

**BERGEN COUNTY UTILITIES AUTHORITY
MINUTES OF THE REGULAR MEETING
SEPTEMBER 28, 2017**

**In the matter of the 462nd Regular Meeting of
The Bergen County Utilities Authority**

1. The **proof of meeting notice** calling the September 28, 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
Jon Warms, Commissioner

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

3. Motion that the Minutes covering the August 24, 2017 Work Session be approved was moved by Commissioner Kelley and Seconded by Commissioner Bentz and was carried. Commissioners Bonaventuro and Gumble abstained.
4. Chairman Phillips opened the meeting to the public and asked if anyone present wished to be heard. The meeting was closed to the public.

5. FINANCE AND LEGAL COMMITTEE:

Resolution 17-1-033 - Approve bills and the claims supported by vouchers totaling \$7,126,798.13 for the month of September 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 17-1-034 - Authorize Amendment of Professional Services Contract to McManimon, Scotland & Baumann, L.L.C. – Bond Counsel. Motion to adopt the resolution

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

Resolution 17-1-035 - Authorize Renewal of Membership to the National Association of Clean Water Agencies (NACWA). 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 17-1-036 - Ratify and Approve Financial Actions directed by Mathew McCarter, Acting Treasurer, during the month of August 2017. 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 17-1-037 - Approve Series 2017 Supplemental Bond resolution of The Bergen County Utilities Authority supplementing and amending certain provisions of the authority's general bond resolution duly adopted October 31, 1985, as amended and supplemented, and providing for the issuance of not to exceed \$33,500,000 aggregate principal amount of Water Pollution Control system revenue refunding bonds, in one or more series, of the Bergen County Utilities Authority. 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 17-1-038 - Authorize Agreement to Modify Existing BCUA Easement over lands owned by Hackensack Project, LLC at 65 Commerce Way, Hackensack, NJ. 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 17-2-058 – Authorize rejection of sole bid, re-advertisement and rebid of Contract 17-08 - Inspection, Testing and Maintenance of BCUA Fire Protection Systems and Equipment (2 Years with Two (2) One-Year Options). Motion to adopt the resolution was made by Commissioner Juliano and Seconded by Commissioner DeLisio. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 17-2-059 - Award Contract No. 17-22 Rebid to AirNova, Inc. – Stack Retest for Cogeneration Engine 3 (One Year). Motion to adopt the resolution was made by Commissioner Juliano and Seconded by Commissioner DeLisio. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 17-2-060 - Award Contract No. C-193 to Cifelli & Son General Construction, Inc. - Sidewalk Slab Replacement Project at the BCUA Little Ferry Facility. Motion to adopt the resolution was made by Commissioner Juliano and Seconded by Commissioner DeLisio. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 17-2-061 - Award Contract No. C-197 to Your Way Construction, Inc. - Site Improvements at Various Pumping Stations. Motion to adopt the resolution was made by Commissioner Juliano and Seconded by Commissioner DeLisio. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 17-2-062 - Exercise second (1) one year option - Contract EW1-2014 – Airgas USA, Inc. - Furnish and Deliver Bulk Liquid Oxygen to the Edgewater Plant (Two Years with Two (2) One-Year Options). Motion to adopt the resolution was made by Commissioner Juliano and Seconded by Commissioner DeLisio. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 17-2-063 - Exercise first option - one (1) year - Contract 15-08 Rebid – Wisdom Protective Services (Two Years with Two (2) One-Year Options). Motion to adopt the resolution was made by Commissioner Juliano and Seconded by Commissioner DeLisio. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 17-2-064 - Award Contract No. 106584-17 to Eurofins QC, Inc. - Effluent PCB Monitoring. Motion to adopt the resolution was made by Commissioner Juliano and Seconded by Commissioner DeLisio. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 17-2-065 - Authorize Amendment of Professional Services Contract to Neglia Engineering Associates – Land Surveying Engineer - Edgewater WPCF Project. Motion to adopt the resolution was made by Commissioner Juliano and Seconded by Commissioner DeLisio. A roll call was taken and the resolution was adopted as reflected in these minutes.

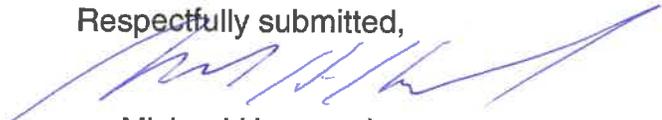
7. Chairman Phillips announced a short recess to allow time for the Board Secretary to prepare minutes of this Regular Meeting.
8. Chairman Phillips announced the Regular Meeting would reconvene.
9. The Board Secretary then distributed proposed minutes of the September 28, 2017 Regular Meeting for review by the Commissioners.
10. Move to approve the Minutes of the Regular Meeting September 28, 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 September 28, 2017 was made by Commissioner Kelley and Seconded by Commissioner Massa and was unanimously carried.
11. Upon motion duly made, seconded and unanimously carried, the meeting was adjourned.

BERGEN COUNTY UTILITIES AUTHORITY
 Minutes of the Regular Meeting
 September 28, 2017

Resolution #	17-1-033	17-1-034	17-1-035	17-1-036	17-1-037	17-1-038	17-2-058
Chairman Phillips	Y	Y	Y	Y	Y	Y	Y
V. Chair. DeLisio	Y	Y	Y	Y	Y	Y	Y
Comm. Bentz	Y	Y	Y	Y	Y	Y	Y
Comm. Bonaventuro	Y	Y	Y	Y	Y	Y	Y
Comm. Gumble	Y	Y	Y	Y	Y	Y	Y
Comm. Juliano	Y	Y	Y	Y	Y	Y	Y
Comm. Kelley	Y	Y	Y	Y	Y	Y	Y
Comm. Massa, Jr.	Y	Y	Y	Y	Y	Y	Y
Comm. Warms	Y	Y	Y	Y	Y	Y	Y

Resolution #	17-2-059	17-2-060	17-2-061	17-2-062	17-2-063	17-2-064	17-2-065
Chairman Phillips	Y	Y	Y	Y	Y	Y	Y
V. Chair. DeLisio	Y	Y	Y	Y	Y	Y	Y
Comm. Bentz	Y	Y	Y	Y	Y	Y	Y
Comm. Bonaventuro	Y	Y	Y	Y	Y	Y	Y
Comm. Gumble	Y	Y	Y	Y	Y	Y	Y
Comm. Juliano	Y	Y	Y	Y	Y	Y	Y
Comm. Kelley	Y	Y	Y	Y	Y	Y	Y
Comm. Massa, Jr.	Y	Y	Y	Y	Y	Y	Y
Comm. Warms	Y	Y	Y	Y	Y	Y	Y

Y = Yes R = Recuse A = Abstain N = No - = Absent
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Respectfully submitted,

 Michael Henwood
 Board Secretary

Date: September 28, 2017

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

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

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

WHEREAS, in furtherance of providing these essential services, the Board of Commissioners of the Authority, by Resolution 17-1-012 adopted February 23, 2017, appointed McManimon, Scotland & Baumann, LLC ("MSB") to serve as Bond Counsel to the Authority for a One (1) Year Term or until a successor is selected or at the pleasure of the Authority, whichever shall first occur or be exercised; and

WHEREAS, Resolution 17-1-012 Authorized the Chairman of the Board of Commissioners of the Authority to execute an contract by and between the Authority and MSB (the "Contract") memorializing the services to be provided by MSB to the Authority as Bond Counsel and providing the budget for compensation to be paid by the Authority to MSB for the providing of as-needed hourly based services, pursuant to which payment is not to exceed the total sum of \$25,000.00 without further approval of the Board of Commissioners of the Authority; and

WHEREAS, the Contract was executed by and on behalf of the Authority and MSB on March 1, 2017; and

WHEREAS, the Board of Commissioners of the Authority, by Resolution 17-1-027 adopted July 27, 2017, 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 MSB under the Agreement by the amount of \$17,500.00, resulting in an amended Agreement compensation budget in the total sum of \$42,500.00 without further approval of the Board of Commissioners of the Authority; and

WHEREAS, MSB, operating under the Contract, has continued to provide significant necessary and valuable services to the Authority as the Authority's Bond Counsel on an as-requested basis on a number of critical ongoing matters as well as additional other projects requiring the performance of such services outside of normal services performed by MSB as Bond Counsel which the Authority identified since the commencement of the term of the Contract; and

17-1-034

WHEREAS, the Contract, as amended by Resolution 17-1-027, provides for a compensation budget of \$42,500.00 to be paid by the Authority to MSB for services performed pursuant thereto and, by written correspondence dated September 26, 2017, MSB advised the Authority that as of September 26, 2017 MSB required that the compensation budget be increased by the sum of \$12,500.00 to pay for work performed by MSB outside of their normal services performed as Bond Counsel; and

