



PASSAIC VALLEY WATER COMMISSION

RESOLUTION #16-47

RESOLUTION OF PASSAIC VALLEY WATER COMMISSION

DATE OF ADOPTION: June 15, 2016

Factual Contents certified to by Louis Amodio, Administrative Secretary. Approved as to Form and Legality on basis of facts set forth by George T. Hanley, General Counsel. Entering Executive Closed Session in accordance with Open Public Meetings Act, R.S. 10:4-6 et seq. Pursuant to the Open Public Meetings Act,

COMMISSIONER: VANNOY offers the following Resolution for adoption:

WHEREAS, Section 8 of the Open Public Meetings Act, c. 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances: and

WHEREAS, the public body is of the opinion that such circumstances presently exist:

NOW, THEREFORE, BE IT RESOLVED, by the Commissioners of Passaic Valley Water Commission:

1. The public shall be excluded from discussion of the hereinafter specified subject Matters; the general nature of the subject matters being: Financial, Insurance, Personnel, Contracts, Negotiations, Security, and Law: LAW: Personnel: Administration: other matters as may be discussed *in camera*.
2. It is anticipated at this time that the above-stated subject matter will be ratified During public meeting following or as soon thereafter as the reason for discussion no Longer exists.
3. This Resolution shall take effect immediately.

Second by COMMISSIONER: BLUMENTHAL AYES: 6 ABSENT: 1 Time: 12:24 PM

RECORD OF COMMISSION VOTE ON FINAL PASSAGE

	AYE	NAY	ABSTAIN	ABSENT
JEFFREY LEVINE	<u>X</u>			
ROBERT VANNOY	<u>X</u>			
CHRYSTAL CLEAVES				<u>X</u>
GLORIA KOLODZIEJ	<u>X</u>			
DAVID BLUMENTHAL	<u>X</u>			
GERALD FRIEND	<u>X</u>			
RIGO SANCHEZ	<u>X</u>			



PRESIDENT RIGO SANCHEZ




SECRETARY CHRYSTAL CLEAVES



PASSAIC VALLEY WATER COMMISSION

CERTIFICATION

I, LOUIS AMODIO, Administrative Secretary of the Passaic Valley Water Commission in the County of Passaic, and the State of New Jersey do hereby certify that the foregoing Resolution is a true copy of a legal quorum of the Original Resolution duly passed and adopted by a majority of the full membership of the Passaic Valley Water Commission at its meeting of June 15, 2016.



LOUIS AMODIO
Administrative Secretary

RESOLUTION: 16-48
RESOLUTION OF PASSAIC VALLEY WATER COMMISSION
DATE OF ADOPTION: JUNE 15, 2016

Approved as to form and legality by Law Department on basis of facts set forth by Executive Director, Purchasing, Engineering and Finance Departments.

Introduced by Commissioner: **VANNOY**

Seconded by Commissioner: **KOLODZIEJ**

WHEREAS, on May 3, 2016 four (4) bids were received by Passaic Valley Water Commission ("PVWC") for Contract No. 16-B-6 "Furnish and Deliver "No Lead" Type Brass Water Service Line Fittings"; and

WHEREAS, said bids have been reviewed by the Executive Director, Director of Engineering, and the Director of Purchasing, (and Counsel as to form and legality) and a copy of a memorandum from the Director of Engineering dated June 3, 2016, along with other relevant correspondence, is attached hereto and made a part hereof as Exhibit A; and

WHEREAS, the Local Public Contracts Law provides for the awarding of the Contract upon receipt of bids and qualifications of bidders therefor; and

WHEREAS, the apparent low numerical bid submitted by Capital Supply Construction, Inc. ("Capital Supply") of Denville, New Jersey failed to include material information with their bid to demonstrate that the products offered with their bid are equivalent to those specified in the Technical Specifications in the Bid Documents; and

WHEREAS, notwithstanding written requests from PVWC for Capital Supply to supplement their bid by submitting the required material information to PVWC, Capital Supply has failed to do so, which is in contravention to the requirements of the Bid Documents, and which is considered by PVWC to be a material defect in their bid, and which Capital Supply was unwilling or unable to cure, which thereby disqualifies their bid; and

WHEREAS, Capital Supply subsequently submitted a written request dated June 3, 2016 to PVWC that their bid be withdrawn, a copy of which is attached hereto and made a part hereof in above-referenced Exhibit A; and

WHEREAS, the lowest responsible, responsive bid submitted for this Contract was that of Water Works Supply Company, Inc. of Pompton Plains New Jersey (the "Awardee") with respect to said bid in the amount of \$184,854.70; and

WHEREAS, PVWC's Comptroller has certified, with respect hereto, that funds are currently available for said purpose and said certificate is attached hereto;

NOW, THEREFORE, BE IT RESOLVED, by Passaic Valley Water Commission, in the County of Passaic, New Jersey:

1. That Contract No. 16-B-6 "Furnish and Deliver "No Lead" Type Brass Water Service Line Fittings" in the total amount of \$184,854.70 in connection with the above described goods and services is hereby awarded to the Awardee.
2. That the appropriate officers of the Commission are hereby authorized to execute the Contract; and implement the terms of said Contract in accordance with this Resolution and the submissions provided in connection therewith, with respect to solicitation for bids made in connection with Contract 16-B-6 as set forth hereinabove.

