BERGEN COUNTY UTILITIES AUTHORITY
MINUTES OF THE REGULAR MEETING
MAY 25, 2017

In the matter of the 458th Regular Meeting of
The Bergen County Utilities Authority

1. The proof of meeting notice calling the May 25, 2017, meeting was read into the record by Michael Henwood, Board Secretary.

2. Roll Call:

COMMISSIONERS PRESENT:
Ronald Phillips, Chairman
Louis J. DeLisio, Vice Chairman
Catherine T. Bentz, Commissioner
Bruce Bonaventuro, Commissioner
Daniel Gumble, Commissioner
Paul A. Juliano, Commissioner
Thomas S. Kelley, Commissioner
Peter C. Massa, Jr., Commissioner
John Warma, Commissioner

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

3. Motion that the Minutes covering the April 27, 2017 Work Session be approved was moved by Commissioner Kelley and Seconded by Commissioner Bentz and was carried. Commissioner Juliano abstained.

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

5. FINANCE AND LEGAL COMMITTEE:

Resolution 17-1-019 - Approve bills and the claims supported by vouchers totaling $4,426,642.38 for the month of May and authorize the Acting Treasurer to issue the necessary checks therefor, and to charge the accounts indicated, all as more fully set forth on the Acting Treasurer’s check list. Motion to adopt the resolution was made by Commissioner DeLisio and Seconded by Commissioner Juliano. A roll call was taken and the resolution was adopted as reflected in these minutes.
Resolution 17-1-020 - Approval of the Application to The Local Finance Board Pursuant to N.J.S.A. 40A:5A-6. 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 17-1-021 – Authorize settlement agreement with Partner Engineering and Science, Inc. Motion to adopt the resolution was made by Commissioner DeLisio and Seconded by Commissioner Juliano. A roll call was taken and the resolution was adopted as reflected in these minutes.

6. CONSTRUCTION & ENGINEERING COMMITTEE:

Resolution 17-2-032 - Award Contract 17-04 Rebid to BASF Corporation - Furnish and Deliver Hi-Molecular Weight Cationic Dry Polymer for Sludge Dewatering, Gravity Belt Thickeners for a Two (2) Year Period). Motion to adopt the resolution was made by Commissioner Juliano and Seconded by Commissioner Massa. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 17-2-033 - Award Contract 17-05 Rebid to BASF Corporation - Furnish and Deliver Liquid Emulsion High Molecular Weight Cationic Polymer for Waste Activated Sludge/Gravity Belt Thickener for a Two (2) Year Period). Motion to adopt the resolution was made by Commissioner Juliano and Seconded by Commissioner Massa. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 17-2-034 - Award Contract 17-14 to Hayes Pump, Inc. - Furnish and Deliver Lobeline Pump Parts for DST/WAS Building for a Two (2) Year Period). Motion to adopt the resolution was made by Commissioner Juliano and Seconded by Commissioner Massa. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 17-2-035 - Award Contract 17-16 to JCI Jones Chemicals, Inc. - Furnish and Deliver Sodium Hypochlorite for a Two (2) Year Period). Motion to adopt the resolution was made by Commissioner Juliano and Seconded by Commissioner Massa. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 17-2-036 - Award Contract C-195 – Montana Construction Corp., Inc. - Sludge Transfer Area Improvements. Motion to adopt the resolution was made by Commissioner Juliano and Seconded by Commissioner Massa. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 17-2-037 - Authorize Second Amendment of Professional Engineering Services Contract – Alaimo Group – General Consulting Engineering. Motion to adopt the resolution was made by Commissioner Juliano and Seconded by Commissioner Massa. A roll call was taken and the resolution was adopted as reflected in these minutes.
7. Chairman Phillips announced a short recess to allow time for the Board Secretary to prepare minutes of this Regular Meeting.

8. Chairman Phillips announced the Regular Meeting would reconvene.

9. The Board Secretary then distributed proposed minutes of the May 25, 2017 Regular Meeting for review by the Commissioners.