WHEREAS, MSB, by the September 26, 2017 written correspondence, requested that the Authority increase the compensation budget provided for by the Contract by the total sum of \$12,500.00, resulting in an amended Contract compensation budget of an amount not to exceed the total sum of \$55,000.00; and

WHEREAS, the Executive Director of the Authority has determined that MSB has performed all services under the Contract in an effective and efficient manner and further determined that the remaining work to be performed by MSB under the Contract is essential to the proper and effective operation of the Authority and critical to the health, welfare and safety of the ratepayers and employees of the Authority; and

WHEREAS, the Executive Director of the Authority has reviewed the September 26, 2017 written correspondence of MSB, including the request of MSB to increase the compensation budget for the total compensation to be paid by the Authority to MSB under the Contract, and based upon that review and the above determinations, he has concluded and recommended that the Authority should amend the Contract by increasing the budget for compensation to be paid by the Authority to MSB pursuant to the Contract in the total sum of \$12,500.00, resulting in an amended compensation budget under the Contract in an amount not to exceed the total sum of \$55,000.00 without further approval of the Board of Commissioners of the Authority; and

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

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

1. The Contract entered into by and between the Authority and MSB shall be and is hereby amended by the Authority and the Contract shall be amended to provide that the compensation to be paid by the Authority pursuant thereto shall be increased in the amount of \$12,500.00 and the total amount of compensation to now be paid by the Authority to MSB pursuant to the amended Contract shall not exceed the total sum of \$55,000.00 without further approval of the Board of Commissioners of the Authority.

2. The Chairman of the Authority shall be and is hereby authorized to execute a contract by and among the Authority and MSB, amending the Contract as approved and

17-1-034

authorized by this Resolution, in the form acceptable to the Chairman, and satisfactory to the Authority as evidenced by the Chairman's signature thereon.

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

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

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

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

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of September 28, 2017.



Michael Herwood, Secretary

Dated: September 28, 2017

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 09/28/2017

RESOLUTION #: 17-1-034

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-350-50800-000
LEGAL FEES

VENDOR

MCMANIMON, SCOTLAND & BAUMANN, LLC

CONTRACT NUMBER

17022305

REASON

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

AMOUNT

\$12,500.00

CONTRACT LENGTH

MARCH 1, 2017 - FEBRUARY 28, 2018


ACTING TREASURER

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

WHEREAS, the **National Association of Clean Water Agencies (NACWA)** is a nationally recognized leader in environmental policy and a well-established technical resource on water quality & ecosystem protection issues.

WHEREAS, membership in **NACWA** is a unique opportunity to improve the effectiveness in the operation of the Authority, enhance professional development and achieve the goals & objectives the Authority shares with other publicly owned treatment works.

WHEREAS, **NACWA's** active membership and close working relationship with Congress and the U.S. Environmental Protection Agency (EPA) allow members to interact with national policy makers & shape the course of America's environmental protection legislation.

WHEREAS, **NACWA** has submitted a proposal dated September 15, 2017, to induce the Authority to renew its existing membership, 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 membership to **NACWA**. The proposed annual membership/dues for October 1, 2017 through September 30, 2018 is \$24,500 based on a service area population of 500,000; and

WHEREAS, the Authority has determined, based upon the foregoing, that it is necessary and/or desirable for its efficient operations to renew its membership in **NACWA** for October 1, 2017 through September 30, 2018

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 membership by and between the Authority and **NACWA**, in the amount not to exceed \$24,500.
2. The Chief Financial Officer's Certification that funds are available shall be maintained on file at the Authority.
3. A copy of this resolution and the agreement to renew its membership in **NACWA** shall be placed on file and made available for public inspection in the office of the Executive Director, upon execution by the Authority.
4. A notice of this membership renewal shall be published in the form prescribed by law.

17-1-035

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 September 28, 2017.



Michael Henwood
Board Secretary

Dated: September 28, 2017

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 09/28/2017

RESOLUTION #: 17-1-035

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-350-50700-000
PERMITS, LICENSES, AND FEES

VENDOR

NACWA - NATIONAL ASSOCIATION OF
CLEAN WATER AGENCIES

CONTRACT NUMBER

N/A

REASON

ANNUAL MEMBERSHIP

AMOUNT

\$24,500.00

CONTRACT LENGTH

OCTOBER 1, 2017 TO SEPTEMBER 30, 2018


ACTING TREASURER

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

BE IT RESOLVED by the Commissioners of the Bergen County Utilities Authority that the Financial Actions directed by Mathew McCarter, Acting Treasurer, during the month of August 2017 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 September 28, 2017.



Michael Henwood
Board Secretary

Dated: September 28, 2017

SERIES 2017 SUPPLEMENTAL BOND RESOLUTION OF THE BERGEN COUNTY UTILITIES AUTHORITY SUPPLEMENTING AND AMENDING CERTAIN PROVISIONS OF THE AUTHORITY'S GENERAL BOND RESOLUTION DULY ADOPTED OCTOBER 31, 1985, AS AMENDED AND SUPPLEMENTED, AND PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$33,500,000 AGGREGATE PRINCIPAL AMOUNT OF WATER POLLUTION CONTROL SYSTEM REVENUE REFUNDING BONDS, IN ONE OR MORE SERIES, OF THE BERGEN COUNTY UTILITIES AUTHORITY

WHEREAS, The Bergen County Utilities Authority (the "Authority"), was duly created by resolution of the County of Bergen, New Jersey (the "County"), duly adopted February 19, 1947, as a public body corporate and politic of the State of New Jersey and has been reorganized and is existing under the Municipal and County Utilities Authorities Law, constituting Chapter 183 of the Pamphlet Laws of 1957 of the State of New Jersey and the acts amendatory thereof and supplemental thereto (the "Act"); and

WHEREAS, on March 19, 1992, the Authority adopted a resolution entitled "Resolution Authorizing the Issuance of Water Pollution Control System Revenue Bonds of the Bergen County Utilities Authority" (said resolution as amended and supplemented hereinafter referred to as the "General Bond Resolution") amending a resolution of the Authority adopted October 31, 1985 (the "Original General Bond Resolution"), providing for, among other things, the construction, acquisition, improvement or replacement of all or any part of the Authority's water pollution control system and the issuance of obligations for the purpose of refunding any Bonds (as defined in the General Bond Resolution) of the Authority; and

WHEREAS, the Authority has determined to issue its revenue refunding bonds pursuant to the General Bond Resolution in the principal amount not exceeding \$33,500,000 (the "2017 Bonds"), in one or more series, which along with the premium on the bonds and transferred proceeds of the Refunded Bonds as hereinafter defined, is to provide for (i) the current refunding of all or a portion of \$31,855,000 outstanding principal amount of the Authority's 2007 Water Pollution Control System Revenue Refunding Bonds, Series 2007, which bonds are callable on December 15, 2017 (the "2007 Refunded Bonds"), which were issued to the Bergen County Improvement Authority as security for the Bergen County Improvement Authority's \$31,855,000 County of Bergen Guaranteed Revenue Bonds (The Bergen County Utilities Authority Refunding Project), Series 2007A, and said bonds are also callable on December 15, 2017, (ii) the funding of the Bond Reserve Requirement, and/or capitalized interest if necessary, and (iii) the payment of the costs of issuance associated with the issuance of the 2017 Bonds (collectively, the "Project"); and

BE IT RESOLVED BY THE COMMISSIONERS OF THE BERGEN COUNTY UTILITIES AUTHORITY, as follows:

ARTICLE I

Definitions and Interpretations

Section 101. **Short Title.** This resolution may hereinafter be cited by the Authority and is hereinafter sometimes referred to as the “2017 Supplemental Refunding Resolution”.

Section 102. **Authorization for Supplemental Resolution.** This 2017 Supplemental Refunding Resolution is authorized by and adopted pursuant to the provisions of Section 317 of the General Bond Resolution.

Section 103. **Certain Definitions and Amendments to General Bond Resolution.**

(1) Terms which are used as defined terms herein shall, unless specifically defined herein or unless the context clearly requires otherwise, have the meanings assigned to such terms in the General Bond Resolution.

(2) Unless otherwise stated, for the purpose of this 2017 Supplemental Refunding Resolution, the term “Bond Insurer” shall mean the bond insurer selected by the Authority, if any, prior to the issuance of the 2017 Bonds described in Section 201 hereof.

