

**BERGEN COUNTY UTILITIES AUTHORITY
MINUTES OF THE REGULAR MEETING
MAY 28, 2015**

**In the matter of the 435th Regular Meeting of
The Bergen County Utilities Authority**

1. The **proof of meeting notice** calling the May 28, 2015 meeting was read into the record by Michael Henwood, Secretary.
2. Roll Call:

COMMISSIONERS PRESENT:

Ronald Phillips, Vice Chairman
Catherine T. Bentz, Commissioner
James L. Cassella, Commissioner
Louis J. DeLisio, Commissioner
Paul A. Juliano, Commissioner
Richard D. Schooler, Commissioner
George P. Zilocchi, Commissioner

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

Motion from the Floor:

Director Laux reported that Chairman Vaccaro could not attend May 28, 2015 meeting due to health concerns. Commissioner Lorenzo could not attend the May 28, 2015 meeting due to a transportation delay. Vice Chairman Phillips made a Motion to excuse Chairman Vaccaro and Commissioner Lorenzo, Seconded by Commissioner Cassella. The Motion passed unanimously.

3. Motion that the Minutes covering the April 23, 2015 Work Session be approved was moved by Commissioner Schooler and Seconded by Commissioner Cassella and was carried. Commissioner Zilocchi abstained.
4. Vice Chairman Phillips opened the meeting to the public and asked if anyone present wished to be heard. No members of the public wished to speak. The meeting was closed to the public.
5. FINANCE AND LEGAL COMMITTEE:

Resolution 15-1-025– Approve bills and the claims supported by vouchers totaling \$5,817,783.03 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 Cassella and Seconded by Commissioner Schooler. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 15-1-026 – Authorize annual renewal of membership with the Water Environmental Research Foundation. Motion to adopt the resolution was made by Commissioner Cassella and Seconded by Commissioner Schooler. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 15-1-027– Ratify and Approve Financial Actions directed by Matthew McCarter, Acting Treasurer, during the month of April 2015. Motion to adopt the resolution was made by Commissioner Cassella and Seconded by Commissioner Schooler. A roll call was taken and the resolution was adopted as reflected in these minutes.

6. CONSTRUCTION & ENGINEERING COMMITTEE:

Resolution 15-2-025 – Authorize Cooperative Purchase Agreement 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 Bentz. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 15-2-026 – Award Contract 15-14 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 Bentz. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 15-2-027 – Award Contract 15-15 to PCS Pump and Process, 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 Bentz. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 15-2-028 – Award Contract 15-16 to Hisco Pump Inc. - Furnish and Deliver Sludge Pump Spare Parts for a Two (2) Year Period. Motion to adopt the resolution was made by Commissioner Juliano and Seconded by Commissioner Bentz. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 15-2-029 – Award Contract 15-17 to Applied Analytics, Inc. - Furnish and Deliver Instrumentation Equipment, Parts and Supplies for a Two (2) Year Period. Motion to adopt the resolution was made by Commissioner Juliano and Seconded by Commissioner Bentz. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 15-2-030 – Award purchase order to GMH Associates of America, Inc., in accordance with the New Jersey Cooperative Contract A966-1- Furnish and Deliver Nash Model SC-2 Vacuum Pump- Stainless Steel. Motion to adopt the resolution was made by

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

Resolution 15-2-031 – Rescind purchase order to Beyer Ford – SC-A3013, and Award purchase order to Hertrich Fleet Services, Inc., in accordance with the New Jersey State Contract SC-A86922(Index T-0099) – Purchase of One Vehicle. Motion to adopt the resolution was made by Commissioner Juliano and Seconded by Commissioner Bentz. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 15-2-032 – Approve Amendment to Contract 187 – DCO Energy LLC. – CHP Cogeneration Expansion Project. Motion to adopt the resolution was made by Commissioner Juliano and Seconded by Commissioner Bentz. A roll call was taken and the resolution was adopted as reflected in these minutes.

7. PERSONNEL & ADMINISTRATION COMMITTEE:

Resolution 15-3-004 – Authorize Donation of Equipment to Bergen County Department of Public Safety – Law and Public Safety Institute – Police, Fire & EMS Academies. Motion to adopt the resolution was made by Commissioner DeLisio and Seconded by Commissioner Cassella. A roll call was taken and the resolution was adopted as reflected in these minutes.

8. Vice Chairman Phillips announced a short recess to allow time for the Secretary to prepare minutes of this Regular Meeting.
9. Vice Chairman Phillips announced the Regular Meeting would reconvene.
10. The Secretary then distributed proposed minutes of the May 28, 2015 Regular Meeting for review by the Commissioners.
11. Move to approve the Minutes of the Regular Meeting of May 28, 2015 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 28, 2015 was made by Commissioner Juliano and second by Commissioner Bentz and was unanimously carried.
12. Upon motion duly made, seconded and unanimously carried, the meeting was adjourned.

