, authorizing the Chairman of the Board of Commissioners to modify the Agreement by increasing the budget for compensation to be paid by the Authority to Neglia Engineering Associates under the Agreement in the amount of \$204,185.00, resulting in an amended Agreement compensation budget in the total sum of \$367,455.00 without further approval of the Board of Commissioners of the Authority; and

WHEREAS, since the adoption of Resolution 16-2-061 by the Board of Commissioners on September 22, 2016, Neglia Engineering Associates has continued to provide significant necessary and valuable professional services to the Authority on an as-requested basis under the Agreement, continuing to serve as the Authority's Land Surveying Engineer for the Edgewater Sewage Force Main Project since the commencement of the term of the Agreement, which tasks include:

- Provide boundary and topographic mapping;
- Research record deeds and maps of properties in question and adjoining parcels sufficient to establish record boundaries along the route;
- Survey elevations and coordinates 50 feet cross sections;
- Utility locations in R.O.W.s (ground penetrating radar);

17-2-043

- Flagging for low level aerial flight;
- Aerial flight;
- Soil borings stakeout;
- ASCII comma separated variable (CSV) MS-DOS text file and print out with hard copies of all survey notes;
- Provide descriptions with metes and bounds and mapping;
- Provide datums;
- Delineated wetlands by a certified wetlands inspector and appropriate mapping and reports; and
- Establish survey baseline and control points.

; and

WHEREAS, the Agreement, as amended by Resolution 16-2-061, provides for a compensation budget of \$367,455.00 to be paid by the Authority to Neglia Engineering Associates for services performed pursuant thereto; and

WHEREAS, by written correspondence dated June 22, 2017, Neglia Engineering Associates advised the Authority that, as of June 22, 2017, Neglia Engineering Associates had expended approximately \$367,455.00 in services to the Authority under the Agreement; and

WHEREAS, Neglia Engineering Associates, by the June 22, 2017 written correspondence, requested that the Authority increase the compensation budget provided for by the Agreement by the total sum of \$105,000.00, resulting in an amended Agreement compensation budget of an amount not to exceed the total sum of \$472,455.00 without further approval of the Board of Commissioners of the Authority; and

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

WHEREAS, the Authority's Director of Engineering has reviewed the June 22, 2017 written correspondence of Neglia Engineering Associates, including the request of Neglia Engineering Associates to increase the compensation budget under the Agreement for the total compensation to be paid by the Authority to Neglia Engineering Associates for services provided by Neglia Engineering Associates to the Authority pursuant to the Agreement, and based upon the above determinations and his review of the August 24, 2016 written correspondence of Neglia Engineering Associates, the Authority's Director of

17-2-043

Engineering has concluded and recommended that the Authority should amend the Agreement by increasing the budget for compensation to be paid by the Authority to Neglia Engineering Associates pursuant to the Agreement in the total sum of \$105,000.00, resulting in an amended compensation budget under the Agreement in an amount not to exceed the total sum of \$472,455.00 without further approval of the Board of Commissioners of the Authority; and

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

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

1. The Agreement entered into by and between the Authority and Neglia Engineering Associates shall be and is hereby modified by the Authority and the Agreement shall be modified to provide that the compensation to be paid by the Authority pursuant thereto shall be increased in the amount of \$105,000.00 and the total amount of compensation to now be paid by the Authority to Neglia Engineering Associates pursuant to the modified Agreement shall not exceed the total sum of \$472,455.00 without further approval of the Board of Commissioners of the Authority.

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

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

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

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

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

17-2-043

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of June 22, 2017.



Michael Henwood, Secretary

Dated: June 22, 2017

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 06/22/2017

RESOLUTION #: 17-2-043

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

NEGLIA ENGINEERING ASSOCIATES

CONTRACT NUMBER

E14121801

REASON

EDGEWATER WPCF PROJECT

AMOUNT

\$105,000.00

CONTRACT LENGTH

TO COMPLETION

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 (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 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 Engineer** to the Authority for performing the **Study of Waste Heat Recovery Unit Design** at 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 engineering services may be awarded without competitive bidding as a "professional service"; 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; and

WHEREAS, **Mott MacDonald, LLC ("MM")** has submitted a Statement of Qualifications and the Commissioners of the Authority previously determined by Resolution 17-2-001 adopted January 26, 2017 that **MM** is competent, qualified and experienced to serve as the Authority's **Special Engineer**; and

WHEREAS, based on the Statement of Qualifications submitted by **MM** and the prior history of **MM** working with the Authority, the Authority issued a Request for Proposal ("RFP") to **MM** dated June 16, 2017; and