ARTICLE II

Authorization and Issuance of 2017 Bonds

Section 201. **Amount, Title and Purpose of 2017 Bonds.** Not to exceed \$33,500,000 principal amount of 2017 Bonds are hereby authorized to be issued and sold by the Authority in accordance with the provisions of the General Bond Resolution and this 2017 Supplemental Refunding Resolution. Such 2017 Bonds shall be designated “2017 Water Pollution Control Revenue Refunding Bonds”, or such title as shall be determined in a certificate of an Authority Officer. The purpose for which the 2017 Bonds are being issued is to fund the Project.

Section 202. **Description of 2017 Bonds.**

(1) **Amount and Term.** The 2017 Bonds shall be in such series, such amount, shall be dated and shall bear interest from such dates, and shall mature on December 15 in each of the years and in the respective principal amounts and shall be subject to prior redemption as set forth in a resolution of the Authority or a certificate of an Authority Officer adopted or executed, as applicable, prior to delivery of the 2017 Bonds.

(2) **Interest Payment Dates and Interest Rates Per Annum.** Interest on the 2017 Bonds shall be payable on the fifteenth day of June and December (each such date being an “Interest Payment Date”) in each year, commencing on such date as set forth in a resolution of the Authority or a certificate of an Authority Officer adopted or executed, as applicable, prior to delivery of the 2017 Bonds, until the Authority’s obligation with respect to the payment of the principal of and interest on the 2017 Bonds shall be discharged. The 2017 Bonds shall bear interest at the interest rates per annum as set forth in a resolution of the Authority or a certificate of an Authority Officer adopted or executed, as applicable, prior to delivery of the 2017 Bonds.

(3) **Denomination and Place of Payment.** The 2017 Bonds shall be issued in fully registered form, without coupons, and are issuable in the denomination of \$5,000 each, or any integral multiple thereof. The principal or Redemption Price of the 2017 Bonds shall be payable to the Registered Owner thereof, or registered assigns, at maturity or on the applicable date fixed for redemption upon presentation and surrender of the 2017 Bonds at the corporate trust office of the Paying Agent. Interest on the 2017 Bonds will be paid to the Registered Owner by check and such payment will be mailed by the Paying Agent to such Registered Owner (as determined on the Record Date) at the most recent address appearing on the registration books of the Authority. All other terms and conditions with respect to the payment of the principal or Redemption Price of and interest on the 2017 Bonds shall be as provided in the General Bond Resolution.

(4) **Form of Bonds.** The 2017 Bonds shall be in substantially the form described in Section 1207 of the General Bond Resolution.

Section 203. **Book-Entry System.**

(1) Except as provided in paragraph (3) of this Section 203, the Registered Owner of all of the 2017 Bonds shall be The Depository Trust Company, New York, New York (“DTC”) and the 2017 Bonds shall be registered in the name of Cede & Co., as nominee of DTC. Payment of interest on any 2017 Bond registered as of each Record Date in the name of Cede & Co. shall be made by wire transfer to the account of Cede & Co. on the interest payment date for the 2017 Bonds at the address indicated on the Record Date for Cede & Co. in the registry books of the Authority kept by the Bond Registrar.

(2) The 2017 Bonds shall be issued initially in the form of one authenticated fully registered 2017 Bond for each separate stated maturity of the 2017 Bonds in the principal amount of each such maturity. Upon initial issuance, the ownership of each such 2017 Bond shall be registered in the registry book of the Authority kept by the Bond Registrar in the name of Cede & Co., as nominee of DTC. The Trustee and the Authority may treat DTC (or its nominee) as the sole and exclusive owner of the 2017 Bonds registered in its name for the purposes of payment of the principal or Redemption Price of and interest on the 2017 Bonds, selecting the 2017 Bonds or portions thereof to be redeemed, giving any notice permitted or required to be given to the Bondholders under the General Bond Resolution, registering the transfer of 2017 Bonds, obtaining any consent or other action to be taken by Bondholders and for all other purposes whatsoever; and neither the Trustee nor the Authority shall be affected by any notice to the contrary. Neither the Trustee nor the Authority shall have any responsibility or obligation to any DTC participant any person claiming a beneficial ownership interest in the 2017 Bonds under or through DTC or any DTC participant, or any other person which is not shown on the registration books of the Authority kept by the Bond Registrar as being a Bondholder. The Authority, the Trustee, the Bond Registrar and the Paying Agent shall have no responsibility with respect to the accuracy of any records maintained by DTC, Cede & Co. or any DTC participant with respect to any ownership interest in the 2017 Bonds; the payment by DTC or any DTC participant to any beneficial owner of any amount in respect of the principal or Redemption Price of or interest on the 2017 Bonds; the delivery to any DTC participant or any beneficial owner of any notice which is permitted or required to be given to Bondholders under the General Bond Resolution; the selection by DTC or any DTC participant of any person to receive payment in the event of a partial redemption of the 2017 Bonds; or any consent given or other action taken by DTC as the Bondholder. The Paying Agent shall pay the principal or Redemption Price of and interest on the 2017 Bonds only to or “upon the order of” (as that term is used in the Uniform Commercial Code as adopted in the State of New Jersey) Cede & Co., as nominee of DTC, and all such payments shall be valid and effective to fully satisfy and discharge the Authority’s obligations with respect to the principal or Redemption Price of and interest on the 2017 Bonds to the extent of the sum or sums so paid. Upon delivery by DTC to the Trustee of written notice to the effect that DTC had determined to substitute a new nominee in place of Cede & Co., and subject to the provisions herein with respect to record dates, the words “Cede & Co.” in this 2017 Supplemental Refunding Resolution shall refer to such new nominee of DTC.

(3) In the event the Authority determines that it is in the best interest of the beneficial owners of the 2017 Bonds that they be able to obtain Bond certificates, the Authority may notify DTC and the Trustee, whereupon DTC will notify the DTC participants of the availability through DTC of 2017 Bond certificates. In such event, the trustee shall authenticate, transfer and exchange 2017 Bond certificates as requested by DTC and any other Bondholders in appropriate amounts. DTC may determine to discontinue providing its services with respect to the 2017 Bonds at any time by giving notice to the Authority and the Trustee and discharging its responsibilities with respect thereto under applicable law. Under such circumstances (if there is no successor securities depository), the Authority and Trustee shall be obligated to deliver 2017 Bond certificates as described in the General Bond Resolution. In the event 2017 Bond certificates are issued to Bondholders other than DTC, the provisions of the General Bond Resolution shall apply to, among other things, the transfer and exchange of such certificates and the method of payment of principal or Redemption Price of and interest on such certificated Bonds. Whenever DTC requests the Authority and the Trustee to do so, the Trustee and the Authority will cooperate with DTC in taking appropriate action after reasonable notice (a) to make available one or more separate certificates evidencing the 2017 Bonds to any DTC participant having 2017 Bonds credited to its DTC account or (b) to arrange for another securities depository to maintain custody of certificates evidencing the 2017 Bonds.

(4) Notwithstanding any other provision of the General Bond Resolution to the contrary, so long as any 2017 Bond is registered in the name of Cede & Co., as nominee of DTC, all payments with respect to the principal or Redemption Price of and interest on such 2017 Bonds and all notices with respect to such 2017 Bonds shall be made and given to DTC as provided in the representation letter to be entered into on or prior to the date of issuance and delivery of the 2017 Bonds by and among DTC, the Authority and the Trustee.

(5) In connection with any notice or other communication to be provided to the Bondholders pursuant to the General Bond Resolution by the Authority or the Trustee with respect to any consent or other action to be taken by the Bondholders, so long as any 2017 Bond is registered in the name of Cede & Co., as nominee of DTC, the Authority or the Trustee, as the case may be, shall establish a record date for such consent or other action and give DTC notice of such record date not less than 15 calendar days in advance of such record date to the extent possible.

Section 204. **Appointment of Trustee, Paying Agent and Registrar.** In accordance with the provisions of Article XI of the General Bond Resolution, the appointment of The Bank of New York Mellon, Woodland Park, New Jersey (the "Bank") as Trustee, (the "Trustee"), Paying Agent (the "Paying Agent") and Registrar (the "Registrar") for the 2017 Bonds is hereby confirmed, ratified and approved. The Bank shall accept and shall carry out its duties and obligations as Trustee, Paying Agent and Registrar as provided in and as required by the terms of the General Bond Resolution.

Section 205. **Execution of 2017 Bonds.** The 2017 Bonds shall be executed in the name and on behalf of the Authority by the manual or facsimile signature of its Chairman or Vice-

Chairman, or Executive Director and its corporate seal (or a facsimile thereof) shall be affixed, imprinted, engraved or otherwise reproduced thereon, and such seal and 2017 Bonds shall be attested by the manual or facsimile signature of its Secretary or Assistant Secretary. In case any officer of the Authority who shall have executed, sealed or attested any of the 2017 Bonds shall cease to be such officer of the Authority before the 2017 Bonds so executed, sealed or attested shall have been authenticated and delivered upon original issuance, such 2017 Bonds may nevertheless be authenticated and delivered as herein provided as if the person who so executed, sealed or attested such 2017 Bonds had not ceased to be such officer.