RECORD OF COMMISSION VOTE ON FINAL PASSAGE

	AYE	NAY	ABSTAIN	ABSENT
VANNOY, R.	<u>X</u>	—	—	—
LEVINE, J.	<u>X</u>	—	—	—
CLEAVES, C.	—	—	—	<u>X</u>
KOLODZIEJ, G.	<u>X</u>	—	—	—
FRIEND, G.	<u>X</u>	—	—	—
BLUMENTHAL, D.	<u>X</u>	—	—	—
SANCHEZ, R.	<u>X</u>	—	—	—

Adopted at a meeting of Passaic Valley Water Commission.



President
RIGO SANCHEZ



Secretary
CHRYSTAL CLEAVES

This Resolution, when adopted, must remain in the custody of the Administrative Secretary.

CERTIFICATION

I, LOUIS AMODIO, Administrative Secretary of the Passaic Valley Water Commission in the County of Passaic, and the State of New Jersey do hereby certify that the foregoing Resolution is a true copy of a legal quorum of the Original Resolution duly passed and adopted by a majority of the full membership of the Passaic Valley Water Commission at its meeting of June 15, 2016.



LOUIS AMODIO
Administrative Secretary

PASSAIC VALLEY WATER COMMISSION

**PVWC MEMORANDUM DATED JUNE 3, 2016
AND OTHER RELEVANT CORRESPONDENCE**

EXHIBIT A

**PASSAIC VALLEY WATER COMMISSION
INTEROFFICE MEMORANDUM**

Date: June 3, 2016

To: Hon. Commissioners

From: J. Duprey

C: J. Bella

G. Hanley
L. Amodio

Re: Contract No. 16-B-6 "Furnish and Deliver "No Lead" Type Brass Water Service Line Fittings"

On May 3, 2016 four (4) bids were received by Passaic Valley Water Commission ("PVWC") for Contract No. 16-B-6 "Furnish and Deliver "No Lead" Type Brass Water Service Line Fittings".

The apparent low numerical bid submitted by Capital Supply Construction, Inc. ("Capital Supply") of Denville, New Jersey failed to include material information with their bid to demonstrate that the products offered with their bid are equivalent to those specified in the Technical Specifications in the Bid Documents.

Notwithstanding written requests from PVWC for Capital Supply to supplement their bid by submitting the required material information to PVWC, Capital Supply has failed to do so, which is in contravention to the requirements of the Bid Documents, and which is considered by PVWC to be a material defect in their bid, and which Capital Supply was unwilling or unable to cure, which thereby disqualifies their bid. Capital Supply has subsequently requested that their bid be withdrawn.

The lowest responsible, responsive bid submitted for this Contract was that of Water Works Supply Company, Inc. of Pompton Plains, New Jersey (the "Awardee") with respect to said bid in the amount of \$184,854.70

Based on the above, and subject to review and approval by PVWC's Law Department, it is recommended that Contract 16-B-6 be awarded to the Awardee in the total amount of their bid.

PASSAIC VALLEY WATER COMMISSION

INTER-OFFICE MEMO

DATE: June 3, 2016

FROM: Purchasing Department

TO: Joseph A. Bella
George T. Hanley
Yitzchak Weiss

RE: **Contract # 16-B-6**
Furnish and Deliver "No Lead" Type Brass Water Service Line Fittings

The Purchasing Department has reviewed the above stated Contract for required documents, affirmative action requirements, and the Contract proposal tabulations. The Finance Department has certified the availability of funds (see attached).

Of the four (4) bids received, the lowest responsive and responsible proposal was submitted by Water Works Supply Company, Inc., of Pompton Plains, New Jersey, in the amount of \$184,854.70.

Please note: Capitol Supply Construction Products, Inc. proposed material not in compliance with PVWC's specifications.

Respectfully submitted,



Linda Beckering
Purchasing Agent

cc: L. Amodio /
J. Duprey ✓

OFFICE OF THE COMPTROLLER

CERTIFICATION OF AVAILABILITY OF FUNDS

It is hereby certified that subject to Commission approval of future Budgets, with respect to multi-budget year contracts, there are or will be sufficient available funds for expenditures to be incurred as result of any contract or commitment to be entered into by Passaic Valley Water Commission as follows:

Description of Project or Contract: **16-B-6 - Furnish and Deliver "No Lead" Type Brass Water Service Line Fittings**

Amount of Project or Contract:

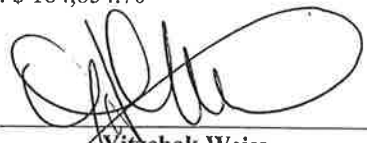
Water Works Supply Company, Inc. - \$184,854.70

1. Acct: # 001-0000-131-01-00 Inventory

Specific Appropriation to which expenditures will be charged: Budget 2016/2017/2018