WHEREAS, the RFP provided a scope of work that includes **MM** visiting the Authority's facility located in the Borough of Little Ferry, Bergen County, New Jersey and gathering the necessary information/documentation to support a more in-depth

analysis of the waste heat recovery unit ("WHRU") failure, with the components/systems reviewed by **MM** including the following:

- Arrangement of the WHRU, both current design and previous design, to identify any changes which may have negatively affected operation;
- Design of the digester gas conditioning system;
- Operating and maintenance records for all systems associated with gas conditioning and engine exhaust/WHRU;
- Process design to confirm operation was per the component design specifications and to identify any modifications that may be made to improve operating life of the WHRU;
- Inspection of previous WHRU design;
- Operating history of previous WHRU design;
- Additional analysis of digester gas identifying sulfur content; and
- Interview plant engineer and operators to get a better understanding of issues with unit operation and any other maintenance or operating problems.

; and

WHEREAS, the scope of work set forth within the RFP further provided that following the required on-site review and data gather, **MM** is to then propose recommendations for the replacement of the heat exchanger, coordinating the selection with the anticipated level of sulfur in the digester gas entering the subject Jenbacher engine, and also propose operating and/or design changes to mitigate corrosion; and

WHEREAS, the RFP specified that the **Special Engineer** shall be required and obligated 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, in response to the RFP, **MM** submitted to the Authority a proposal dated June 16, 2017 to serve as **Special Engineer** to the Authority for the **Study of Waste Heat Recovery Unit Design** for an amount not to exceed the total sum of \$49,540.00.00, which proposal has been reviewed, and determined to be fair and reasonable, by the Director of Engineering of the Authority; and

WHEREAS, the proposal submitted to the Authority by **MM** contained certain required 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 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 **MM** to serve as **Special Engineer** to the Authority for the **Study of Waste Heat Recovery Unit Design**; and

WHEREAS, the Authority desires to appoint and retain **MM** to serve as **Special Engineer** to the Authority for the **Study of Waste Heat Recovery Unit Design** for an amount not to exceed the total sum of \$49,540.00; 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, 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 Authority as follows:

1. That **Mott MacDonald, LLC** shall be and is hereby appointed to serve as **Special Engineer** to the Authority for the **Study of Waste Heat Recovery Unit Design** for an amount not to exceed the total sum of \$49,540.00.

2. The Chairman shall be and is hereby authorized to execute a contract, similar in form and substance to the contract on file at the Authority, by and between the Authority and **Mott MacDonald, LLC** memorializing the scope of services to be performed by **Mott MacDonald, LLC** and the hourly billing rates to be paid by the Authority to **Mott MacDonald, LLC** 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 contract retaining **Mott MacDonald, LLC** to serve as **Special Engineer** to the Authority for the **Study of Waste Heat Recovery Unit Design**, executed pursuant to this Resolution, shall be placed on file and made available for public inspection in the office of the Executive Director upon execution by **Mott Macdonald, LLC** and the Authority.

4. The total amount authorized to be paid pursuant to the contract herein awarded shall not exceed the total sum of **\$49,540.00** without further action by the Board of Commissioners.

5. The Acting Treasurer 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 June 22, 2017.



Michael Henwood
Acting Secretary

DATED: June 22, 2017

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 06/22/2017

RESOLUTION #: 17-2-044

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-350-50400-000
ENGINEERING

VENDOR

MOTT MACDONALD, LLC

CONTRACT NUMBER

17062202

REASON

STUDY OF WASTE HEAT RECOVERY
UNIT DESIGN ON COGEN ENGINES

AMOUNT

\$49,540.00

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

WHEREAS, in furtherance of providing these essential services, and in order to realize significant energy cost savings, the Authority constructed its Combined Heat and Power Facility (the "CHP Facility") on site of the Authority's Little Ferry Water Pollution Control Facility (the "LFWPCF"), with construction of the CHP Facility being completed in June 2008; and

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

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

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

WHEREAS, in furtherance of the Authority providing essential services, and in furtherance of the Biopower Expansion Project, the Board of Commissioners of the Authority, by Resolution 13-2-074 adopted November 26, 2013, appointed RVA to serve as Project Manager for the Biopower Expansion Project for the duration of the project or until a successor is selected or at the pleasure of the Authority, whichever shall first occur or be exercised; and