Section 206. **Authentication of 2017 Bonds.** The 2017 Bonds shall bear thereon a certificate of authentication, substantially in the form set forth in Section 1207 of the General Bond Resolution, duly executed by the Trustee. Only such 2017 Bonds as shall bear thereon such certificate of authentication, duly executed, shall be entitled to any right or benefit under the General Bond Resolution. No 2017 Bond shall be valid or obligatory for any purpose unless such certificate of authentication upon such 2017 Bond shall have been duly executed by the Trustee, and such certificate of authentication by the Trustee upon any 2017 Bond executed on behalf of the Authority shall be conclusive and the only evidence that the 2017 Bond so authenticated has been duly authenticated and delivered under this 2017 Supplemental Refunding Resolution and that the holder thereof is entitled to the benefits of the General Bond Resolution.

Section 207. **Application of Proceeds of 2017 Bonds.** The proceeds which are derived from the sale of the 2017 Bonds, including any accrued interest thereon, shall be applied by the Trustee, upon receipt, in the manner set forth in a resolution of the Authority or a certificate of an Authority Officer adopted or executed, as applicable, prior to delivery of the 2017 Bonds.

Section 208. **Appointment of Underwriter.** The 2017 Bonds shall be sold to an underwriter or purchaser (the "Underwriter") as determined in a certificate of an Authority Officer. The Underwriter shall be compensated in accordance with the Purchase Agreement authorized below.

Section 209. **Approval of Purchase Agreement.** The Chairman, Vice-Chairman, Executive Director and Secretary of the Authority are, and each of them is hereby, authorized and directed to negotiate, execute and deliver a purchase agreement (the "Purchase Agreement") with the Underwriter. Such Purchase Agreement, along with a resolution of the Authority or a certificate of an Authority Officer adopted or executed, as applicable, prior to delivery of the 2017 Bonds, shall determine the terms and conditions relating to the sale of the 2017 Bonds, including the rate of interest to be borne by the 2017 Bonds and the underwriter's discount, if any, which is payable to the Underwriter in connection with the sale of the 2017 Bonds. The 2017 Bonds shall be delivered to the Underwriter at such time and place as shall be determined by the Authority, subject to the terms and conditions of the Purchase Agreement. The Chairman, Vice-Chairman, Executive Director and Secretary of the Authority are, and each of them is, hereby authorized and directed to do and perform all things and execute all papers in the name of

the Authority, and to make all payments necessary or in their opinion convenient, to the end that the Authority may carry out its obligations under the terms of said Purchase Agreement.

Section 210. **Appointment of Escrow Agent, Verification Agent and Other Professionals.** A bank, which may be the Bank shall be appointed in a certificate of an Authority Officer to serve as Escrow Agent (the “Escrow Agent”) under the Escrow Agreement (as hereinafter defined) pursuant to which the refunding of the Prior Bonds will be accomplished. The Escrow Agent shall accept and shall carry out its duties and obligations as Escrow Agent as provided in and as required by the terms of the Escrow Agreement, including the redemption of the Prior Bonds. A Verification Agent and such other professionals may be determined in a certificate of an Authority Officer, if deemed necessary by such Authority Officer for the issuance of the 2017 Bonds.

Section 211. **Prior Bonds and Redemption Thereof: Escrow Deposit Agreement.** The Authority hereby authorizes the refunding of the Prior Bonds. The refunding of the Prior Bonds will be effected pursuant to the terms and provisions of an irrevocable escrow deposit agreement in such form as shall be approved by the Chairman, Vice-Chairman or the Executive Director with the advice of Bond Counsel to the Authority, between the Authority and the Escrow Agent (the “Escrow Agreement”). The entry by the Authority into such Escrow Agreement is hereby approved and the Chairman or the Executive Director of the Authority is hereby authorized and directed to execute the Escrow Agreement. An Authority Officer is hereby directed to give irrevocable notice to the Escrow Agent to call the Prior Bonds for redemption. The Chairman, Vice-Chairman or the Executive Director of the Authority are hereby authorized to take whatever additional actions may be required, on the advice of Bond Counsel to the Authority, to effect the refunding of the Prior Bonds.

Section 212. **Bergen County Improvement Authority.** Notwithstanding anything stated herein, the Authority reserves the right and is hereby authorized to issue the 2017 Bonds to or through the Bergen County Improvement Authority (the “BCIA”) for the Project. In such event, the Authority Officers are hereby severally authorized and, after consultation with the professionals working on behalf of the Authority, are hereby severally directed to execute or acknowledge, as the case may be, or cause to be executed or acknowledged such other certificates, notices, instruments, agreements and other documents in such form as the Executive Director, after consultation with the professionals working on behalf of the Authority, shall determine to be necessary, desirable or convenient in order to effect the issuance of 2017 Bonds through the BCIA, which respective forms thereof shall be dispositively evidenced by the Authority Officer’s execution or acknowledgment, as the case may be, and delivery thereof or with respect to such documents of a party other than the Authority, shall be evidenced by an Authority Officer’s execution thereof. Such documents shall include, but not be limited to, the Preliminary Official Statement(s), the Official Statement(s), Supplemental Indenture if necessary, Continuing Disclosure Agreement, Bond Purchase Agreement(s), tax certificate, escrow agreement, services agreements, investment agreements, related certifications, bond insurance agreement and the DTC Representation Letter.

ARTICLE III

Miscellaneous

Section 301. **Payments Under Bond Insurance Policy.** If necessary, the Executive Director shall arrange for any necessary bond insurance in order to obtain the best possible interest rates and the most cost effective financing in accordance with the recommendation of the Underwriter. To the extent that bond insurance is necessary, the Bond Insurer shall be deemed to be the sole holder of the 2017 Bonds for the purpose of exercising any voting right or privilege or giving any consent or direction or taking any other action that the holders of the 2017 Bonds are entitled to take pursuant to the General Bond Resolution.

Section 302. **Continuing Market Disclosure.** Solely for purposes of complying with Rule 15c2-12 of the Securities and Exchange Commission, as amended and interpreted from time to time (the "Rule"), and provided that the 2017 Bonds are not exempt from the Rule and provided that the 2017 Bonds are not exempt from the following requirements in accordance with paragraph (d) of the Rule, for so long as the 2017 Bonds remain outstanding (unless the 2017 Bonds have been wholly defeased), the Authority shall provide for the benefit of the holders of the 2017 Bonds and the beneficial owners thereof all information required under the Rule.

If all or any part of the Rule ceases to be in effect for any reason, then the information required to be provided under this 2017 Supplemental Refunding Resolution, insofar as the provision of the Rule no longer in effect required the provision of such information, shall no longer be required to be provided.

The Executive Director is hereby authorized to enter into additional written contracts or undertakings to implement the Rule and is further authorized to amend such contracts or undertakings or the undertakings set forth in this 2017 Supplemental Refunding Resolution, provided such amendment is, in the opinion of nationally recognized bond counsel, in compliance with the Rule or would have been in compliance with the Rule if such amended undertaking had been entered into at the time of the issuance of the 2017 Bonds.

In the event that the Authority fails to comply with the Rule or the written contracts or undertakings specified in this 2017 Supplemental Refunding Resolution, the Authority shall not be liable for monetary damages, remedy being hereby specifically limited to specific performance of the Rule requirements or the written contracts or undertakings therefor.

Section 303. **Distribution of Preliminary Official Statement; Approval of Official Statement.**

(a) **Preliminary Official Statement.** The Authority hereby authorizes the preparation and distribution of a preliminary official statement (the "Preliminary Official Statement") relating to the 2017 Bonds, substantially in such form as shall be approved by the Executive Director of the

Authority in consultation with Bond Counsel. As of the date of such Preliminary Official Statement, the Executive Director of the Authority, in consultation with Bond Counsel, shall make the determination that the Authority deems such Preliminary Official Statement "final", as that term is used in paragraph (b)(1) of Rule 15c2-12 of the Securities Exchange Act of 1934 (the "Rule"), except for the omission of no more than the information permitted by paragraph (b)(1) of the Rule. The Authority hereby authorizes said Preliminary Official Statement and the information contained therein to be used in connection with the offering and sale of the 2017 Bonds and authorizes the Underwriter to distribute the Preliminary Official Statement, in electronic or hard copy form, to prospective purchasers of the 2017 Bonds.