10. Move to approve the Minutes of the Regular Meeting of May 25, 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 May 25, 2017 was made by Commissioner Kelley and Seconded by Commissioner Warms and was unanimously carried.

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

<table>
<thead>
<tr>
<th>Resolution #</th>
<th>17-1-019</th>
<th>17-1-020</th>
<th>17-1-021</th>
<th>17-1-032</th>
<th>17-2-033</th>
<th>17-2-034</th>
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<td>Comm. Warms</td>
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<td>Comm. Juliano</td>
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<td>Comm. Kelley</td>
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<td>Comm. Massa, Jr.</td>
<td>Y</td>
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<tr>
<td>Comm. Warms</td>
<td>Y</td>
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</tbody>
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Y = Yes  
R = Recuse  
A = Abstain  
N = No  
- = Absent

Respectfully submitted,

Michael Henwood  
Board Secretary

Date: May 25, 2017
STATE OF NEW JERSEY
DEPARTMENT OF COMMUNITY AFFAIRS
DIVISION OF LOCAL GOVERNMENT SERVICES
LOCAL FINANCE BOARD
APPLICATION CERTIFICATION

APPLICANT’S NAME: BERGEN COUNTY UTILITIES AUTHORITY

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

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

That this application was considered and its submission to the Local Finance Board approved by the governing body of the Authority on May 25, 2017; and

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

[Signature]
Ronald Phillips, Chairman

ATTEST: [Signature]
Secretary

Date: May 25, 2017
RESOLUTION OF THE BERGEN COUNTY UTILITIES
AUTHORITY MAKING APPLICATION TO THE LOCAL
FINANCE BOARD PURSUANT TO N.J.S.A. 40A:5A-6

WHEREAS, the Bergen County Utilities Authority (the “Authority”) desires to make
application to the Local Finance Board for its review and findings in connection with a proposed
resolution authorizing the financing of certain improvements through the New Jersey Economic
Development Authority’s Energy Resilience Bank through the issuance of bonds and any notes
issued in anticipation of such bonds;

WHEREAS, the Authority believes that:

(a) it is in the public interest to accomplish such purpose;

(b) said purpose or improvements are for the health, welfare, convenience or
betterment of the inhabitants of the local unit or units;

(c) the amounts to be expended for said purpose or improvements are not
unreasonable or exorbitant;

(d) the proposal is an efficient and feasible means of providing services for the needs
of the inhabitants of the local unit or units and will not create an undue financial burden to be
placed upon the local unit or units;

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

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

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

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

<table>
<thead>
<tr>
<th>Name</th>
<th>AYE</th>
<th>NO</th>
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<th>ABSENT</th>
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<td>Peter C. Massa, Jr.</td>
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<td>Jon Warms</td>
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The foregoing is a true copy of a resolution adopted by the governing body of the Bergen County Utilities Authority on May 25, 2017.

Michael Henwood
Board Secretary
BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION

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

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

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

WHEREAS, the Board of Commissioners of the Authority (the “Board”), by Resolution 12-2-011 adopted February 23, 2012, awarded a professional services agreement to Birdsall Services Group (“Birdsall”), pursuant to N.J.S.A. 40A:11-1 et seq., to perform “energy, air permit compliance and special professional services” for the Authority for a one (1) year term; and

WHEREAS, the professional services agreement entered into by and between Birdsall and the Authority pursuant to Resolution 12-2-011 (the “Birdsall PSA”) provided for an initial compensation budget of $300,000.00; and

WHEREAS, the Board, by Resolution 13-2-006 adopted January 24, 2013, authorized the execution of a change order to the Birdsall PSA, increasing the compensation budget of the Birdsall PSA by the amount of $60,000.00, resulting in an amended compensation budget of $360,000.00 to be paid by the Authority to Birdsall pursuant to the Birdsall PSA; and

WHEREAS, the Authority paid Birdsall in full for the initial $300,000.00 compensation budget of the Birdsall PSA; and