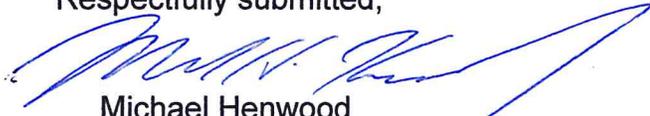
BERGEN COUNTY UTILITIES AUTHORITY
 Minutes of the Regular Meeting
 May 28, 2015

Resolution #	15-1-025	15-1-026	15-1-027	15-2-025	15-2-026	15-2-027	15-2-028
Chairman Vaccaro	-	-	-	-	-	-	-
Comm. Phillips	Y	Y	Y	Y	Y	Y	Y
Comm. Bentz	Y	Y	Y	Y	Y	Y	Y
Comm. Cassella	Y	Y	Y	Y	Y	Y	Y
Comm. DeLisio	Y	Y	Y	Y	Y	Y	Y
Comm. Juliano	Y	Y	Y	Y	Y	Y	Y
Comm. Lorenzo	-	-	-	-	-	-	-
Comm. Schooler	Y	Y	Y	Y	Y	Y	Y
Comm. Zilocchi	Y	Y	Y	Y	Y	Y	Y

Resolution #	15-2-029	15-2-030	15-2-031	15-3-004
Chairman Vaccaro	-	-	-	-
Comm. Phillips	Y	Y	Y	Y
Comm. Bentz	Y	Y	Y	Y
Comm. Cassella	Y	Y	Y	Y
Comm. DeLisio	Y	Y	Y	Y
Comm. Juliano	Y	Y	Y	Y
Comm. Lorenzo	-	-	-	-
Comm. Schooler	Y	Y	Y	Y
Comm. Zilocchi	Y	Y	Y	Y

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

Respectfully submitted,



Michael Henwood
 Secretary

May 28, 2015

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

WHEREAS, the **Water Environment Research Foundation (“WERF”)** is a not-for-profit foundation dedicated to advancing science and technology to address water quality issues as they impact water resources, the atmosphere, lands, and the quality of life; and

WHEREAS, **WERF** produces peer-reviewed research reports used by its subscribers and others to develop scientifically-based approaches, processes, and technologies to improve the management of waters resources; and

WHEREAS, **WERF** represents that it is staffed by a team of environmental professionals, including a committee of distinguished scientists and engineers who provide oversight, advice, and review of the wastewater and stormwater collection and treatment projects of the Bergen County Utilities Authority (the “Authority”); and

WHEREAS, **WERF** further represents that its investigators are comprised of individuals and organizations from municipal agencies, academia, government laboratories, and various industrial and consulting firms whose experience extends the spectrum of **WERF’s** research covering the areas of wastewater and stormwater collection and treatment systems, watersheds and ecosystems, and of human and environmental health; and

WHEREAS, **WERF** is funded through contributions and subscriptions from utilities, municipal agencies, corporations, consulting firms, associations, state regulatory agencies, private individuals and foundations, as well as congressional appropriations, the United States Environmental Protection Agency, and other governmental agencies; and

WHEREAS, in the aggregate, **WERF** leverages subscriber investments \$4:\$1; and

WHEREAS, in 2014, the Authority investment was leveraged \$798.00:\$1; and

WHEREAS, **WERF** has submitted a proposal dated December 16, 2014, to induce the Authority to renew its subscription and re-join **WERF**, which proposal has been reviewed by the Executive Director and Chief Engineer of the Authority; and

WHEREAS, the Authority’s Executive Director and Chief Engineer have recommended that the Authority renew its subscription to **WERF**; and

WHEREAS, the proposed annual subscription/dues for 2015 is \$33,675.00 based on \$432 per million gallons per day (mgd) and an average flow of 75 mgd during a twelve month period commencing January 1, 2015, through December 31, 2015; and

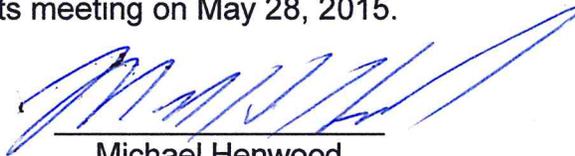
15-1-026

WHEREAS, the Authority has determined, based upon the foregoing, that it is necessary and/or desirable for its efficient operations to renew its subscription and rejoin **WERF** for 2015.

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

1. The Chairman shall be and is hereby authorized to renew the subscription by and between the Authority and **WERF**, in the amount not to exceed \$33,675.00.
2. The Acting Treasurer's Certification that funds are available shall be maintained on file at the Authority.
3. A copy of this resolution and the agreement to subscribe/join **WERF** shall be placed on file and made available for public inspection in the office of the Executive Director, upon execution by **WERF** and the Authority.
4. A notice of this subscription renewal shall be published in the form prescribed by law.
5. The formal action(s) of the Commissioners of the Bergen County Utilities Authority embodied herein are expressly contingent upon and subject to the provisions N.J.S.A. 40:14B-14(b).

I hereby certify the foregoing to be a true copy of the resolution adopted by the Bergen County Utilities Authority at its meeting on May 28, 2015.



Michael Henwood
Secretary

Dated: May 28, 2015

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

BE IT RESOLVED by the Commissioners of the Bergen County Utilities Authority that the Financial Actions directed by Matthew McCarter, Acting Treasurer, during the month of April 2015 be and are hereby ratified and approved.