WHEREAS, Resolution 13-2-074 Authorized the Chairman of the Board of Commissioners of the Authority to execute an agreement by and between the Authority and RVA (the "Agreement") memorializing the services to be provided by RVA to the Authority as Project Manager for the Biopower Expansion Project and providing the budget for compensation to be paid by the Authority to RVA for the providing of those services, pursuant to which payment is not to exceed the total sum of \$512,300.00 without further approval of the Board of Commissioners of the Authority; and

WHEREAS, the Agreement was executed by and on behalf of the Authority and RVA on November 26, 2013; and

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

WHEREAS, since the adoption of Resolution 16-2-082 by the Board of Commissioners on December 22, 2016, RVA has continued to provide significant necessary and valuable professional engineering services to the Authority under the Agreement as the Authority's Project Manager for the Biopower Expansion Project on an as-requested basis; and

WHEREAS, the Agreement, as amended by Resolution 16-2-082, provides for a compensation budget of \$582,300.00 to be paid by the Authority to RVA for services performed pursuant thereto; and

WHEREAS, by written correspondence dated June 21, 2017, RVA advised the Authority that as of June 21, 2017, RVA had expended approximately \$582,300.00 in services to the Authority under the Agreement; and

WHEREAS, RVA, by the June 21, 2017 written correspondence, requested that the Authority increase the compensation budget provided for by the Agreement by the total sum of \$55,000.00, resulting in an amended Agreement compensation budget of an amount not to exceed the total sum of \$637,300.00 without further approval of the Board of Commissioners of the Authority; and

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

WHEREAS, the Authority's Director of Engineering has reviewed the June 21, 2017 written correspondence of RVA, including the request of RVA to increase the compensation budget under the Agreement for the total compensation to be paid by the Authority to RVA for Project Management Services provided by RVA to the Authority in connection with the Biopower Expansion Project pursuant to the Agreement, and based upon the above determinations and his review of the June 21, 2017 written

correspondence of RVA, he has concluded and recommended that the Authority should amend the Agreement by increasing the budget for compensation to be paid by the Authority to RVA pursuant to the Agreement in the total sum of \$55,000.00, resulting in an amended compensation budget under the Agreement in an amount not to exceed the total sum of \$637,300.00 without further approval of the Board of Commissioners of the Authority; and

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

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

1. The Agreement entered into by and between the Authority and RVA shall be and is hereby modified by the Authority and the Agreement shall be modified to provide that the compensation to be paid by the Authority pursuant thereto shall be increased in the amount of \$55,000.00 and the total amount of compensation to now be paid by the Authority to RVA pursuant to the modified Agreement shall not exceed the total sum of \$637,300.00 without further approval of the Board of Commissioners of the Authority.
2. The Chairman of the Authority shall be and is hereby authorized to execute an agreement by and among the Authority and RVA, modifying the Agreement as approved and authorized by this Resolution, in the form acceptable to the Chairman, and satisfactory to the Authority as evidenced by the Chairman's signature thereon.
3. A copy of this Resolution, and the agreement modifying the Agreement with RVA 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 RVA and the Authority.
4. The Acting Treasurer's Certification that funds are available shall be maintained on file at the Authority.
5. A notice of this modification of the Agreement shall be published in the form prescribed by law.
6. The formal action(s) of the Commissioners of the Bergen County Utilities Authority embodied herein are expressly contingent upon and subject to the provisions of N.J.S.A. 40:14B-14(b).

17-2-045

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of June 22, 2017.



Michael Henwood, Secretary

Dated: June 22, 2017

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 06/22/2017

RESOLUTION #: 17-2-045

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

2016 NJEIT BOND

VENDOR

REMINGTON, VERNICK & ARRANGO ENGINEERS

CONTRACT NUMBER

13112601

REASON

BIO POWER EXPANSION PROJECT

AMOUNT

\$55,000.00

CONTRACT LENGTH

TO COMPLETION

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

WHEREAS, the Authority has identified certain projects as necessary to improving the resiliency of the Authority in such extreme and adverse weather conditions, which projects include the replacing and raising, as appropriate, of those substation assets that can be relocated above the Proposed Mitigation Design Flood Elevation and all work and costs necessary and ancillary thereto, making the system more resilient by protecting the power assets from flooding and avoiding cascading impacts to the system components of the Authority that could be caused by flooding of the substations or during a power outage (the "**Little Ferry Water Pollution Control Facilities Energy Resilience Bank Substations Project**" or "**Project**");

WHEREAS, the New Jersey Energy Resilience Bank ("NJERB") has been established by the State of New Jersey to provide assistance in funding resiliency projects such as the **Project**; and