WHEREAS, on March 29, 2013, Birdsall filed a voluntary Chapter 11 bankruptcy petition with the United States Bankruptcy Court for the District of New Jersey (the “Birdsall Bankruptcy”) and on July 10, 2013 the Birdsall Bankruptcy was converted to a Chapter 7 case; and
WHEREAS, the Trustee subsequently moved to complete the sale of the assets of Birdsall to Partner Engineering and Science, Inc. ("PES"), which assets included Birdsall's account receivables; and

WHEREAS, the Authority, through General Legal Counsel, filed an application with the Court in the Birdsall Bankruptcy formally objecting to the proposed transfer from Birdsall to PES of the Birdsall PSA and any amounts due and payable thereunder by the Authority to Birdsall; and

WHEREAS, over the objection of the Authority, by Order filed June 6, 2013 by the Honorable Michael B. Kaplan, U.S.B.J. (the "Birdsall Bankruptcy Order"), the Court approved the Asset Purchase Agreement entered into by and between the Trustee, Birdsall and PES (the "PES Agreement"), and the transfer from Birdsall to PES of, among other things, the account receivables of Birdsall; and

WHEREAS, the Birdsall Bankruptcy Order provides in Paragraph 15 thereof that "[t]he transfer of [Birdsall's] Assets does not and will not subject [PES] to any debts, liabilities, obligations, commitments, responsibilities or claims of any kind or nature whatsoever, whether known or unknown...except as expressly provided in the [PES] Agreement" and Paragraph 3.4 of the PES Agreement provides that "[PES] shall not assume...obligations...of any kind whatsoever [for] breach, or negligent performance of any [Birdsall] contract"; and

WHEREAS, as a result of the Birdsall Bankruptcy Order, entered over the objection of the Authority, PES now stands in the shoes of Birdsall with respect to collection of the Birdsall accounts receivable, which includes the claimed $60,000.00 payable by the Authority to Birdsall pursuant to the Birdsall PSA, while PES enjoys full immunity from any claims of the Authority with respect to the obligation of the Authority to make payment on fees owed to Birdsall by the Authority pursuant to the Birdsall PSA; and

WHEREAS, PES filed a complaint initiating litigation in the Superior Court of New Jersey, Law Division in Monmouth County, captioned Partner Engineering and Science, Inc. v. Bergen County Utilities Authority (the "Litigation"), seeking entry of judgment against the Authority in the amount of $90,315.47; and

WHEREAS, venue of the Litigation was transferred from Monmouth County to Bergen County at the request of the Authority; and

WHEREAS, PES has presented an offer to the Authority pursuant to which PES has agreed to accept the sum of $35,000.00 from the Authority in full satisfaction of any and all claims asserted by PES against the Authority in the Litigation, including the demand for the payment from the authority in the amount of $90,315.47, which demand includes payment of the claimed $60,000.00 payable by the Authority to Birdsall pursuant to the Birdsall PSA plus interest on that claimed unpaid amount; and
WHEREAS, the Authority, acknowledging the costs and risks associated with the Litigation, has determined that it would be advantageous to, and in the best interests of, the Authority and its ratepayers, to accept the offer of settlement presented by PES to the Authority to resolve the Litigation and make payment to PES in the amount of $35,000.00 pursuant to the Birdsall PSA; and

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

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

1. The Executive Director, or his designee, shall be and is hereby authorized to execute an agreement by and among the Authority and Partner Engineering and Science, Inc. providing for the settlement of the Litigation, which terms shall include the payment of an amount up to the sum of $35,000.00 by the Authority to Partner Engineering and Science, Inc., in the form acceptable to the Executive Director and satisfactory to the Authority as evidenced by his signature thereon.

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

3. A copy of this Resolution and a copy of the agreement entered into by the Authority pursuant to this Resolution shall be placed on file and made available for public inspection in the office of the Executive Director upon execution by Partner Engineering and Science, Inc. and the Authority.