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

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of May 28, 2015.



Michael Henwood
Secretary

Dated: May 28, 2015

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
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 April 28, 2015 to the NJHDG and the Authority, respectively, to continue providing services consisting of **Continuing Professional Environmental Services** in the amount of **\$88,000.00** for the period June 1, 2015 - May 31, 2016; and

WHEREAS, GLEC has represented the NJHDG since 1994; and

WHEREAS, the Authority's pro-rated NJHDG member's share is 11.11%, or **\$9,776.80**; and

WHEREAS, the maximum amount of the Authority's share of this agreement is **\$9,776.80**, and the Authority's Acting Treasurer has authorized 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 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. 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.; and

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**, at a compensation of **\$88,000.00**, of which the Authority's portion shall not exceed **\$9,776.80**.

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

3. The Acting Treasurer's Certification that the funds have been appropriated shall remain on file.

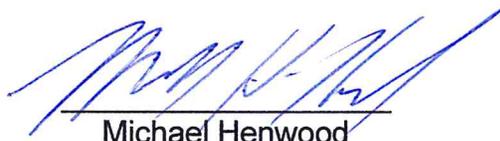
4. A copy of this Resolution and the Agreement retaining **GLEC** to provide the aforesaid services shall be placed on file and made available for public inspection in the Office of the Executive Director, upon execution by the NJHDG and the Authority, respectively.

5. The contract to be awarded for **Continuing Professional Environmental Services** shall include a provision which prohibits 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.

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 May 28, 2015.



Michael Henwood
Secretary

Dated: May 28, 2015

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 05/28/15

RESOLUTION #: 15-2-025

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

FUNDS AVAILABLE

X

FUNDS ARE NOT AVAILABLE

BUDGET ACCOUNT

ENGINEERING
W-350-50400-000

VENDOR

GREAT LAKES ENVIRONMENTAL CENTER

CONTRACT NUMBER

N / A

REASON

PROFESSIONAL ENVIRONMENTAL SERVICES

AMOUNT

\$9,776.80

CONTRACT LENGTH

June 1, 2015 to May 31, 2016

Matthew M'Carte
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. 15-14**; and

WHEREAS, the following bid proposals were received by the Authority on **May 5, 2015** for **Contract No.15-14**:

Vendor	Unit Price per/gallon	Total Amount Bid for Two Years
JCI Jones Chemicals, Inc. West Point, MS	\$0.67	\$737,000.00
Univar USA, Inc. Middletown, PA	\$0.709	\$779,900.00
Kuehne Chemical Co., Inc. South Kearny, NJ	\$1.00	\$1,100,000.00
Coyne Chemical Croydon, PA	No Bid Letter	No Bid Letter

; and

WHEREAS, the Authority's **Qualified Purchasing Agent and Plant Manager** have reviewed the bid proposals and have recommended that **JCI Jones Chemicals, Inc.** be awarded **Contract No. 15-14** 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 **JCI Jones Chemicals, Inc.** constitutes the lowest complying and responsible bidder for **Contract No. 15-14**, 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

15-2-026

Contract No. 15-14, for a Two (2) Year Period at a unit price of \$0.67 per gallon for a total sum of **\$737,000.00**.

2. The Chairman shall be and is hereby authorized to execute an agreement with **JCI Jones Chemicals, Inc.** of 103 River Street, Warwick, NY 10990 to **Furnish and Deliver Sodium Hypochlorite, constituting Contract No.15-14 for a Two (2) Year Period** at a unit price of \$0.67 per gallon for a total sum of **\$737,000.00**.

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 agreement executed pursuant to this Resolution, along with Contract No. 15-14, 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 28, 2015.



Michael Henwood
Secretary

Dated: May 28, 2015

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 05/28/15

RESOLUTION #: 15-2-026

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

SODIUM HYPOCHLORITE
W-320-60350-000

VENDOR

JCI JONES CHEMICALS INC.

CONTRACT NUMBER

15-14

REASON

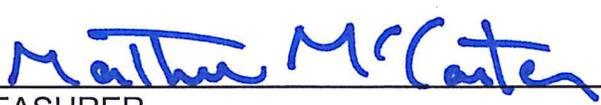
FURNISH AND DELIVER SODIUM HYPOCHLORITE

AMOUNT

\$737,000.00

CONTRACT LENGTH

JUNE 1, 2015 TO MAY 31, 2017


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. 15-15**; and

WHEREAS, the following sole bid proposal was received by the Authority on **May 5, 2015** for **Contract No.15-15**:

Vendor	Total Amount Bid for Two Years
PCS Pump and Process, Inc. Fairfield, NJ	\$273,467.54

; and

WHEREAS, the Authority's **Qualified Purchasing Agent and Plant Manager** have reviewed the sole bid proposal and have recommended that **PCS Pump and Process, Inc.** be awarded **Contract No. 15-15** 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 **PCS Pump and Process, Inc.** constitutes the lowest complying and responsible bidder for **Contract No. 15-15**, 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. **PCS Pump and Process, 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. 15-15**, for a **Two (2) Year Period** for a total sum of **\$273,467.54**.
2. The Chairman shall be and is hereby authorized to execute an agreement with **PCS Pump and Process, Inc.** of 41 Plymouth Street, Fairfield, NJ 07004 to **Furnish and**

15-2-027

Deliver Lobeline Pump Parts for DST/WAS Building, constituting Contract No.15-15 for a Two (2) Year Period for a total sum of \$273,467.54.