Other comments: Two Year Contract Commencing: June 2016

Date of Certification: 06/03/2016 Certified: \$ 184,854.70


Yitzhak Weiss
Comptroller and Chief Financial Officer

YW:lb

Contract # 16-B-6
No Lead Type Brass Water Service Line Fittings

Bids Received: May 3, 2016

BIDDERS	BID DEPOSIT CC- Certified Check CA- Cashier's Check BB- Bid Bond	TOTAL AMOUNT OF CONTRACT	REMARKS
Brent Materials 352 Columbia Turnpike - Suite 308 Florham Park, New Jersey 07932 rob@brentmaterial.com	Certified Check Cashier's Check 10% Bid Bond Not to Exceed \$20,000.00	\$193,931.90	X Business Registration Cert. X PVWC Consent of Surety Other Consent of Surety Public Works Cont. Cert.
Capitol Supply Construction Products 149 Old Turnpike Road Wayne, New Jersey 07470 michaelgrieco@capitolsupplyconstruction.com	Certified Check Cashier's Check 10% Bid Bond Not to Exceed \$20,000.00	\$179,810.90 S/B \$181,609.00	X Business Registration Cert. X PVWC Consent of Surety Other Consent of Surety Public Works Cont. Cert.
Water Works Supply Company, Inc. 660 Route 23 Pompton Plains, New Jersey 07444 craig@wwscnj.com	Certified Check Cashier's Check 10% Bid Bond Not to Exceed \$20,000.00	\$184,854.70	X Business Registration Cert. X PVWC Consent of Surety Other Consent of Surety Public Works Cont. Cert.
HD Supply Waterworks 61 Gross Avenue Edison, New Jersey 08837 fred.schweighardt@hdsupply.com	Certified Check Cashier's Check 10% Bid Bond Not to Exceed \$20,000.00	\$219,764.33	X Business Registration Cert. X PVWC Consent of Surety Other Consent of Surety Public Works Cont. Cert.
USA Bluebook 3781 Burwood Drive Waukegan, Illinois 60085 gmccampbell@usabluebook.com	Certified Check Cashier's Check Bid Bond Not to Exceed \$		Business Registration Cert. PVWC Consent of Surety Other Consent of Surety Public Works Cont. Cert.

From: Duprey, Jim
Sent: Friday, June 03, 2016 12:48 PM
To: hughmalley@capitolsupplyconstruction.com
Cc: Beckering, Linda; Wilson, Deborah
Subject: RE: Contract 16-B-6

We will comply and we look forward to working with you and your firm on future bid contracts. Thanks.

From: hughmalley@capitolsupplyconstruction.com [<mailto:hughmalley@capitolsupplyconstruction.com>]
Sent: Friday, June 03, 2016 12:44 PM
To: Duprey, Jim
Subject: Contract 16-B-6

Jim:

Per our conversation I would respectfully ask you to withdraw my bid for above noted contract. Unfortunately we had a different interpretation of the specifications than PVWC. I apologize for any inconvenience this may have caused and look forward to continuing our relationship on other contracts. Thank you.

Hugh D. Malley jr.
Vice President
Capitol Supply Construction Products, inc.
973-627-5200

From: Wilson, Deborah
Sent: Friday, June 03, 2016 12:41 PM
To: Beckering, Linda
Cc: Duprey, Jim; Porcaro, Patrick
Subject: Contract 16-B-6 Furnish and Deliver "No Lead" Type Brass Water Service Line Fittings

Good Afternoon Linda,

As per our final review, we have confirmed that Capital Supply is not in compliance with our specifications requesting for items to meet the AWWA C800 Standard. Therefore the contract should be awarded to the second lowest bidder which is Waterworks Supply.

Thanks,

Debbie

Deborah L. Wilson
Assistant Engineer - Civil
Passaic Valley Water Commission
1525 Main Ave
Clifton, NJ 07011
Office 973-340-4377
Cell 973-666-2132



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RESOLUTION: 16-49
RESOLUTION OF PASSAIC VALLEY WATER COMMISSION
DATE OF ADOPTION: JUNE 15, 2016

Approved as to form and legality by Law Department on basis of facts set forth by Executive Director, Purchasing, Engineering and Finance Departments.

Introduced by Commissioner: **VANNOY**

Seconded by Commissioner: **KOLODZIEJ**

WHEREAS, on May 25, 2016 five (5) bids were received by Passaic Valley Water Commission ("PVWC") for Contract No. 16-B-15 "Rehabilitation of PVWC's Colonial Village Water Tank"; and

WHEREAS, said bids have been reviewed by the Executive Director, Director of Engineering, and the Director of Purchasing, (and Counsel as to form and legality) and a copy of a memorandum from the Director of Engineering dated June 6, 2016, along with other relevant correspondence, is attached hereto and made a part hereof as Exhibit A; and

WHEREAS, the Local Public Contracts Law provides for the awarding of the Contract upon receipt of bids and qualifications of bidders therefor; and

WHEREAS, the apparent low numerical bid submitted by Bragaton Construction, Inc. ("Bragaton") of Linden, New Jersey, failed to include a proper consent of surety with their bid; which material exception is in contravention of the Local Public Contracts Law and the bid specifications; and

WHEREAS, this material non-curable defect (Bragaton's failure to include a proper consent of surety with their bid), thereby disqualifies their bid; and

WHEREAS, the second apparent low numerical bid submitted by Brave Industrial Paint, LLC ("Brave Industrial") failed to include material information with their bid to demonstrate adequate experience performing projects similar to that required by the Contract, namely rehabilitation of water storage tanks; and