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

5. The 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 May 25, 2017.

Michael Henwood, Secretary
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 Hi-Molecular Weight Cationic Dry Polymer for Sludge Dewatering, Gravity Belt Thickeners for a Two (2) Year Period, pursuant to and in accordance with Contract No. 17-04; and

WHEREAS, the Authority received a sole bid proposal on January 10, 2017, the date set forth in the Invitation to Bid for the receipt of bid proposals pursuant to and in accordance with Contract No. 17-04; and

WHEREAS, following review of the sole bid proposal received, the Authority discovered and determined that the bid specifications should be substantially revised and, by Resolution 17-2-010 adopted February 23, 2017, the Board of Commissioners of the Authority rejected the sole bid proposal received and authorized and directed the Authority’s Qualified Purchasing Agent to revise the bid documents to correct and provide for necessary critical characteristics to Furnish and Deliver Hi-Molecular Weight Cationic Dry Polymer for Sludge Dewatering, Gravity Belt Thickeners for a Two (2) Year Period pursuant to and in accordance with Contract No. 17-04 and further authorized the Executive Director of the Authority, or his designee, to re-advertise for the solicitation of bid proposals to Furnish and Deliver Hi-Molecular Weight Cationic Dry Polymer for Sludge Dewatering, Gravity Belt Thickeners for a Two (2) Year Period pursuant to and in accordance with Contract No. 17-04 (Rebid) pursuant to N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the following bid proposals were received by the Authority on April 25, 2017 for Contract No. 17-04 (Rebid):

<table>
<thead>
<tr>
<th>Vendor</th>
<th>Product Type</th>
<th>Total Bid Price Per/lb</th>
<th>Total Bid Price (Two (2) Year Period)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Polydyne, Inc.</td>
<td>Clarifloc NE – 1528</td>
<td>$1.264</td>
<td>$632,000.00</td>
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<tr>
<td>Riceboro, GA</td>
<td>Clarifloc NE – 1942</td>
<td>$1.323</td>
<td>$661,500.00</td>
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<td>BASF Corporation</td>
<td>ZETAG 7587</td>
<td>$1.329</td>
<td>$664,500.00</td>
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<tr>
<td>Charlotte, NC</td>
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; and

WHEREAS, Appendix A to the bid documents for Contract No. 17-04 (Rebid) provides that the "determination of the most cost-effective product will be based upon the product performance relative to the other products bid and tested"; and
WHEREAS, Contract No. 17-04 (Rebid) specifies an extensive testing protocol that must be completed prior to the awarding of this contract in order to enable the Authority to evaluate and determine the lowest complying and responsible bidder; and

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

WHEREAS, the performance test data has been reviewed and evaluated by the Authority’s Operation and Maintenance Department as set forth in a written memorandum, dated May 24, 2017, from the Authority’s Director of Water Pollution Control to the Authority’s Qualified Purchasing Agent (the “Data Memorandum”); and

WHEREAS, the Authority’s Director of Water Pollution Control has reviewed the results and recommendation embodied in the Data Memorandum and recommends that BASF Corporation be awarded Contract No. 17-04 (Rebid) for a Two (2) Year Period for its product ZETAG 7587, for a unit price of $1.329/lb and a total amount not to exceed the sum of $664,500.00 pursuant to and in accordance with N.J.S.A. 40A:11-1 et seq., as the lowest complying and responsible bidder; and

WHEREAS, on the basis of the foregoing, the Authority has determined that BASF Corporation constitutes the lowest complying and responsible bidder for Contract No. 17-04 (Rebid) for a Two (2) Year Period, 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. BASF Corporation shall be and is hereby determined to be the lowest complying and responsible bidder to Furnish and Deliver Hi-Molecular Weight Cationic Dry Polymer for Sludge Dewatering, Gravity Belt Thickeners for a Two (2) Year Period, constituting Contract No. 17-04 (Rebid), for its product ZETAG 7587, for a unit price of $1.329/lb and a total amount not to exceed the sum of $664,500.00 without further approval of the Commissioners of the Authority.