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 agreement executed pursuant to this Resolution, along with Contract No. 15-15, shall be placed on file and made available for public inspection in the Office of the Executive Director upon execution by PCS Pump and Process, 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 28, 2015.



Michael Henwood
Secretary

Dated: May 28, 2015

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 05/28/15
RESOLUTION #: 15-2-027

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

FUNDS AVAILABLE X

FUNDS ARE NOT AVAILABLE _____

BUDGET ACCOUNT PUMPS
W-550-61300-000

VENDOR PCS PUMP AND PROCESS, INC.

CONTRACT NUMBER 15-15

REASON FURNISH AND DELIVER LOBELINE PUMP PARTS

AMOUNT \$273,467.54

CONTRACT LENGTH JUNE 1, 2015 TO MAY 31, 2017

Mathew M'Carten
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 Sludge Pump Spare Parts (for a Two (2) Year Period)**, pursuant to and in accordance with **Contract No. 15-16**; and

WHEREAS, the following bid proposals were received by the Authority on **May 7, 2015** for **Contract No.15-16**:

Vendor	Total Amount Bid for Two Years
Hisco Pump Inc. Bloomfield, CT	\$159,881.84
New Chiswick Electric Company, Inc. Springfield, NJ	\$395,402.80

; and

WHEREAS, the Authority's **Qualified Purchasing Agent and Plant Manager** have reviewed the bid proposals and have recommended that **Hisco Pump Inc.** be awarded **Contract No. 15-16** 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 **Hisco Pump Inc.** constitutes the lowest complying and responsible bidder for **Contract No. 15-16**, 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:

- Hisco Pump Inc.** shall be and is hereby determined to be the lowest complying and responsible bidder to **Furnish and Deliver Sludge Pump Spare Parts**, constituting **Contract No. 15-16**, for a **Two (2) Year Period** for a total sum of **\$159,881.84**.

15-2-028

2. The Chairman shall be and is hereby authorized to execute an agreement with **Hisco Pump Inc.** of 4 Mosey Drive, Bloomfield, CT 06002 to **Furnish and Deliver Sludge Pump Spare Parts**, constituting **Contract No.15-16** for a **Two (2) Year Period** for a total sum of **\$159,881.84**.

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 agreement executed pursuant to this Resolution, along with Contract No. 15-16, shall be placed on file and made available for public inspection in the Office of the Executive Director upon execution by Hisco 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 28, 2015.



Michael Henwood
Secretary

Dated: May 28, 2015

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 05/28/15

RESOLUTION #: 15-2-028

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

FUNDS AVAILABLE X

FUNDS ARE NOT AVAILABLE _____

BUDGET ACCOUNT PUMPS
W-550-61300-000

VENDOR HISCO PUMP INC.

CONTRACT NUMBER 15-16

REASON FURNISH AND DELIVER SLUDGE PUMP SPARE PARTS

AMOUNT \$159,881.84

CONTRACT LENGTH JUNE 1, 2015 TO MAY 31, 2017

Mather M'Carte
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. 15-17**; and

WHEREAS, the following sole bid proposal was received by the Authority on **May 7, 2015** for **Contract No.15-17**:

Vendor	Percentage Discounted for ABB Products	Percentage Discounted for Polysonics Products	Percentage Discounted for Pulsar Products
Applied Analytics, Inc. Flemington, NJ	5%	2%	2%

; and

WHEREAS, the Authority's **Qualified Purchasing Agent and Plant Manager** have reviewed the sole bid proposal and have recommended that **Applied Analytics, Inc.** be awarded **Contract No. 15-17** in accordance with N.J.S.A. 40:11-1 et seq., as the lowest complying and responsible bidder; and

WHEREAS, on the basis of the foregoing, the Authority has determined that **Applied Analytics, Inc.** constitutes the lowest complying and responsible bidder for **Contract No. 15-17**, in accordance with N.J.S.A. 40A:11-1 et seq.; and

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

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

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

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

1. **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. 15-17**, for a **Two (2) Year Period** for a total sum not to exceed **\$400,000.00**.

2. The Chairman shall be and is hereby authorized to execute an agreement 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.15-17** for a **Two (2) Year Period** for a total sum not to exceed **\$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 agreement executed pursuant to this Resolution, along with Contract No. 15-17, 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 May 28, 2015.



Michael Henwood
Secretary

Dated: May 28, 2015

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 05/28/15

RESOLUTION #: 15-2-029

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 INSTRUMENTATION
W-550-62100-000

VENDOR APPLIED ANALYTICS, INC.