WHEREAS, notwithstanding written requests from PVWC for Brave Industrial to supplement their bid by submitting the required material information to PVWC, Brave Industrial has failed to do so, which is in contravention to the requirements of the Bid Documents, and which is considered by PVWC to be a material defect in their bid, and which Brave Industrial was unwilling or unable to cure; and

WHEREAS, the lowest responsible, responsive bid submitted for this Contract was that of U.S. Tank Painting, Inc. of Millstone township, New Jersey (the "Awardee") with respect to said bid in the amount of \$569,000.00 which amount is considered reasonable considering the nature and scope of Work involved; and

WHEREAS, PVWC's Comptroller has certified, with respect hereto, that funds are currently available for said purpose and said certificate is attached hereto as Exhibit B;


NOW, THEREFORE, BE IT RESOLVED, by Passaic Valley Water Commission, in the County of Passaic, New Jersey:

1. That Contract No. 16-B-15 "Rehabilitation of PVWC's Colonial Village Water Tank" in the total amount of \$569,000.00 in connection with the above described goods and services is hereby awarded to the Awardee.
2. That the appropriate officers of the Commission are hereby authorized to execute the Contract; and implement the terms of said Contract in accordance with this Resolution and the submissions provided in connection therewith, with respect to solicitation for bids made in connection with Contract 16-B-15 as set forth hereinabove.

RECORD OF COMMISSION VOTE ON FINAL PASSAGE

	AYE	NAY	ABSTAIN	ABSENT
VANNOY, R.	<u>X</u>	—	—	—
LEVINE, J.	<u>X</u>	—	—	—
CLEAVES, C.	—	—	—	<u>X</u>
KOŁODZIEJ, G.	<u>X</u>	—	—	—
FRIEND, G.	<u>X</u>	—	—	—
BLUMENTHAL, D.	<u>X</u>	—	—	—
SANCHEZ, R.	<u>X</u>	—	—	—

Adopted at a meeting of Passaic Valley Water Commission.



President
RIGO SANCHEZ



Secretary
CHRYSTAL CLEAVES

This Resolution, when adopted, must remain in the custody of the Administrative Secretary.

CERTIFICATION

I, LOUIS AMODIO, Administrative Secretary of the Passaic Valley Water Commission in the County of Passaic, and the State of New Jersey do hereby certify that the foregoing Resolution is a true copy of a legal quorum of the Original Resolution duly passed and adopted by a majority of the full membership of the Passaic Valley Water Commission at its meeting of June 15, 2016.



LOUIS AMODIO
Administrative Secretary

PASSAIC VALLEY WATER COMMISSION

**PVWC MEMORANDUM DATED JUNE 6, 2016
AND OTHER RELEVANT CORRESPONDENCE**

EXHIBIT A

**PASSAIC VALLEY WATER COMMISSION
INTEROFFICE MEMORANDUM**

Date: June 6, 2016

To: Hon. Commissioners

From: J. Duprey

C: J. Bella

G. Hanley
L. Amodio

Re: Contract No. 16-B-15 "Rehabilitation of PVWC's Colonial Village Water Tank"

On May 25, 2016 five (5) bids were received by Passaic Valley Water Commission ("PVWC") for Contract No. 16-B-15 "Rehabilitation of PVWC's Colonial Village Water Tank"

The apparent low numerical bid submitted by Bragaton Construction, Inc. ("Bragaton") of Linden, New Jersey, failed to include a proper consent of surety with their bid; which material exception is in contravention of the Local Public Contracts Law and the bid specifications.

This material non-curable defect (Bragaton's failure to include a proper consent of surety with their), thereby disqualifies their bid.

The second apparent low numerical bid submitted by Brave Industrial Paint, LLC ("Brave Industrial") failed to include material information with their bid to demonstrate adequate experience performing projects similar to that required by the Contract, namely rehabilitation of water storage tanks.

Notwithstanding written requests from PVWC for Brave Industrial to supplement their bid by submitting the required material information to PVWC, Brave Industrial has failed to do so, which is in contravention to the requirements of the Bid Documents, and which is considered by PVWC to be a material defect in their bid, and which Brave Industrial was unwilling or unable to cure.

The lowest responsible, responsive bid submitted for this Contract was that of U.S. Tank Painting, Inc. of Millstone Township, New Jersey (the "Awardee") with respect to said bid in the amount of \$569,000.00 and which amount is considered reasonable considering the nature and scope of Work involved.

Based on the above, and subject to review and approval by PVWC's Law Department, it is recommended that Contract 16-B-15 be awarded to the Awardee in the total amount of their bid.

PASSAIC VALLEY WATER COMMISSION

PVWC'S FINANCIAL CERTIFICATION SHEET

EXHIBIT B

PASSAIC VALLEY WATER COMMISSION

INTER-OFFICE MEMO

DATE: June 1, 2016

FROM: Purchasing Department

TO: Joseph A. Bella
George T. Hanley
Yitzchak Weiss

RE: **Contract # 16-B-15**
Rehabilitation of PVWC's Colonial Village Water Tank

The Purchasing Department has reviewed the above stated Contract for required documents, affirmative action requirements, and the Contract proposal tabulations. The Finance Department has certified the availability of funds (see attached).

Of the five (5) bids received, the lowest responsive and responsible proposal was submitted by **U.S. Tank Painting, Inc.**, of Millstone Township, New Jersey, in the amount of **\$569,000.00**.