2. The Chairman shall be and is hereby authorized to execute a contract with BASF Corporation of, 11501 Steele Creek Road, Charlotte, NC 28273 to Furnish and Deliver Hi-Molecular Weight Cationic Dry Polymer for Sludge Dewatering, Gravity Belt Thickeners
constituting Contract No. 17-04 (Rebid) for a Two (2) Year Period, for its product ZETAG 7587, for a unit price of $1.329/Lb and a total amount not to exceed the sum of $664,500.00 without further approval of the Commissioners of the Authority.

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

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

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. 17-04 (Rebid), shall be placed on file and made available for public inspection in the Office of the Executive Director upon execution by BASF Corporation 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-14(b).

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of May 25, 2017.

Michaél Henwood
Secretary

Dated: May 25, 2017
THIS IS TO CERTIFY TO THE COMMISSIONERS OF THE BERGEN COUNTY UTILITIES AUTHORITY THAT THERE ARE:

Funds Available

Funds are not Available

Budget Account

Vendor

Contract Number

Reason

Amount

Contract Length

Mathew 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 Liquid Emulsion High Molecular Weight Cationic Polymer for Waste Activated Sludge/Gravity Belt Thickener for a Two (2) Year Period, pursuant to and in accordance with Contract No. 17-05; and

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

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

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

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

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

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

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

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

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

WHEREAS, the performance test data has been reviewed and evaluated by the Authority's Operation and Maintenance Department as set forth in a written memorandum, dated May 24, 2017, from the Authority's Director of Water Pollution Control to the Authority's Qualified Purchasing Agent (the "Memorandum"); and

WHEREAS, the Authority's Director of Engineering has reviewed the results and recommendation embodied in the Memorandum and recommends that BASF Corporation be awarded Contract No. 17-05 (Rebid) for a Two (2) Year Period for its product ZETAG 8848 FS, for a unit price of $0.739/Lb and a total amount not to exceed the sum of $753,780.00 pursuant to and in accordance with N.J.S.A. 40A:11-1 et seq., as the lowest complying and responsible bidder; and

WHEREAS, on the basis of the foregoing, the Authority has determined that BASF Corporation constitutes the lowest complying and responsible bidder for Contract No. 17-05 (Rebid) for a Two (2) Year Period, in accordance with N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, 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. BASF Corporation shall be and is hereby determined to be the lowest complying and responsible bidder to Furnish and Deliver Liquid Emulsion High Molecular Weight Cationic Polymer for Waste Activated Sludge/Gravity Belt Thickener constituting Contract No. 17-05 (Rebid) for a Two (2) Year Period for its product ZETAG 8848 FS for a unit price of $0.739/Lb and a total amount not to exceed the sum of $753,780.00 without further approval of the Commissioners of the Authority.
2. The Chairman shall be and is hereby authorized to execute a contract with BASF Corporation of 11501 Steele Creek Road, Charlotte, NC 28273 to Furnish and Deliver Liquid Emulsion High Molecular Weight Cationic Polymer for Waste Activated Sludge/Gravity Belt Thickener for a Two (2) Year Period constituting Contract No. 17-05 (Rebid), for its product ZETAG 8848 FS with a unit price of $0.739/lb and a total amount not to exceed the sum of $753,780.00 without further approval of the Commissioners of the Authority.

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

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

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. 17-05 (Rebid), shall be placed on file and made available for public inspection in the Office of the Executive Director upon execution by BASF Corporation 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-14(b).

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of May 25, 2017.

[Signature]
Michael Henwood
Secretary

Dated: May 25, 2017
BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 05/25/2017
RESOLUTION #: 17-2-033

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

Funds Available: X

Funds are Not Available

Budget Account: W-320-59700-000 POLYMERS

Vendor: BASF CORPORATION

Contract Number: 17-05

Reason: Furnish and deliver liquid emulsion high molecular weight cationic polymer for waste activated sludge/gravity belt thickeners

Amount: $753,780.00

Contract Length: June 1, 2017 to May 31, 2019

Matthew M. Carter
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 Lobeline Pump Parts for DST/WAS Building for a Two (2) Year Period, pursuant to and in accordance with Contract No. 17-14; and