CONTRACT NUMBER 15-17

REASON FURNISH AND DELIVER INSTRUMENTATION
EQUIPMENT, PARTS & SUPPLIES

AMOUNT \$400,000.00

CONTRACT LENGTH JUNE 1, 2015 TO MAY 31, 2017

Mather McCarter
ACTING TREASURER

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

WHEREAS, there exists the need to **Furnish and Deliver Nash Model SC-2 Vacuum Pump-Stainless Steel** in order to ensure the necessary and efficient operations of the Bergen County Utilities Authority (the "Authority"); and

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

WHEREAS, the Authority is a member of the North Jersey Wastewater Cooperative Pricing System (the "NJWCPS"); and

WHEREAS, the NJWCPS previously designated Contract **A966-1** as a Cooperative Pricing System contract with the lead agency being Passaic Valley Sewerage Commission (the "PVSC"); and

WHEREAS, **GMH Associates of America, Inc.** has been awarded NJWCPS Contract **A966-1** for **Various Manufacturer Pumps and Motors-Repair and Replacement and Installation**; and

WHEREAS, on May 18, 2015, **GMH Associates of America, Inc.** provided the Authority with a quote to **Furnish and Deliver Nash Model SC-2 Vacuum Pump- Stainless Steel** under NJWCPS Contract **A966-1**, in the total sum of **\$27,016.00**; and

WHEREAS, the Authority's Qualified Purchasing Agent has reviewed the quote provided to the Authority by **GMH Associates of America, Inc.** and has recommended that **GMH Associates of America, Inc.** be awarded and issued a purchase order as per the quote provided; and

WHEREAS, the **Furnish and Deliver Nash Model SC-2 Vacuum Pump-Stainless Steel** may be procured through NJWCPS Contract **A966-1** for a total sum of **\$27,016.00** as quoted by **GMH Associates of America, Inc.**; and

WHEREAS, contracts awarded pursuant to authorization from the State of New Jersey are in compliance with the fair and open process pursuant to N.J.S.A. 19:44A-20.4 et seq.; and

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

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

15-2-030

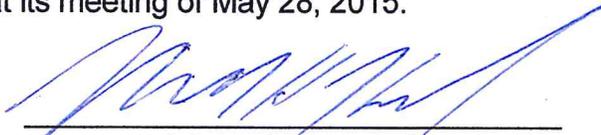
NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the Bergen County Utilities Authority, as follows:

1. The Executive Director, or his designee, shall be and is hereby authorized to execute a purchase order, or purchase orders as may be required, to **Furnish and Deliver Nash Model SC-2 Vacuum Pump-Stainless Steel** in the total sum of **\$27,016.00**, as per the quote of **GMH Associates of America, Inc.** dated May 18, 2015 and in accordance with the terms of NJWCPS **A966-1**.

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

3. 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 28, 2015.



Michael Henwood
Secretary

Dated: May 28, 2015

15-2-030

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 05/28/15

RESOLUTION #: 15-2-030

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

FUNDS AVAILABLE X

FUNDS ARE NOT AVAILABLE _____

BUDGET ACCOUNT PUMPS
W-550-61300-000

VENDOR GMH ASSOCIATES OF AMERICA, INC.

CONTRACT NUMBER NJWCPS #A966-1

REASON FURNISH AND DELIVER NASH MODEL SC-2
VACUUM PUMP - STAINLESS STEEL

AMOUNT \$27,016.00

CONTRACT LENGTH ON DELIVERY

Matthew M. Carter
ACTING TREASURER

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

WHEREAS, the Bergen County Utilities Authority maintains a fleet management plan in order to ensure the maintenance, safety and efficiency of its operations; and

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

WHEREAS, **Hertrich Fleet Services, Inc.** has been awarded New Jersey State Contract **SC- A86922 (Index T-0099)** for **Sale of Vehicles**; and

WHEREAS, on May 12, 2015, **Hertrich Fleet Services, Inc.** provided the Authority with a quotation for the **Purchase of One Vehicle** under New Jersey State Contract **SC-A86922 (Index T-2099)**, in the amount of **\$18,164.00**; and

WHEREAS, **Beyer Ford** has been awarded New Jersey State Contract **SC-A83013** for **Sale of Vehicles**; and

WHEREAS, on March 19, 2015, **Beyer Ford** provided the Authority with a quotation for the **Purchase of One Vehicle** under New Jersey State Contract **SC-A83013**, in the amount of **\$24,708.00**; which was approved by resolution 15-2-017 dated March 26, 2015; and

WHEREAS, the Authority has determined that the State Contract quotation from Hertrich Fleet Services, Inc. in the amount of \$18,164.00 represents a more economical and efficient vehicle procurement, resulting in net savings of \$6,544.00; and

WHEREAS, contracts awarded pursuant to authorization from the State of New Jersey are in compliance with the fair and open process pursuant to N.J.S.A. 19:44A-20.4 et seq.; and

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

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

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

1. The Executive Director or his designee be and is hereby authorized to execute a purchase order, for the **Purchase of One Vehicle** in the amount of **\$18,164.00**,

15-2-031

as per the quotation of **Hertrich Fleet Services, Inc.**, dated May 12, 2015, and in accordance with the terms of New Jersey State Contract **SC-A86922 (Index T-0099)**;

2. The purchase order approved to Beyer Ford under SC-A3013 in the amount of \$24,708.00 is rescinded;

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

4. The formal action(s) of the Commissioners of the Bergen County Utilities Authority embodied herein are expressly contingent upon and subject to the provisions of N.J.S.A. 40:14B-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 28, 2015.