WHEREAS, the Board of Commissioners of the Authority, by Resolution 16-1-033 adopted June 23, 2016, authorized the Authority to prepare and submit an application for grant monies and/or a low interest loan from the NJERB to finance the **Project** (the "NJERB Application"); and

WHEREAS, by written memorandum of the New Jersey Economic Development Authority (the "NJEDA") dated July 14, 2016, the Authority was advised that the Authority's ERB Application was awarded preliminary approval by the EDA and, as a result of that preliminary approval, the Authority's ERB Application would be moving forward to the next phase of review and approval and ERB funds would be reserved for the **Project**; and

WHEREAS, the Authority has now been conditionally awarded funding in the form of a combination of grant monies and a low interest loan from the NJERB for the **Project** and has now determined to procure engineering and construction professionals to implement the **Project**; and

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

WHEREAS, on February 8, 2017, the Authority issued a Request for Proposals for Professional Engineering Services ("RFP") pursuant to the competitive contracting process of the LPCL, N.J.S.A. 40A:11-4.3, from qualified and experienced engineering consultants for the Authority's **Little Ferry Water Pollution Control Facilities Energy Resilience Bank Substations Project**; and

WHEREAS, on March 8, 2017, the Authority received proposals submitted in response to the RFP from the following four (4) firms: Mott MacDonald, LLC, HAKS, Arcadis U.S. Inc., and PS&S; and

WHEREAS, the proposals were reviewed and evaluated in accordance with the requirements of the RFP and the requirements of the competitive contracting process set forth in the LPCL, by the Authority's Review Committee, Special Counsel and staff of the NJEDA; and

WHEREAS, based on this review, an Evaluation Report and Recommendation of Award dated March 21, 2017 (the "March Report") was prepared by the Review Committee and submitted to the Board of Commissioners of the Authority in accordance with the requirements of the LPCL; and

WHEREAS, as set forth in the March Report, the Review Committee recommended that a contract award be made to Arcadis U.S., Inc. for the reasons set forth in the Report; and

WHEREAS, subsequent to the issuance of the March Report, the Authority was notified by the NJEDA that Arcadis U.S., Inc. could not be considered for the award of the contract to provide professional engineering services to the Authority for the Authority's **Little Ferry Water Pollution Control Facilities Energy Resilience Bank Substations Project** as Arcadis U.S., Inc. provided assistance to the Authority in preparing the RFP for this contract award; and

WHEREAS, in light of the determination of the NJEDA that the Authority could not consider the proposal submitted by Arcadis U.S., Inc, the Review Committee prepared a revised Evaluation Report and Recommendation of Award dated June 21, 2017 (the "June Report") recommending that a contract award be made to PS&S for the

reasons set forth in the June Report and the Board of Commissioners of the Authority desires to award this contract to PS&S, in accordance with the June Report and the recommendations set forth and contained therein; 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. PS&S shall be and is hereby retained by the Authority to provide professional engineering services to the Authority for the Authority's **Little Ferry Water Pollution Control Facilities Energy Resilience Bank Substations Project** for an amount not to exceed the total sum of \$1,762,450.00, computed based on hourly rate plus all reimbursable items for tasks performed as set forth and included within the RFP and the written proposal of PS&S submitted to the Authority in response thereto, without further approval of the Commissioners of the Authority.

2. The Chairman shall be and he is hereby authorized to execute a contract by and between the Authority and PS&S, memorializing the scope of services to be performed by PS&S for the Authority's **Little Ferry Water Pollution Control Facilities Energy Resilience Bank Substations Project**, and the compensation to be paid therefore, in final 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 PS&S to provide professional engineering services to the Authority for the **Little Ferry Water Pollution Control Facilities Energy Resilience Bank Substations Project** 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 PS&S 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).

17-2-046

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of June 22, 2017.

A handwritten signature in blue ink, appearing to read "Michael Henwood", is written over a horizontal line.

**Michael Henwood
Secretary**

DATED: June 22, 2017

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 06/22/2017

RESOLUTION #: 17-2-046

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

FUNDS AVAILABLE

X

FUNDS ARE NOT AVAILABLE

BUDGET ACCOUNT

ERB GRANT

VENDOR

PS&S

CONTRACT NUMBER

17062203

REASON

LITTLE FERRY WATER POLLUTION
CONTROL FACILITIES ENERGY RESILIENCE
BANK SUBSTATIONS PROJECT

AMOUNT

\$1,762,450.00

CONTRACT LENGTH

TO COMPLETION

Matthew M. Carter
ACTING TREASURER