WHEREAS, the following bid proposals were received by the Authority on April 25, 2017 for Contract No. 17-14:

<table>
<thead>
<tr>
<th>Vendor</th>
<th>Total Amount Bid for Two (2) Years</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hayes Pump, Inc. Fairfield, NJ</td>
<td>$247,272.00</td>
</tr>
<tr>
<td>PCS Pump and Process, Inc. Fairfield, NJ</td>
<td>$336,392.72</td>
</tr>
</tbody>
</table>

WHEREAS, the Authority's Qualified Purchasing Agent has reviewed the bid proposals and has recommended that Hayes Pump, Inc. be awarded Contract No. 17-14 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 Hayes Pump, Inc. constitutes the lowest complying and responsible bidder for Contract No. 17-14, in accordance with N.J.S.A. 40:11-1 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. Hayes Pump, Inc. shall be and is hereby determined to be the lowest complying and responsible bidder to Furnish and Deliver Lobeline Pump Parts for DST/WAS Building, constituting Contract No. 17-14 for a Two (2) Year Period for a total sum of $247,272.00.

2. The Chairman shall be and is hereby authorized to execute a contract with Hayes Pump, Inc. of 295 Fairfield Avenue, Fairfield, NJ 07004 to Furnish and Deliver Lobeline Pump Parts for DST/WAS Building, constituting Contract No. 17-14 for a Two (2) Year Period for a total sum of $247,272.00.
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. 17-14, shall be placed on file and made available for public inspection in the Office of the Executive Director upon execution by Hayes Pump, 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 May 25, 2017.

[Signature]
Michael Henwood
Secretary

Dated: May 25, 2017
BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 05/25/2017
RESOLUTION #: 17-2-034

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-550-61300-000

Pumps:

Vendor: Hayes Pump, Inc.

Contract Number: 17-14

Reason: Lobeline Pump Parts for DST/WAS Building

Amount: $247,272.00

Contract Length: June 1, 2017 to May 31, 2019

Matthew M. Carter

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 Sodium Hypochlorite for a Two (2) Year Period, pursuant to and in accordance with Contract No. 17-16; and

WHEREAS, the following bid proposals were received by the Authority on May 16, 2017 for Contract No. 17-16:

<table>
<thead>
<tr>
<th>Vendor</th>
<th>Unit Price (Per Gallon)</th>
<th>Total Amount Bid for Two (2) Years (1,100,000/gal)</th>
</tr>
</thead>
<tbody>
<tr>
<td>JCI Jones Chemicals, Inc. Warwick, NY</td>
<td>$0.69</td>
<td>$759,000.00</td>
</tr>
<tr>
<td>Univar USA, Inc. Middletown, PA</td>
<td>$0.7090</td>
<td>$779,900.00</td>
</tr>
<tr>
<td>Kuehne Chemical Co., Inc. South Kearny, NJ</td>
<td>$0.87</td>
<td>$957,000.00</td>
</tr>
<tr>
<td>Miracle Chemical Company Farmingdale, NJ</td>
<td>$0.975</td>
<td>$1,072,500.00</td>
</tr>
<tr>
<td>Coyne Chemical Croydon, PA</td>
<td>No Bid Letter</td>
<td>No Bid Letter</td>
</tr>
</tbody>
</table>

WHEREAS, the Authority's Qualified Purchasing Agent has reviewed the bid proposals and has recommended that JCI Jones Chemicals, Inc. be awarded Contract No. 17-16 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 JCI Jones Chemicals, Inc. constitutes the lowest complying and responsible bidder for Contract No. 17-16, 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. **JCI Jones Chemicals, Inc.** shall be and is hereby determined to be the lowest complying and responsible bidder to **Furnish and Deliver Sodium Hypochlorite**, constituting **Contract No. 17-16** for a **Two (2) Year Period** for a unit price of $0.69 per gallon and a total amount not to exceed the sum of **$759,000.00** without further approval of the Commissioners of the Authority.