Michael Henwood
Secretary

Dated: May 28, 2015

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 05/28/15

RESOLUTION #: 15-2-031

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

FUNDS AVAILABLE X

FUNDS ARE NOT AVAILABLE _____

BUDGET ACCOUNT CAPITAL OUTLAY
W-200-80800-000

VENDOR HERTRICH FLEET SERVICES, INC

CONTRACT NUMBER SC-A86922

REASON PURCHASE OF ONE VEHICLE

AMOUNT \$18,164.00

CONTRACT LENGTH ON DELIVERY

Matthew Carter
ACTING TREASURER

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

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

WHEREAS, The Bergen County Utilities Authority ("Authority") plays an important role in providing 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 Bergen County Utilities Authority (the "Authority") was desirous to implement the **Expansion of the Gas Fired Combined Heat and Power (CHP) Cogeneration Project** within its facilities (the "Expansion Project"); and

WHEREAS, the Expansion Project, consisting of the addition of a 1.4 Megawatt third engine to the CHP Cogeneration Unit, was necessary to satisfy the anticipated increase of biogas; and

WHEREAS, the Expansion Project would result in the Authority realizing potential annual cost savings and credits based on increased electrical and heat energy output; and

WHEREAS, the Authority also recognized the impact of recent extreme weather public emergency events and the power interruptions and quality fluctuations in the PJM electrical grid during these public emergency events and, the Authority desired to implement the Expansion Project as long-term back-up power during power outages by the proposed expansion of its existing CHP Cogeneration System including black-start capabilities and the presence of this CHP Cogeneration microgrid would serve to protect the water environment and public from exposure to untreated or partly treated wastewater; and

WHEREAS, by Resolution 13-2-074 adopted November 26, 2013 by the Board of Commissioners of the Authority, the Authority retained the services of **Remington, Vernick & Arango Engineers ("RVA")** to provide professional engineering services to assist the Authority in preparing the initial request for proposals documentation, evaluating the proposals received, recommending the contract award and negotiating the contract necessary for the Authority's Implementation of the Expansion Project; and

WHEREAS, pursuant to and in accordance with N.J.S.A. 40A:11-4.4a, **RVA**, prepared a Request for Qualifications, (the "RFQ"); and

WHEREAS, the RFQ was drafted to qualify three (3) Energy Service Companies ("ESCO"), as referenced in N.J.S.A. 40A:11-4.6, for the submission of proposals for the Implementation of the Expansion Project; and

WHEREAS, N.J.S.A. 40A:11-4.6 permits the Authority to "determine to enter into an energy savings services contract either through public advertising for bids and the receipt of bids therefor or through competitive contracting in lieu of public bidding"; and

WHEREAS, on or about November 15, 2013, the Authority forwarded a copy of the RFQ to New Jersey-qualified ESCOs, and published a notice of the availability of the RFQ in the Authority's official newspaper, the Record, which was twenty (20) days prior to the date established for the submission of proposals, pursuant to and in accordance with N.J.S.A. 40A:11-4.5(a); and

WHEREAS, on December 6, 2013, the Authority received five (5) responses to the RFQ from the following firms (the "Responders"), four (4) of which are ESCOs:

1. DCO Energy, LLC (hereinafter referred to as "DCO");
2. Ameresco, Inc. (hereinafter referred to "Ameresco");
3. Energy Systems Group (hereinafter referred to as "ESG"); and
4. H. T. Lyons Contractors and Engineers (hereinafter referred to as "H. T. Lyons"),

and one (1) which was not an ESCO:

1. Eneractive Solutions (hereinafter referred to as "Eneractive"); and

WHEREAS, on or about December 19, 2013, **RVA** recommended DCO, Ameresco and ESG to the Authority as being qualified to receive Request for Proposals ("RFP") for the Expansion Project; and

WHEREAS, following the RFP process, **RVA** along with the Authority recommended that the Executive Director be permitted to negotiate the terms of an agreement with **DCO** for the Expansion Project; and

WHEREAS, based upon the recommendation of **RVA**, the Board of Commissioners of the Authority determined that it was necessary for the efficient operations of the Authority to retain the services of **DCO** to undertake and complete the Expansion Project and on February 27, 2014, the Board of Commissioners of the Authority adopted Resolution 14-2-012 authorizing the Executive Director of the Authority to negotiate the terms of an agreement with **DCO** for the Expansion Project which agreement remained subject to approval by the Board of Commissioners; and

WHEREAS, the Authority entered into negotiations with **DCO** and an agreement for the Expansion Project was reached with **DCO** with a total cost to the Authority not to exceed \$6,786,234.00; and

WHEREAS, on March 27, 2014 the Board of Commissioners of the Authority adopted Resolution 14-2-017 authorizing the execution of an agreement for the Expansion Project with **DCO**, memorializing the scope of services to be performed by **DCO** and the compensation to be paid by the Authority therefore in an amount not to exceed \$6,786,234.00 (the cost of the Expansion Project”) without further approval of the Board of Commissioners of the Authority, which agreement was negotiated and executed by **DCO** and the Authority on April 17, 2014 (the “DCO Contract”); and