Respectfully submitted,


Linda Beckering
Purchasing Agent

cc: L. Amodio
J. Duprey✓

Contract 16-B-15
Rehabilitation of PVWC's Colonial Village Water Tank

Bids Received: May 25, 2016

BIDDERS	BID DEPOSIT CC- Certified Check CA- Cashier's Check BB- Bid Bond	TOTAL AMOUNT OF CONTRACT	REMARKS
US Tank Painting, Inc. 900 Rike Drive Millstone Township, New Jersey 08535 ryan@ustankpaintinginc.com	Certified Check Cashier's Check 10% Bid Bond Not to Exceed \$20,000.00	\$569,000.00	X Business Registration Cert. X PVWC Consent of Surety Other Consent of Surety Public Works Cont. Cert.
The G Meyer Group 613 Newark Avenue - Floor 1 Bradley Beach, New Jersey 07720 suppljohn65@gmail.com	Certified Check Cashier's Check Bid Bond Not to Exceed		Business Registration Cert. PVWC Consent of Surety Other Consent of Surety Public Works Cont. Cert.
Ferraro Construction Corporation 5 Park Drive Franklin, New Jersey 07416 laura@ferraroconstruction.com	Certified Check Cashier's Check Bid Bond Not to Exceed \$		Business Registration Cert. PVWC Consent of Surety Other Consent of Surety Public Works Cont. Cert.
Amstar of Western NY, Inc. 825 Rein Road Cheektowaga, New York 14225 grobinson@amstarwny.com	Certified Check Cashier's Check Bid Bond Not to Exceed \$		Business Registration Cert. PVWC Consent of Surety Other Consent of Surety Public Works Cont. Cert.
Brave Industrial Paint, LLC 177 Elmwood Avenue Long Branch, New Jersey 07740 adm.bravepainting@gmail.com	Certified Check Cashier's Check 10 Bid Bond Not to Exceed \$20,000.00	\$489,000.00	No Business Registration Cert. X PVWC Consent of Surety Other Consent of Surety Public Works Cont. Cert. Documents contain material defects

Contract 16-B-15
Rehabilitation of PWWC's Colonial Village Water Tank

Bids Received: May 25, 2016

BIDDERS	BID DEPOSIT CC- Certified Check CA- Cashier's Check BB- Bid Bond	TOTAL AMOUNT OF CONTRACT	REMARKS
Alpine Paintint & Sandblasting Contr. 17 Florida Avenue Paterson, New Jersey 07503 benir@alpinepainting.com	<input type="checkbox"/> Certified Check <input type="checkbox"/> Cashier's Check <input checked="" type="checkbox"/> 10% Bid Bond Not to Exceed \$20,000.00	\$1,157,905.00	<input checked="" type="checkbox"/> Business Registration Cert. <input checked="" type="checkbox"/> PWWC Consent of Surety <input type="checkbox"/> Other Consent of Surety <input type="checkbox"/> Public Works Cont. Cert.
Bragaton Construction, Inc. 1700 Klem Avenue Linden, New Jersey 07036 bragaton1@hotmail.com	<input type="checkbox"/> Certified Check <input type="checkbox"/> Cashier's Check <input checked="" type="checkbox"/> 10% Bid Bond Not to Exceed \$20,000.00	\$444,000.00	<input checked="" type="checkbox"/> Business Registration Cert. <input type="checkbox"/> PWWC Consent of Surety <input checked="" type="checkbox"/> Other Consent of Surety <input type="checkbox"/> Public Works Cont. Cert. Documents contain material defects
RML Construction, Inc. 400 13th Street Carlstadt, New Jersey 07072 rob@rmlconstructioninc.com	<input type="checkbox"/> Certified Check <input type="checkbox"/> Cashier's Check <input checked="" type="checkbox"/> 10% Bid Bond Not to Exceed \$20,000.00	\$771,000.00	<input checked="" type="checkbox"/> Business Registration Cert. <input checked="" type="checkbox"/> PWWC Consent of Surety <input type="checkbox"/> Other Consent of Surety <input type="checkbox"/> Public Works Cont. Cert.
	<input type="checkbox"/> Certified Check <input type="checkbox"/> Cashier's Check <input type="checkbox"/> Bid Bond Not to Exceed \$		<input type="checkbox"/> Business Registration Cert. <input type="checkbox"/> PWWC Consent of Surety <input type="checkbox"/> Other Consent of Surety <input type="checkbox"/> Public Works Cont. Cert.
	<input type="checkbox"/> Certified Check <input type="checkbox"/> Cashier's Check <input type="checkbox"/> Bid Bond Not to Exceed \$		<input type="checkbox"/> Business Registration Cert. <input type="checkbox"/> PWWC Consent of Surety <input type="checkbox"/> Other Consent of Surety <input type="checkbox"/> Public Works Cont. Cert.