2. The Chairman shall be and is hereby authorized to execute a contract with **JCI Jones Chemicals, Inc.** of 103 River Street, Warwick, NY 10990 to **Furnish and Deliver Sodium Hypochlorite**, constituting **Contract No. 17-16** for a **Two (2) Year Period** for a unit price of $0.69 per gallon and a total amount not to exceed the sum of **$759,000.00** without further approval of the Commissioners of the Authority.

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

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

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

6. A copy of this Resolution and the contract executed pursuant to this Resolution, along with Contract No. 17-16, shall be placed on file and made available for public inspection in the Office of the Executive Director upon execution by JCI Jones Chemicals, 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 May 25, 2017.

\[Signature\]

Michael Henwood  
Secretary

Dated: May 25, 2017
BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 05/25/2017
RESOLUTION #: 17-2-035

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

Funds Available: X

Funds are NOT Available

Budget Account: W-320-60350-000
SODIUM HYPOCHLORITE

Vendor: JCI JONES CHEMICALS, INC.

Contract Number: 17-16

Reason: FURNISH AND DELIVER SODIUM HYPOCHLORITE

Amount: $759,000.00

Contract Length: JUNE 1, 2017 TO MAY 31, 2019

[Signature]
ACTING TREASURER
BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION

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

WHEREAS, the following bid proposals were received by the Authority on May 18, 2017 for Contract No.C-195:

<table>
<thead>
<tr>
<th>Vendor</th>
<th>Total Amount Bid</th>
</tr>
</thead>
<tbody>
<tr>
<td>CMS Construction, Inc.</td>
<td>$69,000.00</td>
</tr>
<tr>
<td>Plainfield, NJ</td>
<td></td>
</tr>
<tr>
<td>Montana Construction Corp., Inc.</td>
<td>$144,000.00</td>
</tr>
<tr>
<td>Lodi, NJ</td>
<td></td>
</tr>
<tr>
<td>J. Fletcher Creamer &amp; Son, Inc.</td>
<td>$157,000.00</td>
</tr>
<tr>
<td>Hackensack, NJ</td>
<td></td>
</tr>
</tbody>
</table>

WHEREAS, the Authority's Qualified Purchasing Agent has reviewed the bid proposal of CMS Construction, Inc. and has indicated that the bid proposal of CMS Construction, Inc. has been deemed incomplete and non-conforming based upon the failure of CMS Construction, Inc. to attend a mandatory pre-bid conference to discuss the requirements of Sludge Transfer Area Improvements, pursuant to and in accordance with Contract No. C-195, held at 10:00 a.m. on May 4, 2017 at the Control Building at the Authority’s Water Pollution Control Facility located in Little Ferry, New Jersey; and

WHEREAS, the bid proposal of CMS Construction, Inc. has been deemed incomplete and non-conforming, the Authority’s Qualified Purchasing Agent has recommended that Montana Construction Corp., Inc. be awarded Contract No. C-195 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 Montana Construction Corp., Inc. constitutes the lowest complying and responsible bidder for Contract No. C-195, 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. The bid of **CMS Construction, Inc.** shall be and is hereby rejected as being an incomplete and non-conforming bid, constituting a non-waivable, incurable material deviation from **Contract No. C-195**.

2. **Montana Construction Corp., Inc.** shall be and is hereby determined to be the lowest complying and responsible bidder for **Sludge Transfer Area Improvements**, constituting **Contract No. C-195**, for a total sum of **$144,000.00**.

3. The Chairman shall be and is hereby authorized to execute a contract with **Montana Construction Corp., Inc.** of 80 Contant Avenue, Lodi NJ 07644 for **Sludge Transfer Area Improvements**, constituting **Contract No. C-195**, for a total sum of **$144,000.00**.

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

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

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

7. A copy of this Resolution and the contract executed pursuant to this Resolution, along with **Contract No. 17-10**, shall be placed on file and made available for public inspection in the Office of the Executive Director upon execution by Montana Construction Corp., Inc. and the Authority.

8. The formal action(s) of the Commissioners of the Bergen County Utilities Authority embodied herein are expressly contingent upon and subject to the provisions of **N.J.S.A. 40:14B-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 May 25, 2017.