WHEREAS, **RVA** previously 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 (“NJBPU”) as approved and authorized by the August 21, 2013 Order of the NJBPU, Docket No. EO13070679V for up to forty (40%) percent of the estimated cost for the Expansion Project; and

WHEREAS, the balance of the cost of the Expansion Project, \$4,286,234.00 (the cost of the Expansion Project less the REIP Grant), is to be funded with a low interest loan (the “Loan”) under the New Jersey Environmental Infrastructure Financing Program (“NJEIFP”) which is administered by the State of New Jersey Department of Environmental Protection (“NJDEP”) and the New Jersey Environmental Infrastructure Trust (“NJEIT”); and

WHEREAS, the Certificate of Available Funds for Resolution 14-2-017 maintained on file at the Authority sets forth that funds have been allotted and are available in the Authority’s budget subject to the availability of funds from both the REIP Grant and Loan from the NJDEP and NJEIT; and

WHEREAS, the DCO Contract provides that the Expansion Project is a cost plus project allowing variances of the costs resulting from the design and construction of the Expansion Project plus additional tasks subsequently needed as discovered during the Expansion Project (the “Additional Costs”); and

WHEREAS, while the Authority has not issued any change orders for the DCO Contract, there have been cost changes in the DCO Contract based on needs and additional tasks that were warranted and approved by **RVA** during the design and construction of the Expansion Project; and

WHEREAS, subcontracts for the performance of both mechanical and electrical work exceeded the respective cost estimates for the DCO Contract based on bid results which have been approved by the Authority and that increased cost is part of the Additional Costs; and

WHEREAS, the NJDEP has advised **RVA** that in order for the Additional Costs to be made part of the Loan, any cost changes to the DCO Contract are required to be presented to NJDEP by the submission of contract modification forms; and

WHEREAS, the NJDEP has advised **RVA** that the Additional Costs included in the contract modification forms submitted to the NJDEP for approval are required to have been approved by Resolution of the Board of Commissioners of the Authority; and

WHEREAS, the Additional Costs for the Expansion Project, including both the changes in the DCO Contract based on needs and additional costs and the increased costs for subcontracts, that have been approved by **RVA** total the sum of \$1,041,506.85; and

WHEREAS, **RVA** and **DCO** have requested that the Authority approve the Additional Costs and approve the modification of the DCO Contract by authorizing the allowable compensation to be paid by the Authority pursuant to the DCO Contract to be increased in the total sum of \$1,041,506.85 to provide for payment of the Additional Costs; and

WHEREAS, **RVA** and **DCO** have also requested that the Authority approve and execute the required contract modification forms that must be completed and submitted to the NJDEP in order for the amount of the Loan from the NJDEP and NJEIT to be increased so that the Authority will have sufficient available funds to satisfy its payment obligation under the modified DCO Contract which includes payment of the Additional Costs; and

WHEREAS, **DCO** is nearing completion of the Expansion Project; and

WHEREAS, the approval of the Additional Costs, the modification of the DCO Contract to provide for payment of the Additional Costs and the completion and submission of the contract modification forms providing for the inclusion of the Additional Costs in the DCO Contract to the NJDEP for its approval thereof are each necessary for the efficient operation of the Authority; and

WHEREAS, the Authority's Acting Treasurer has certified that funds are available for the modification of the DCO Contract pursuant to this Resolution subject to the approval of the NJDEP to the modification of the DCO Contract and the Additional Costs being included in the Loan under the NJEIFP.

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

1. The Additional Costs incurred by **DCO** in the design and construction of the Expansion Project shall be and are hereby approved by the Authority.
2. The Authority hereby authorizes and directs the completion and submission on behalf of the Authority to the NJDEP any and all contract modification forms required by

the NJDEP for payment of the Additional Costs to be included in the Loan issued to the Authority under the NJEIFP.

3. The Executive Director shall be and is hereby authorized to take such action as necessary for the completion and submission of the contract modification forms to the NJDEP, including but not limited to the execution of those contract modification forms.

4. That DCO Contract shall be and is hereby modified by the Authority and the DCO Contract shall be modified to provide that the compensation to be paid by the Authority pursuant thereto shall be increased in the amount of \$1,041,506.85 and the total amount of compensation to now be paid by the Authority pursuant to the modified DCO Contract shall not exceed the total sum of **\$7,827,740.85**, without further approval of the Commissioners of the Authority.

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

6. This approval of the modification of the DCO Contract pursuant to this Resolution is expressly contingent upon, and subject to, the approval of the NJDEP.

7. A copy of this Resolution and the agreement modifying the DCO Contract pursuant to this Resolution shall be placed on file and made available for public inspection in the Office of the Executive Director, upon execution by DCO and the Authority.

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

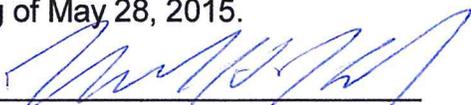
9. A notice of this modification of the DCO Contract shall be published in the form prescribed by law.