PASSAIC VALLEY WATER COMMISSION

PVWC'S FINANCIAL CERTIFICATION SHEET

EXHIBIT B

OFFICE OF THE COMPTROLLER

CERTIFICATION OF AVAILABILITY OF FUNDS

It is hereby certified that subject to Commission approval of future Budgets, with respect to multi-budget year contracts, there are or will be sufficient available funds for expenditures to be incurred as result of any contract or commitment to be entered into by Passaic Valley Water Commission as follows:

Description of Project or Contract: **16-B-15 - U.S. Tank Painting, Inc.**

Amount of Project or Contract: \$ 569,000.00

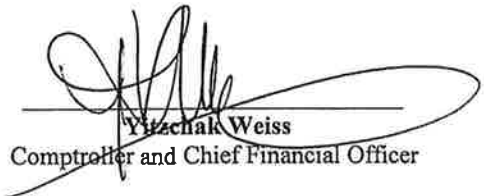
1. Acct: # 001-0901-419-95-25 Capital / Tanks

Specific Appropriation to which expenditures will be charged: Capital Budget 2016

Other comments: One Hundred Fifty (150) Days - Contract Commencing: June 2016

Rehabilitation of PVWC's Colonial Village Water Tank

Date of Certification: 06/01/2016 Certified: \$ 569,000.00


Yitzchak Weiss
Comptroller and Chief Financial Officer

YW:lb

**PASSAIC VALLEY WATER COMMISSION
RESOLUTION: 16-50
RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF
AN AGREEMENT WITH
NEW JERSEY DEPARTMENT OF TRANSPORTATION
FOR ROUTE 7 MILL STREET TO PARK AVENUE
TOWNSHIPS OF BELLEVILLE AND NUTLEY,
ESSEX COUNTY, NEW JERSEY**

**UECA-6-Mill Street-158100
UPC Code: 158100
Contract ID Number 16-16084**

DATE OF ADOPTION: JUNE 16, 2016

Approved as to form and legality by the Law Department on the basis of facts set forth by the Executive Director and Director of Engineering, and Purchasing and Finance Departments as applicable.

Introduced by Commissioner: **VANNOY**

Seconded by Commissioner: **KOLODZIEJ**

WHEREAS, the Commissioner of Transportation, acting for and in the name of the State of New Jersey (the "State") is planning to undertake the design and construction of their project entitled "Route 7 Mill Street to Park Avenue Located in the Townships of Belleville and Nutley, Essex County" (the "Project"), and

WHEREAS, the Passaic Valley Water Commission (the "PVWC" and/or "Utility") owns and operates an existing water system in the area of the Project; and

WHEREAS, the Project may require the construction of new, and/or protection, and/or relocation, and/or adjustment, of facilities that are owned and operated by PVWC; and

WHEREAS, the State will, at its sole cost and expense, contract for and cause to be constructed, all items in the State's contract plans and specifications for the Project related to existing and proposed facilities owned and operated by PVWC; and

WHEREAS, the State will authorize and reimburse PVWC for its actual costs incurred for verification, design, review, approval and inspection of the Work associated with existing facilities owned and operated by PVWC; and

WHEREAS, PVWC is desirous of entering into an Agreement allowing for the protection, relocation or adjustment of its water system in the Project

area and the reimbursement by the State for the expenses incurred by PVWC in connection with such protection, relocation or adjustment; and

WHEREAS, the State has issued a utility agreement for the Project (the "Utility Agreement"), and a copy of the State's correspondence dated May 20, 2016, along with a copy of the Utility Agreement (both of which are attached to a memorandum from the Director of Engineering dated May 27, 2016 recommending that PVWC enter into the Utility Agreement), are attached hereto and made a part hereof as Exhibit A; and

WHEREAS, within the Utility Agreement, especially within Recitals and at Sections (8) and (17) thereof, the State has expressly acknowledged that PVWC, defined as the Utility thereon, will be afforded the benefit of protections of applicable laws and regulations, including but not limited to N.J.S.A. 27:7-44.9, N.J.A.C. 16:25; and the Code of Federal Regulations, 23 C.F.R. 645; and

WHEREAS, the Executive Director, and the General Counsel (as to form and legality), have reviewed the Director of Engineering's memorandum and concur with same;


NOW, THEREFORE, BE IT RESOLVED, by Passaic Valley Water Commission, in the County of Passaic, New Jersey:

1. PVWC and the State have agreed to the terms in the attached Utility Agreement and the Utility Agreement is hereby authorized and approved.
2. That the appropriate officers and employees of PVWC are hereby authorized and directed to execute the Utility Agreement and implement the terms and conditions of said Utility Agreement in accordance with this Resolution and the submissions provided in connection therewith, all as set forth hereinabove.

RECORD OF COMMISSION VOTE ON FINAL PASSAGE

	AYE	NAY	ABSTAIN	ABSENT
VANNOY, R.	<u>X</u>	—	—	—
LEVINE, J.	<u>X</u>	—	—	—
CLEAVES, C.	—	—	—	<u>X</u>
KOLODZIEJ, G.	<u>X</u>	—	—	—
FRIEND, G.	<u>X</u>	—	—	—
BLUMENTHAL, D.	<u>X</u>	—	—	—
SANCHEZ, R.	<u>X</u>	—	—	—

Adopted at a meeting of Passaic Valley Water Commission.



President
RIGO SANCHEZ



Secretary
CHRYSTAL CLEAVES

This Resolution, when adopted, must remain in the custody of the Administrative Secretary.

CERTIFICATION

I, LOUIS AMODIO, Administrative Secretary of the Passaic Valley Water Commission in the County of Passaic, and the State of New Jersey do hereby certify that the foregoing Resolution is a true copy of a legal quorum of the Original Resolution duly passed and adopted by a majority of the full membership of the Passaic Valley Water Commission at its meeting of June 15, 2016.