[Signature]

Michael Henwood  
Secretary

Dated: May 25, 2017
BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 05/25/2017
RESOLUTION #: 17-2-036

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

Funds Available

X

Funds are not Available

W-200-80800-000
CAPITAL OUTLAW

Budget Account

Vendor

MONTANA CONSTRUCTION CORP., INC.

Contract Number

195

Reason

SLUDGE TRANSFER AREA IMPROVEMENTS

Amount

$144,000.00

Contract Length

TO COMPLETION

[Signature]

ACTING TREASURER
BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION

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

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

WHEREAS, in furtherance of providing these essential services, the Board of Commissioners of the Authority, by Resolution 16-2-014 adopted February 25, 2016, appointed Alaimo Group to serve as General Consulting Engineer to the Authority for a One (1) Year Term or until a successor is selected or at the pleasure of the Authority, whichever shall first occur or be exercised; and

WHEREAS, Resolution 16-2-014 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 services to be provided by Alaimo Group to the Authority as General Consulting Engineer 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 $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 Alaimo Group on March 1, 2016; and

WHEREAS, the Board of Commissioners of the Authority, by Resolution 16-2-080 adopted December 22, 2016, authorized the Chairman of the Board of Commissioners of the Authority to modify the Agreement by increasing the budget for compensation to be paid by the Authority to Alaimo Group under the Agreement by the amount of $150,000.00, resulting in an amended Agreement compensation budget in the total sum of $250,000.00 without further approval of the Board of Commissioners of the Authority; and

WHEREAS, Alaimo Group, operating under the Agreement, has continued to provide significant necessary and valuable services to the Authority as the Authority’s General Consulting Engineer 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:

- General scoping of miscellaneous engineering projects;
- PST No. 5 & 6 Design and Construction;
• Underground Storage Tank Evaluation;
• Administration, Control and Bar Screen Building Roof Evaluation;
• Administration & Control Building Fire Suppression Evaluation;
• PST Tanks 1 thru 4 and Pipe Gallery Evaluation and Remediation;
• FST Tanks 1 thru 16 Weir and Trough Replacements;
• Edgewater TWP Odor Evaluation;
• Miscellaneous HUD funded projects;
• Culvert Load Evaluations;
• Sludge Transfer and Trucking area Modifications; and
• Fort Lee Interceptor Sewer Capacity Evaluation.

; and

WHEREAS, the Agreement, as amended by Resolution 16-2-080, provides for a compensation budget of $250,000.00 to be paid by the Authority to Alaimo Group for services performed pursuant thereto and by written correspondence dated May 11, 2017, Alaimo Group advised the Authority that, as of February 28, 2017, Alaimo Group required that the Agreement compensation budget be increased by the sum of $20,471.65 to pay for work performed by Alaimo Group pursuant to the Agreement; and

WHEREAS, Alaimo Group, by the May 11, 2017 written correspondence, requested that the Authority increase the compensation budget provided for by the Agreement by the total sum of $20,471.65, resulting in an amended Agreement compensation budget of an amount not to exceed the total sum of $270,471.65; 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

WHEREAS, the Authority’s Director of Engineering has reviewed the May 11, 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 paid by the Authority to Alaimo Group, and based upon the above determinations and his review of the May 11, 2017 written correspondence of Alaimo Group, 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 Alaimo Group pursuant to the Agreement in the total sum of $20,471.65, resulting in an amended compensation budget under the Agreement in an amount not to exceed the total sum of $270,471.65 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 $20,471.65 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 $270,471.65 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).

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of May 25, 2017.

Michael Henwood, Secretary

Dated: May 25, 2017
BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 05/25/2017
RESOLUTION #: 17-2-037

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

Vendor: ALAIMO GROUP

Contract Number: 16022514

Increase in Professional Services

Reason: Needs of the Authority for Ongoing Projects

Amount: $20,471.65

Contract Length: March 1, 2016 to February 28, 2017

ACTING TREASURER

Mathew M. Carter