10. The formal action(s) of the Commissioners of the Bergen County Utilities Authority embodied herein, including but not limited to the execution by the Chairman of an agreement modifying the DCO Contract pursuant to this Resolution, are expressly contingent upon and subject to the full and final approval of that contract modification and the full and final approval of the inclusion of the Additional Costs in the Loan under the New Jersey Environmental Infrastructure Financing Program required to be issued by the New Jersey Department of Environmental Protection to the Authority.

11. 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).

15-2-032

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 28, 2015.



Michael Henwood, Secretary

Dated: May 28, 2015

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 05/28/15

RESOLUTION #: 15-2-032

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 NJEIT TEMPORARY LOAN PROCEEDS
TO BE SUCCEEDED BY NJEIT BOND PROCEEDS

VENDOR DCO ENERGY, LLC

CONTRACT NUMBER _____

REASON CONTRACT MODIFICATION FOR THE
EXPANSION OF THE GAS FIRED COMBINED HEAT
AND POWER COGENERATION PROJECT

AMOUNT \$1,041,506.85

CONTRACT LENGTH PROJECT COMPLETION

Matthew McCarter
ACTING TREASURER

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

WHEREAS, pursuant to and in accordance with N.J.S.A. 40:14B-1, the Authority is a public utility providing sewage disposal for forty-seven (47) municipalities in Bergen County and solid waste planning services for seventy (70) municipalities in Bergen County; and

WHEREAS, pursuant to and in accordance with N.J.S.A. 40:14B-20(5), the Authority is authorized to acquire personal property and "to use the same, and to dispose of property so acquired no longer necessary for the purposes of the municipal authority"; and

WHEREAS, the **BERGEN COUNTY DEPARTMENT OF PUBLIC SAFETY - LAW AND PUBLIC SAFETY INSTITUTE** is a Government entity authorized to accept from any government or governmental department, agency or other public or private body or from any other source grants or contributions of money or property; and

WHEREAS, the Commissioners of the Authority are desirous to make a donation of equipment to the **BERGEN COUNTY DEPARTMENT OF PUBLIC SAFETY - LAW AND PUBLIC SAFETY INSTITUTE**, in the form of property, specifically, self-contained breathing apparatus, which are no longer necessary for the purposes of the Authority; and

WHEREAS, the **BERGEN COUNTY DEPARTMENT OF PUBLIC SAFETY - LAW AND PUBLIC SAFETY INSTITUTE** is desirous of accepting the equipment as set forth on Schedule A annexed hereto; and

WHEREAS, the **BERGEN COUNTY DEPARTMENT OF PUBLIC SAFETY - LAW AND PUBLIC SAFETY INSTITUTE** agrees that the donation from the Authority of the aforesaid equipment is subject to the **BERGEN COUNTY DEPARTMENT OF PUBLIC SAFETY - LAW AND PUBLIC SAFETY INSTITUTE** executing an agreement, satisfactory in form to General Counsel for the Authority, indemnifying and holding harmless the Authority from all claims, liabilities, losses, damages and/or expenses resulting in property damage and/or personal injuries arising from the use of the equipment; and

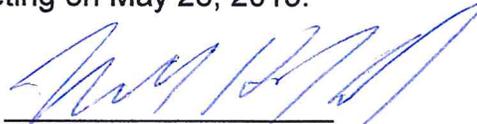
NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the Bergen County Utilities Authority that the equipment listed on Schedule A annexed hereto which are no longer necessary for the purposes of the Authority be given as a donation of property to the **BERGEN COUNTY DEPARTMENT OF PUBLIC SAFETY - LAW AND PUBLIC SAFETY INSTITUTE** to be used for its purposes; and

BE IT FURTHER RESOLVED, that the donation from the Authority of the aforesaid equipment to the **BERGEN COUNTY DEPARTMENT OF PUBLIC SAFETY - LAW AND PUBLIC SAFETY INSTITUTE** is subject to an agreement executed by the **BERGEN COUNTY DEPARTMENT OF PUBLIC SAFETY - LAW AND PUBLIC SAFETY INSTITUTE**, satisfactory in form to General Counsel to the Authority, indemnifying and holding harmless the Authority from all claims, liabilities, losses, damages and/or expenses resulting in property damage and/or personal injuries arising from the use of the equipment; and

15-3-004

BE IT FURTHER RESOLVED, the formal actions of the Commissioners of the Bergen County Utilities Authority embodied herein are expressly contingent upon and subject to N.J.S.A. 40:14B-14(b).

I hereby certify the foregoing to be a true copy of the resolution adopted by the Bergen County Utilities Authority at its meeting on May 28, 2015.



Michael Henwood
Secretary

Dated: May 28, 2015

Schedule A

Scott 4.5 Self Contained Breathing Apparatus

SCBA assembly	4.5 cylinder	4.5 cylinder
29200181	A4479	A6533
29010035	A3034	A6394
29200030	A3003	A6521
29010033	A4388	A3597
39200202	A4434	A4414
39200153	A4408	A4419
29011041	A3666	SDN7381
39200212	A2994	SDN1829
29010543	A8650	SDN7402
29010027	A3629	
19010012	A3017	
29010033	A3537	