LOUIS AMODIO
Administrative Secretary

PASSAIC VALLEY WATER COMMISSION

INTER-OFFICE MEMORANDUM

Date: May 27, 2016

To: G. Hanley

From: J. Duprey

cc: J. Bella
L. Amodio

Re: Utility Agreement-NJDOT for Route 7 Mill Street to
Park Avenue Located in the Townships of Belleville
and Nutley, Essex County, New Jersey
UECA-6-Mill Street-158100
UPC Code: 158100
Contract ID Number 16-16084

The New Jersey Department of Transportation ("NJDOT") is planning to undertake the design and construction of Route 7 Mill Street to Park Avenue Located in the Townships of Belleville and Nutley, Essex County (the "NJDOT Project").

There are several PVWC water mains in the area that will be affected by the NJDOT Project which will require the construction of new, and/or protection, and/or relocation and/or adjustment of facilities that are owned and operated by PVWC. The NJDOT will, at its sole cost and expense, contract for and cause to be constructed, all items in the NJDOT's contract plans and specifications for the NJDOT Project related to facilities that are owned and operated by PVWC.

The NJDOT will be incorporating PVWC's water main requirements into their contract documents. Any costs that PVWC incurs for verification, design, review, approval and inspection of existing and proposed facilities owned and operated by PVWC will be reimbursed by the NJDOT.

Attached is a copy of the referenced Utility Agreement which has been reviewed by the Engineering Department from a technical engineering perspective and found to be acceptable.

It is recommended that, subject to review and approval by the Law Department, that the Utility Agreement be submitted for approval at an upcoming Commission meeting.

Enclosure



State of New Jersey

DEPARTMENT OF TRANSPORTATION
P.O. Box 600
Trenton, New Jersey 08625-0600



CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor
Date: May 20, 2016

RICHARD T. HAMMER
Acting Commissioner

James G. Duprey,
Director of Engineering
Passaic Valley Water Commission
1525 Main Avenue
Clifton, NJ 07011

Re: Rt.7, Mill Street to Park Avenue
Township of Belleville and Nutley, Essex County
UECA-6-Mill St.-158100
UPC#158100

Dear Mr. Duprey:

Enclosed herewith are four (4) copies of proposed Utility Engineering and Construction Agreement UECA-6-Mill St.-158100 covering the understandings between the State of New Jersey Department of Transportation and Passaic Valley Water Commission for the verification, design, protection and/or relocation of certain public works facilities in connection with the design and construction of the above referenced project. We are requesting that your company comply with the Buy America Federal Regulation as stated in the proposed Agreement.

Please take the following actions:

- Have three (3) copies of the Agreement signed, attested to and embossed with your official seal affixed.
- Type or print the name and title of the signer and attester beneath each signature on the Agreement.
- Complete the Vendor Identification Verification form. If the name of the "Utility" provided on the Verification form is not identical to the name of the "Utility" shown on the first paragraph of the Agreement, please make changes to the Agreement so that they **exactly match**.

"IMPROVING LIVES BY IMPROVING TRANSPORTATION"
New Jersey Is An Equal Opportunity Employer • Printed on Recycled and Recyclable Paper

- Prepare a resolution authorizing execution of this Agreement. Said resolution must have Original Signatures & Seal Verify that the Delegated Authority in the Resolution is the same Authority on the Agreement. Please identify the signer of the Agreement by name.
(Municipalities only)
- Return three (3) signed and attested copies of the Agreement to this office. The fourth copy is for your file.
- Complete the attached "Buy America Commitment Letter" acknowledging that the Utility will comply with the Buy America Federal Regulation Requirements U.S.C.313 and 23 CFR 635.410 and return with the two signed and attested copies of Agreement to this office.
- Submit with the Agreement a "Buy America Assurance Plan" as noted in the Utility Engineering Construction Agreement (UECA) verifying the Utility Company's compliance with the Federal Buy America requirements for materials and the assurance that the Company will maintain records for three years after the acceptance of the Project. The Utility Company's Buy America Assurance Plan can be generic and upon approval by the Department can be used for all future Projects.
- Complete the attached "Buy America Certificate of Compliance" form at the end of construction of the subject project and submit with Final Construction Invoice.

The Agreement's date is to be left blank. Said date will be established and entered by the Commissioner upon final Departmental action.

When ready, the Designer will forward to you the approved Utility Owner Design Authorization (Check List) with a schematic drawing indicating the location of your existing and proposed facilities, and the current proposed highway plans to assist you in developing:

- A. Owner plans.
- B. Owner cost estimate.
- C. Pre-construction notice time.
- D. Estimated construction time to accomplish your proposed work.

Should you have any questions, please contact Dashrath Shah, Asst. Project Manager at (609) 530-3713, email: dashrath.shah@dot.nj.gov.

Sincerely,



Kamlesh Shah
Project Manager
Division of Project Management, Team D

Enclosures
C: Project File

Route 7, Mill St. to Park Ave.
Townships of Belleville & Nutley
Essex County
Passaic Valley Water Commission
UECA-6-Mill St-158100
UPC Code: 158100
Contract ID No.: 16-16084

THIS AGREEMENT made this _____ day of _____, _____, between the COMMISSIONER OF TRANSPORTATION, acting for and in the name of the STATE OF NEW JERSEY, hereinafter called the "State", and the Passaic Valley Water Commission, hereinafter called the "Utility".