(b) **Official Statement.** The Authority hereby authorizes the preparation of an official statement (the "Official Statement") relating to the 2017 Bonds, to be dated the date of execution of the Purchase Contract and to be substantially in the form of the Preliminary Official Statement with such changes therein as shall be approved by the Executive Director of the Authority, in consultation with Bond Counsel, and by the Underwriter. The Authority hereby authorizes the execution of the Official Statement by the Executive Director of the Authority, the delivery thereof to the Underwriter and the distribution of the Official Statement in connection with the offering and sale of the 2017 Bonds.

Section 304. **Covenant of Authority as to Compliance with Federal Tax Matters.** The Authority hereby covenants that it will take all actions within its control that are necessary to assure that interest on the 2017 Bonds is excludable from gross income under the Internal Revenue Code of 1986, as amended (the "Code"), and the Authority will refrain from taking any action that would adversely affect the exclusion of interest on the 2017 Bonds from gross income under the provisions of the Code.

Section 305. **Supplemental Resolutions; Amendment of Supplemental Resolution.** At any time or from time to time, a Supplemental Resolution of the Authority may be adopted for the purpose of supplementing or amending the General Bond Resolution or amending or supplementing this Supplemental Resolution in each case upon the terms and conditions which are set forth in Articles VIII and IX of the General Bond Resolution.

Section 306. **Effective Date.** In accordance with the terms of Section 809 of the General Bond Resolution, this Supplemental Resolution shall be fully effective in accordance with its terms upon the filing with the Trustee of a copy of this Supplemental Resolution.

Section 307. **Prior Filing.** This Supplemental Resolution, or a draft hereof, has been filed with Moody's Investors Service, Inc. and Standard & Poor's Rating Services, a division of the McGraw-Hill Companies, Inc. at least fifteen days prior to the adoption hereof or a waiver of such 15 day notice will be obtained.

Section 308. **Signing Powers.** The Authority Officers are hereby severally authorized and, after satisfaction of all conditions precedent thereto and after consultation with the professionals working on behalf of the Authority, are hereby severally directed to execute or

17-1-037

acknowledge, as the case may be, or cause to be executed or acknowledged such other certificates, notices, instruments, agreements and other documents in such form as the Executive Director, after consultation with the professionals working on behalf of the Authority, shall determine to be necessary, desirable or convenient in order to effect the issuance of 2017 Bonds or any other transaction contemplated hereby and thereby, which respective forms thereof shall be dispositively evidenced by the Authority Officer's execution or acknowledgment, as the case may be, and delivery thereof or with respect to such documents of a party other than the Authority, shall be evidenced by an Authority Officer's execution thereof. Such documents shall include, but not be limited to, the Preliminary Official Statement(s), the Official Statement(s), Supplemental Indenture if necessary, Continuing Disclosure Agreement, Bond Purchase Agreement(s), tax certificate, escrow agreement, services agreements, investment agreements, related certifications, bond insurance agreement and the DTC Representation Letter.

17-1-037

CERTIFICATE

I, the undersigned of The Bergen County Utilities Authority, a body corporate and politic of the State of New Jersey, **HEREBY CERTIFY** that the foregoing resolution is a true copy of an original resolution which was duly adopted by said Authority at a meeting duly called and held on September 28, 2017, and at which a quorum was present and acted throughout, and that said copy has been compared by me with the original resolution recorded in the records of the Authority and that it is a correct transcript thereof and of the whole of said resolution, and that said original resolution has not been altered, amended or repealed but is in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand this 28 day of Sept. 2017.

**THE BERGEN COUNTY UTILITIES
AUTHORITY**

By: _____

Michael Henwood
Secretary

17-1-037

Moved by: *Comm. DeLisio*

Seconded by: *Comm. Juliano*

RECORDED VOTE:

Commissioners	YES	NO	ABSTAIN	NOT VOTING	NOT PRESENT
Ronald Phillips, Chairman	X				
Louis DeLisio, Vice Chairman	X				
Catherine T. Bentz	X				
Bruce Bonaventuro	X				
Daniel Gumble	X				
Paul A. Juliano	X				
Thomas S. Kelley	X				
Peter C. Massa, Jr.	X				
Jon Warmes	X				

**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 1959, in furtherance of providing these essential services, the Authority, then known as the Bergen County Sewer Authority, was granted an Easement through certain lands located in the City of Hackensack, Bergen County, State of New Jersey, as more particularly described in the Easement recorded in the Office of the Bergen County Clerk, Book 4080 Page 474 (the "Existing Easement"); and

WHEREAS, pursuant to and consistent with the Existing Easement, the Authority constructed and continues to maintain a sewer through the subject lands which are currently owned by Hackensack Project, LLC ("HP"), and HP, as owner of the subject lands, stands in the place of the original grantor of the Existing Easement; and

WHEREAS, the Authority has requested, and HP has agreed, to modify the Existing Easement, by entering into an agreement modifying the Existing Easement (the "Easement Modification"), in order to fully describe the rights and obligations of each party thereto concerning the restoration of pavement and drainage structures installed by HP should there be a need to disturb or relocate these items as part of maintenance or repair work performed by the Authority on the sewer running through the subject lands now owned by HP;

WHEREAS, N.J.S.A. 40:14B-20(14) authorizes and permits the Authority to enter into any contracts necessary for the purposes of the Authority; and

WHEREAS, the Authority has determined that entering into the Easement Modification with HP is necessary for the continued efficient operation of the Authority.

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

1. The Easement Modification annexed hereto and made a part hereof shall be and is hereby approved.

17-1-038

2. The Executive Director of the Authority shall be and is hereby authorized to execute the annexed Easement Modification.

3. A copy of this Resolution, and the Easement Modification entered into with HP 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 HP and the Authority.

4. The Executive Director, or his designee, shall be and is hereby authorized to deliver the fully executed Easement Modification to the Office of the Bergen County Clerk for recording.

5. A notice of this approval of the Easement Modification 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 September 28, 2017.



Michael Henwood, Secretary

Dated: September 28, 2017

**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 **Inspection, Testing and Maintenance of the Authority's Fire Protection Systems and Equipment for a Two (2) Year Period with Two (2) – One (1) Year Options**, pursuant to and in accordance with **Contract No. 17-08**; and

WHEREAS, the following sole bid proposal was received by the Authority on **August 15, 2017**, the date set forth in the Invitation to Bid for the receipt of bid proposals pursuant to and in accordance with **Contract No.17-08**:

Vendor	Total Amount Bid for Two (2) Years
Cerullo Fire Protection Inc. Rahway, NJ	\$141,345.00

WHEREAS, the Authority's **Qualified Purchasing Agent** reviewed the bid proposal submitted to the Authority by **Cerullo Fire Protection, Inc.** for **Contract No. 17-08** and recommended that the bid proposal of **Cerullo Fire Protection, Inc.** received for **Contract No. 17-08** be rejected as the bid proposal received was not reasonable as to price, on the basis of cost estimates prepared for or by the Authority prior to the advertising therefor and in accordance with N.J.S.A. 40A:11-13.2(a); and

WHEREAS, on the basis of the foregoing, the **Qualified Purchasing Agent** determined that the bid proposal of **Cerullo Fire Protection, Inc.** for **Contract No. 17-08** received on August 15, 2017 was not reasonable as to price, on the basis of cost estimates prepared for or by the Authority prior to the advertising therefor, and the "lowest bid substantially exceeds the cost estimates for the goods or services" for **Contract No. 17-08**, in accordance with N.J.S.A. 40A:11-13.2(a); and

WHEREAS, the Authority's **Qualified Purchasing Agent** recommended that the bid proposal of **Cerullo Fire Protection, Inc.** for **Contract No. 17-08** received August 15, 2017 be rejected for the reasons aforementioned; and

WHEREAS, the Board of Commissioners of the Authority, by way of Resolution 17-2-056 adopted August 24, 2017, rejected the bid proposal of **Cerullo Fire Protection, Inc.** for **Contract No. 17-08** for the reasons aforementioned and authorized the Executive Director, or his designee, to re-advertise for the solicitation of bid proposals for **Contract No. 17-08 (Rebid)**, pursuant to N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the following sole bid proposal was received by the Authority on **September 19, 2017**, the date set forth in the Invitation to Bid for the receipt of bid proposals pursuant to and in accordance with **Contract No.17-08 (Rebid)**:

Vendor	Total Amount Bid for Two (2) Years
Vanwell Electronics, LLC Stirling, NJ	\$193,934.32

WHEREAS, the Authority's **Qualified Purchasing Agent** reviewed the bid proposal submitted to the Authority by **Vanwell Electronics, LLC** for **Contract No. 17-08 (Rebid)** and recommended that the bid proposal of **Vanwell Electronics, LLC** received for **Contract No. 17-08** be rejected as the bid proposal received was not reasonable as to price, on the basis of cost estimates prepared for or by the Authority prior to the advertising therefor and in accordance with N.J.S.A. 40A:11-13.2(a); and

WHEREAS, on the basis of the foregoing, the **Qualified Purchasing Agent** determined that the bid proposal of **Vanwell Electronics, LLC** for **Contract No. 17-08 (Rebid)** received on September 19, 2017 was not reasonable as to price, on the basis of cost estimates prepared for or by the Authority prior to the advertising therefor, and the "lowest bid substantially exceeds the cost estimates for the goods or services" for **Contract No. 17-08 (Rebid)**, in accordance with N.J.S.A. 40A:11-13.2(a); and

WHEREAS, the Authority's **Qualified Purchasing Agent** has recommended that the bid proposal of **Vanwell Electronics, LLC** for **Contract No. 17-08 (Rebid)** received September 19, 2017 be rejected for the reasons aforementioned; and

WHEREAS, N.J.S.A. 40A:11-5(3) provides that when a contracting unit has advertised for bids on two (2) occasions and on both occasions the bids received were rejected as the bids were determined to not be reasonable as to price on the basis of cost estimates prepared for or by the contracting unit prior to advertising therefor, then such contracting unit may negotiate and award a contract for the materials or services so specified, upon adoption of a resolution of two-thirds affirmative vote of the authorized membership of the governing body authorizing such contract; and

WHEREAS, the Commissioners of the Authority are desirous of entering into negotiations in order to form a contract for **Inspection, Testing and Maintenance of the Authority's Fire Protection Systems and Equipment for a Two (2) Year Period with Two (2) – One (1) Year Options**, pursuant to and in accordance with **Contract No. 17-08 (Rebid)**, as authorized by N.J.S.A. 40A:11-5(3); and

WHEREAS, the negotiation of a contract for **Inspection, Testing and Maintenance of the Authority's Fire Protection Systems and Equipment for a Two (2) Year Period with Two (2) – One (1) Year Options**, pursuant to and in accordance with **Contract No. 17-08 (Rebid)**, 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 bid proposal of **Vanwell Electronics, LLC** for **Contract No. 17-08 (Rebid)** submitted to the Authority on September 19, 2017 shall be and is hereby rejected as being not

17-2-058

reasonable as to price, on the basis of cost estimates prepared for or by the Authority prior to the advertising therefor and in accordance with N.J.S.A. 40A:11-13.2(a).

2. The bid security of Vanwell Electronics, LLC, if any, shall be returned in accordance with N.J.S.A. 40A:11-1 et seq.

3. The Executive Director, or his designee, shall be and is hereby authorized to enter into negotiations in order to form a contract for **Inspection, Testing and Maintenance of the Authority's Fire Protection Systems and Equipment for a Two (2) Year Period with Two (2) – One (1) Year Options** pursuant to and in accordance with **Contract No. 17-08 (Rebid)** as authorized by N.J.S.A. 40A:11-5(3).

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-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 September 28, 2017.



Michael Henwood
Secretary

Dated: September 28, 2017

**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 **Stack Retest for Cogeneration Engine 3 (One (1) Year Period)**, pursuant to and in accordance with **Contract No. 17-22**; and

WHEREAS, no bid proposals were received by the Authority on August 15, 2017, the date set forth in the Invitation to Bid for the receipt of bid proposals pursuant to and in accordance with **Contract No. 17-22**; and

WHEREAS, the Board of Commissioners of the Authority, by way of Resolution 17-2-057 adopted August 24, 2017, authorized the Executive Director, or his designee, to re-advertise for the solicitation of bid proposals for **Contract No. 17-22 (Rebid)**, pursuant to N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the following bid proposals were received by the Authority on **September 19, 2017** for **Contract No.17-22 (Rebid)**:

Vendor	Total Amount Bid for One (1) Year Period
AirNova, Inc. Pennsauken, NJ	\$35,250.00
Montrose Air Quality Services Easton, PA	\$47,865.00

WHEREAS, the Authority's **Qualified Purchasing Agent** has reviewed the bid proposals and has recommended that **AirNova, Inc.** be awarded **Contract No. 17-22 (Rebid)** 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 **AirNova, Inc.** constitutes the lowest complying and responsible bidder for **Contract No. 17-22 (Rebid)**, 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. **AirNova, Inc.** shall be and is hereby determined to be the lowest complying and responsible bidder for **Stack Retest for Cogeneration Engine 3**, constituting **Contract No. 17-22 (Rebid)** for a **One (1) Year Period** for a total amount not to exceed the sum of **\$35,250.00** without further approval of the Commissioners of the Authority.

2. The Chairman shall be and is hereby authorized to execute a contract with **AirNova, Inc.** of 5845 Clayton Avenue, Pennsauken, NJ 08109 for **Stack Retest for Cogeneration Engine 3**, constituting **Contract No.17-22 (Rebid)** for a **One (1) Year Period** for a total amount not to exceed the sum of **\$35,250.00** 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.

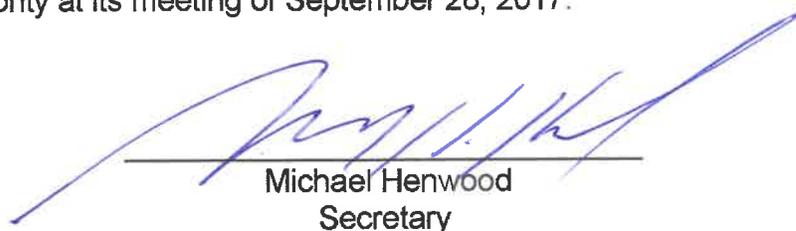
4. The Acting Treasurer's Certification that funds are available shall be maintained on file at the Authority and made a part hereof.

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. 17-22 (Rebid), shall be placed on file and made available for public inspection in the Office of the Executive Director upon execution by **AirNova, 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 September 28, 2017.



Michael Henwood
Secretary

Dated: September 28, 2017

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 09/28/2017

RESOLUTION #: 17-2-059

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

FUNDS AVAILABLE X

FUNDS ARE NOT AVAILABLE _____

BUDGET ACCOUNT W-200-80800-000
CAPITAL OUTLAY

VENDOR AIRNOVA, INC.

CONTRACT NUMBER 17-22

REASON STACK RETEST FOR CONGENERATION
ENGINE 3

AMOUNT \$35,250.00

CONTRACT LENGTH OCTOBER 1, 2017 TO SEPTEMBER 30, 2018

Mathew 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 for the **Sidewalk Slab Replacement Project (at the Authority's Plant located in Little Ferry, New Jersey)**, pursuant to and in accordance with **Contract No. C-193**; and

WHEREAS, the following bid proposals were received by the Authority on **September 20, 2017** for **Contract No.C-193**:

Vendor	Total Amount Bid
Cifelli & Son General Construction, Inc. Nutley, NJ	\$465,700.00
A-Tech Concrete Company, Inc. Edison, NJ	\$588,750.00
Mark Construction, Inc. Wallington, NJ	\$613,000.00
Your Way Construction, Inc. Irvington, NJ	\$621,975.00
Zenith Construction Services; Inc. Orange, NJ	\$1,144,000.00

WHEREAS, the Authority's **Director of Engineering** and the Authority's **Consulting Engineer, Neglia Engineering Associates**, have reviewed the bid proposals and have recommended that **Cifelli & Son General Construction, Inc.** be awarded **Contract No. C-193** 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 **Cifelli & Son General Construction, Inc.** constitutes the lowest complying and responsible bidder for **Contract No. C-193**, 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. **Cifelli & Son General Construction, Inc.** shall be and is hereby determined to be the lowest complying and responsible bidder for the **Sidewalk Slab Replacement Project (at the Authority's Plant located in Little Ferry, New Jersey)**, constituting **Contract No. C-193** for a total sum of **\$465,700.00**.
2. The Chairman shall be and is hereby authorized to execute a contract with **Cifelli & Son General Construction, Inc.** of 4 Coppola Street, Nutley, NJ 07110 for the **Sidewalk Slab Replacement Project (at the Authority's Plant located in Little Ferry, New Jersey)**, constituting **Contract No.C-193** for a total sum of **\$465,700.00**.
3. The bid security of all unsuccessful bidders, if any, shall be returned in accordance with N.J.S.A. 40A:11-1 et seq.
4. The Acting Treasurer's Certification that funds are available shall be maintained on file at the Authority and made a part hereof.
5. A notice of this contract award shall be published in the form prescribed by law.
6. A copy of this Resolution and the contract executed pursuant to this Resolution, along with Contract No.C-193, shall be placed on file and made available for public inspection in the Office of the Executive Director upon execution by Cifelli & Son General Construction, Inc. and the Authority.
7. The formal action(s) of the Commissioners of the Bergen County Utilities Authority embodied herein are expressly contingent upon and subject to the provisions of N.J.S.A. 40:14B-14b.

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of September 28, 2017.



Michael Henwood, Secretary

Dated: **September 28, 2017**

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 09/28/2017

RESOLUTION #: 17-2-060

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

FUNDS AVAILABLE

X

FUNDS ARE NOT AVAILABLE

BUDGET ACCOUNT

W-200-80800-000
CAPITAL OUTLAY

VENDOR

CIFELLI & SON GENERAL CONSTRUCTION, INC.

CONTRACT NUMBER

C-193

REASON

SIDEWALK SLAB REPLACEMENT PROJECT AT
AUTHORITY PLANT LOCATED IN LITTE FERRY, NJ

AMOUNT

\$465,700.00

CONTRACT LENGTH

TO COMPLETION

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 for **Site Improvements at Various Pumping Stations**, pursuant to and in accordance with **Contract No. C-197**; and

WHEREAS, the following bid proposals were received by the Authority on **September 20, 2017** for **Contract No.C-197**:

Vendor	Total Amount Bid
Your Way Construction, Inc. Irvington, NJ	\$637,358.95
A-Tech Concrete Company, Inc. Edison, NJ	\$714,600.00
Montana Construction Corp., Inc.	\$969,111.00
Zenith Construction Services; Inc. Orange, NJ	\$1,013,000.00

WHEREAS, the Authority's **Director of Engineering** and the Authority's **Consulting Engineer, Neglia Engineering Associates**, have reviewed the bid proposals and have recommended that **Your Way Construction, Inc.** be awarded **Contract No. C-197** 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 **Your Way Construction, Inc.** constitutes the lowest complying and responsible bidder for **Contract No. C-197**, 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. **Your Way Construction, Inc.** shall be and is hereby determined to be the lowest complying and responsible bidder for **Site Improvements at Various Pumping Stations**, constituting **Contract No. C-197** for a total sum of **\$637,358.95**.

2. The Chairman shall be and is hereby authorized to execute a contract with **Your Way Construction, Inc.** of 404 Coit Street, Irvington, NJ 07111 for **Site Improvements at Various Pumping Stations**, constituting **Contract No.C-197** for a total sum of **\$637,358.95**.

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

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

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

6. A copy of this Resolution and the contract executed pursuant to this Resolution, along with Contract No.C-197, shall be placed on file and made available for public inspection in the Office of the Executive Director upon execution by Your Way Construction, Inc. and the Authority.

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

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of September 28, 2017.



Michael Henwood, Secretary

Dated: September 28, 2017

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 09/28/2017

RESOLUTION #: 17-2-061

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

FUNDS AVAILABLE X

FUNDS ARE NOT AVAILABLE _____

BUDGET ACCOUNT W-200-80800-000
CAPITAL OUTLAY

VENDOR YOUR WAY CONSTRUCTION, INC.

CONTRACT NUMBER C-197

REASON SITE IMPROVEMENTS AT VARIOUS PUMPING STATIONS

AMOUNT \$637,358.95

CONTRACT LENGTH TO COMPLETION

Matthew McCarter
ACTING TREASURER

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

WHEREAS, on prior occasion, upon advertisement and pursuant to specifications, the Bergen County Utilities Authority (the "Authority") solicited bid proposals to **Furnish and Deliver Bulk Liquid Oxygen to the Edgewater Plant – Two (2) Year Contract with Two (2) One (1) Year Options**, pursuant to and in accordance with **Contract No. EW1-2014**; and

WHEREAS, by way of Resolution 14-2-048 adopted September 25, 2014 by the Board of Commissioners of the Authority, **Airgas USA, Inc.** was determined to be the lowest complying and responsible bidder to **Furnish and Deliver Bulk Liquid Oxygen to the Edgewater Plant**, constituting **Contract No. EW1-2014** for a total contract price of \$186,000.00 per year and for each option year for a total contract price of \$186,000.00; and

WHEREAS, by way of Resolution 14-2-048 adopted September 25, 2014 by the Board of Commissioners of the Authority, the Chairman of the Board of Commissioners of the Authority was authorized to execute a contract with **Airgas USA, Inc.** to **Furnish and Deliver Bulk Liquid Oxygen to the Edgewater Plant**, constituting **Contract No. EW1-2014** for a total contract price of **\$372,000.00** for the **initial Two (2) Year Period**; and

WHEREAS, pursuant to the bid specifications of **Contract No. EW1-2014**, the Authority, by Resolution 16-2-056 adopted August 25, 2016 by the Board of Commissioners of the Authority, previously exercised the first **One (1) Year Option** of **Contract No. EW1-2014** and the Authority has the option to exercise the second **One (1) Year Option** and extend the contract to **Furnish and Deliver Bulk Liquid Oxygen to the Edgewater Plant** with **Airgas USA, Inc.** for an additional **One (1) Year Period** in the total sum of **\$186,000.00** for the second option year, **Year Four (4)** of **Contract No. EW1-2014**; and

WHEREAS, pursuant to N.J.S.A. 40A:11-15 the Authority finds **Airgas USA, Inc.** has performed **Contract No. EW1-2014** to **Furnish and Deliver Bulk Liquid Oxygen to the Edgewater Plant** in an effective and efficient manner; and

WHEREAS, exercising the second and final **One (1) Year Option** of **Contract No. EW1-2014** to **Airgas USA, Inc.** to **Furnish and Deliver Bulk Liquid Oxygen to the Edgewater Plant** is necessary for the efficient operation of the Authority; and

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

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

1. The Executive Director shall be and he is hereby authorized to execute a contract with **Airgas USA, Inc.** to **Furnish and Deliver Bulk Liquid Oxygen to the Edgewater Plant**, pursuant to and in accordance with **Contract No. EW1-2014**, which exercises the second and final **One (1) Year Option** by the Authority to extend the contract for an additional **One (1) Year**

17-2-062

Period (commencing October 1, 2017 and expiring September 30, 2018) for the total sum of **\$186,000.00**.

2. All other terms of **Contract No. EW1-2014** shall remain in full force and effect without modification.

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

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

5. A copy of this Resolution and the Contract executed pursuant to this Resolution, along with Contract No. EW1-2014, shall be placed on file and made available for public inspection in the Office of the Executive Director upon execution by Airgas USA, Inc. and the Authority.

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

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of September 28, 2017.



Michael Herwood
Secretary

Dated: September 28, 2017

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 09/28/2017

RESOLUTION #: 17-2-062

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-320-60450-000
LIQUID OXYGEN

VENDOR

AIRGAS USA, INC.

CONTRACT NUMBER

EW1-2014

REASON

FURNISH AND DELIVER BULK LIQUID OXYGEN TO
THE EDEWATER PLANT

AMOUNT

\$186,000.00

CONTRACT LENGTH

OCTOBER 1, 2017 TO SEPTEMBER 30, 2018

Matthew 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 for **Security Services (Two (2) Year Contract with Two (2) One (1) Year Options)**, pursuant to and in accordance with **Contract No. 15-08 (Rebid)**; and

WHEREAS, by way of Resolution 15-2-054 adopted September 24, 2015, **Wisdom Protective Services** was determined to be the lowest complying and responsible bidder for **Security Services**, constituting **Contract No. 15-08 (Rebid)** for a total contract price of \$498,120.00 for the **Initial Two (2) Year Period**; and for the initial option year for a total contract price of \$249,060.00; and

WHEREAS, by way of Resolution 15-2-054 adopted September 24, 2015 by the Board of Commissioners of the Authority, the Chairman of the Board of Commissioners of the Authority was authorized to execute a contract with **Wisdom Protective Services** for **Security Services**, constituting **Contract No. 15-08 (Rebid)** for a total contract price of **\$498,120.00** for the **Initial Two (2) Year Period**; and

WHEREAS, pursuant to the terms of **Contract No. 15-08 (Rebid)**, the Authority has the option to extend the contract for **Security Services** with **Wisdom Protective Services** for an additional **One (1) Year Period** for the total sum of **\$249,060.00**; and

WHEREAS, pursuant to N.J.S.A. 40A:11-15 the Authority finds **Wisdom Protective Services** has performed **Contract No. 15-08 (Rebid)** for **Security Services** in an effective and efficient manner; and

WHEREAS, exercising the first **One (1) Year Option** of **Contract No. 15-08 (Rebid)** to **Wisdom Protective Services** for **Security Services** is necessary for the efficient operation of the Authority; and

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

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

1. The Executive Director shall be and he is hereby authorized to execute a contract with **Wisdom Protective Services** for **Security Services**, pursuant to and in accordance with **Contract No. 15-08 (Rebid)**, which contract exercises the first **One (1) Year Option** by the Authority to extend **Contract No. 15-08 (Rebid)** for an additional **One (1) Year Period** (commencing November 1, 2017 and expiring October 31, 2018) for the total sum of **\$249,060.00**.

2. All other terms of **Contract No. 15-08 (Rebid)** shall remain in full force and effect without modification.

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

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

5. A copy of this Resolution and the contract executed pursuant to this Resolution, along with Contract No. 15-08 (Rebid), shall be placed on file and made available for public inspection in the Office of the Executive Director upon execution by Wisdom Protective Services and the Authority.

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

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of September 28, 2017.



Michael Henwood
Secretary

Dated: September 28, 2017

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 09/28/2017

RESOLUTION #: 17-2-063

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

FUNDS AVAILABLE

X

FUNDS ARE NOT AVAILABLE

BUDGET ACCOUNT

A-620-55200-000
PLANT SECURITY

VENDOR

WISDOM PROTECTION SERVICES

CONTRACT NUMBER

15-08

REASON

SECURITY SERVICES

AMOUNT

\$249,060.00

CONTRACT LENGTH

NOVEMBER 1, 2017 TO OCTOBER 31, 2018



ACTING TREASURER

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

WHEREAS, on prior occasion, upon advertisement on the website of the Bergen County Utilities Authority (the "Authority") and pursuant to specifications, the Authority solicited bid proposals for **Effluent PCB Monitoring**, pursuant to and in accordance with **Requisition No. 106584-17**; and

WHEREAS, the following sole proposal was received by the Authority on **September 13, 2017** for **Requisition No. 106584-17**:

<u>Vendor</u>	<u>Total Amount Bid</u>
Eurofins QC, Inc. Horsham, PA	\$21,000.00

; and

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

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

WHEREAS, the Authority's **Qualified Purchasing Agent** has reviewed the sole bid proposal and has recommended that **Eurofins QC, Inc.** should be awarded **Requisition No.106584-17** as the lowest complying and responsible vendor, as defined under N.J.S.A. 40A:11-2 and allowable under the fair and open process pursuant to N.J.S.A. 19:44A-20.4; and

WHEREAS, on the basis of the foregoing, the Authority has determined that the proposal from **Eurofins QC, Inc.** constitutes the lowest complying and responsible proposal for **Requisition No. 106584-17**, in accordance with N.J.S.A. 40A:11-1 et seq.; and

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

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

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

1. The proposal of **Eurofins QC, Inc.** in the sum of \$21,000.00 shall be and is hereby determined to be the lowest complying and responsible proposal for **Effluent PCB Monitoring** constituting **Requisition No.106584-17** for the total sum of **\$21,000.00**.

2. The Executive Director shall be and is hereby authorized to execute an agreement with **Eurofins QC, Inc.** of **702 Electronic Drive, Horsham, PA 19044** for **Effluent PCB Monitoring**, constituting **Requisition No. 106584-17** for the total sum of **\$21,000.00**.

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

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

5. A copy of this Resolution and the agreement executed pursuant to this Resolution, along with **Requisition No. 106584-17**, shall be placed on file and made available for public inspection in the office of the Executive Director upon execution by Eurofins QC, Inc. and the Authority.

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

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of September 28, 2017.



Michael Henwood
Secretary

Dated: September 28, 2017

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 09/28/2017

RESOLUTION #: 17-2-064

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

FUNDS AVAILABLE

X

FUNDS ARE NOT AVAILABLE

BUDGET ACCOUNT

W-240-56600-000
OUTSIDE ANALYSIS

VENDOR

EUROFINS QC, INC.

CONTRACT NUMBER

N/A

REASON

EFFLUENT PCB MONITORING

AMOUNT

\$21,000.00

CONTRACT LENGTH

OCTOBER 1, 2017 TO SEPTEMBER 30, 2019


ACTING TREASURER

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

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

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

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

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

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

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

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

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

17-2-065

Little Ferry Water Pollution Control Facility (the "Little Ferry WPCF") collection system;
and

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

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

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

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

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

- Deed and title document review;
- Boundary analysis based on new documents received;
- Field reconnaissance for additional evidence based on new documents received;
- Continued project coordination and management;

17-2-065

17-2-065

- Project meetings (as required);
- Update and finalize wetlands report;
- Finalize parcel maps/Additional HDD easements;
- Finalize parcel descriptions;
- Prepare baseline and survey control plan in accordance with correct proposed alignment;
- Finalize overall aerial mapping and cross-section plans to incorporate updated boundary and field located information;

; and

WHEREAS, by Resolution 17-2-043 adopted June 22, 2017 by the Board of Commissioners of the Authority authorized the Chairman of the Board of Commissioners to amend the Contract by increasing the budget for compensation to be paid by the Authority to Neglia Engineering Associates under the Contract by the amount of \$105,000.00, resulting in an amended Contract compensation budget in the total sum of \$472,455.00 without further approval of the Board of Commissioners of the Authority; and

WHEREAS, Neglia Engineering Associates, operating under the Contract subsequent to the adoption of Resolution 17-2-043, continued to provide significant necessary and valuable services to the Authority as Land Surveying Engineer for the Edgewater Sewage Force Main Project and, by written correspondence dated September 12, 2017, Neglia Engineering Associates advised the Authority that, due to the recent amendment of the proposed force-main route, Neglia Engineering Associates will be required to provide additional services to the Authority as Land Surveying Engineer to the Authority for the Edgewater Sewage Force Main Project, including providing additional aerial mapping, provide a bathymetric survey of creek crossings, provide additional utility designation services, provide on-ground topographic survey to supplement the additional aerial mapping, delineate existing wetlands and state open waters and review title report data and prepare easement drawings and written descriptions for the new properties included in the amended proposed force-main route; and

WHEREAS, Neglia Engineering Associates, by the September 12, 2017 written correspondence, requested that the Authority increase the compensation budget provided for by the Contract by the total sum of \$85,000.00, resulting in an amended Contract compensation budget of an amount not to exceed the total sum of \$557,955.00 without further approval of the Board of Commissioners of the Authority; and

WHEREAS, the Authority's Director of Engineering has determined that Neglia Engineering Associates has performed all services under the Contract in an effective and efficient manner and further determined that the remaining work to be performed by Neglia Engineering Associates under the Contract is essential to the proper and effective operation of the Authority's Water Pollution Control Division and critical to the health,

17-2-065

welfare and safety of the ratepayers and employees of the Authority and necessary for the completion of the Edgewater Sewer Force Main Project; and

WHEREAS, the Authority's Director of Engineering has reviewed the September 12, 2017 written correspondence of Neglia Engineering Associates, including the request of Neglia Engineering Associates to increase the compensation budget under the Contract for the total compensation to be paid by the Authority to Neglia Engineering Associates for services provided by Neglia Engineering Associates to the Authority pursuant to the Contract, and based upon the above determinations and his review of the September 12, 2017 written correspondence of Neglia Engineering Associates, the Authority's Director of Engineering has concluded and recommended that the Authority should amend the Contract by increasing the budget for compensation to be paid by the Authority to Neglia Engineering Associates pursuant to the Contract in the total sum of \$85,000.00, resulting in an amended compensation budget under the Contract in an amount not to exceed the total sum of \$557,955.00 without further approval of the Board of Commissioners of the Authority; and

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

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

1. The Contract entered into by and between the Authority and Neglia Engineering Associates shall be and is hereby amended by the Authority and the Contract shall be modified to provide that the compensation to be paid by the Authority pursuant thereto shall be increased in the amount of \$85,000.00 and the total amount of compensation to now be paid by the Authority to Neglia Engineering Associates pursuant to the modified Contract shall not exceed the total sum of \$557,955.00 without further approval of the Board of Commissioners of the Authority.

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

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

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

17-2-065

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

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

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of September 28, 2017.



Michael Henwood, Secretary

Dated: September 28, 2017

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 09/28/2017

RESOLUTION #: 17-2-065

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

FUNDS AVAILABLE

X

FUNDS ARE NOT AVAILABLE

BUDGET ACCOUNT

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

VENDOR

NEGLIA ENGINEERING ASSOCIATES

CONTRACT NUMBER

E14121801

REASON

INCREASE IN SERVICES REQUIREMENT FOR
LAND SURVEYING FOR EDGEWATER
SEWAGE FORCE MAIN PROJECT

AMOUNT

\$85,000.00

CONTRACT LENGTH

TO COMPLETION

Matthew M Carter
ACTING TREASURER