WHEREAS, State is about to undertake the design and construction of Rt. 7, Mill St. to Park Ave., located in Townships of Belleville & Nutley, Essex County, hereinafter called the "Project"; and

WHEREAS, the Project may require the construction of new, and/or the protection, relocation and/or adjustment of facilities of the existing Water system which is owned and operated by the Utility; and

WHEREAS, Utility's legal right to occupy public right-of-way, subject to the conditions imposed by the State, is in no way mitigated by this Agreement; and

WHEREAS, Utility is not obligated by State law or agreement to relocate its own facilities at its own expense for this type of Project; and

WHEREAS, the provisions of the State's Accommodation of Utilities within Highway Right-of-Way N.J.A.C. 16:25 and Code of Federal Regulations, 23 C.F.R. 645, Subpart B are applicable.

NOW THEREFORE, State and Utility, for the mutual benefits to be obtained, agree as follows:

- (1) The State and Utility shall cooperate in developing plans and cost estimates for their respective work necessitated by the Project.
- (2) The Utility shall designate a responsible representative to coordinate its effort with those of the State.
- (3) The State will, at its sole cost and expense, contract for and cause to be constructed, all items indicated in the State's contract plans and specifications for the Project, related to existing and proposed facilities owned and operated by the Utility.
- (4) The State will authorize and reimburse the Utility for its actual costs for design, review, approval and inspection, for the protection, relocation or adjustment of its existing facilities necessary to accomplish the Project.
- (5) The Utility's preliminary engineering design costs for correspondence, meetings and exchanges of engineering information are eligible for reimbursement and the State will accept billing of these costs after this Agreement is fully executed and issued.
- (6) The Utility shall disclose and verify its existing facilities at no cost to State within the Project limits identifying the facility type, size and operating potentials.

Route 7, Mill St. to Park Ave.
Townships of Belleville & Nutley
Essex County
Passaic Valley Water Commission
UECA-6-Mill St-158100
UPC Code: 158100
Contract ID No.: 16-16084

- (7) The State will indicate the existing and proposed utility facilities, owned and operated by the Utility, and to be constructed by the State, in State's contract documents for the Project.
- (8) When the State proceeds to develop the Project plans, the State and Utility shall jointly identify potential conflicts between the Utility's facilities and the Project, and shall jointly develop a scheme for the protection, relocation, rearrangement and/or betterment of facilities in accordance with N.J.A.C. 16:25 Utility Accommodation to accomplish the Project.
- (9) Subsequent to the development of the above scheme with the approval of the State and concurrence of the Utility, the State will issue a "Utility Owner Design Authorization (Check List)" describing the utility work and authorizing the State's designer to finalize design plans, estimates, and schedules necessary to construct new, and/or protect, relocate, and/or rearrange facilities in concert with the Project, and incorporate them into the State's Project contract documents.
- (10) The State will develop a "Utility Agreement Modification" which may include a Utility Agreement Plan outlining work "To be performed by State's contractor at State Expense", estimated cost for field engineering, inspection and/or valve turning operations to be performed by Utility's personnel. This will be issued in the person of the Executive Regional Manager Team D (NJDOT).
- (11) The purpose of this Agreement is to cover all the required utility facility construction, protection, relocation, and rearrangement work necessitated by the Project; however, it is agreed that the State, in the person of the Executive Regional Manager Team D (NJDOT), will issue modifications to this Agreement to cover unanticipated work, resulting from Project activities and/or field conditions.
- (12) State will supply the Utility with a copy of the contract plans and specifications when the Project is advertised.
- (13) The State will request, by certified mail, the Utility to submit final invoices for costs incurred by the Utility upon; (a) completion of design; (b) completion of the utility work; or (c) cancellation of the Project. All such invoices shall be submitted to the State within sixty (60) days of this request. The State may not accept invoices for payment submitted after the sixty (60) day period.

Route 7, Mill St. to Park Ave.
Townships of Belleville & Nutley
Essex County
Passaic Valley Water Commission
UECA-6-Mill St-158100
UPC Code: 158100
Contract ID No.: 16-16084

- (14) All matters pertaining to subcontracted work, billing, estimates, survey control, extra work items and inspection responsibility shall be in accordance with the Memorandum Of Record dated January 10, 2013, entitled: "Procedures Governing Estimation of Costs, Requirements During Construction and Billing the New Jersey Department of Transportation for Public Utility Work", and in accordance with the Federal Regulations 23 CFR 645, Subpart A and with it being understood that where the State's Regulations are in conflict with the Federal Regulations, the Federal Regulations shall govern. Billing shall be based on accounting methods used by the Utility in conformity with the system of accounts adopted and prescribed by the Division of Local Government Services of the State of New Jersey. The matter of "Credit for Expired Service Life" has been considered for all items and where allowances apply, same are hereinafter specified in description of items and the cost summary.
- (15) The Utility will comply with the Buy America Federal Regulation requirements U.S.C. 313 and 23 CFR 635.410, for all steel and iron materials furnished by the Utility and its Subcontractors for permanent incorporation in this Project. Under this requirement, all manufacturing processes for steel and iron products shall occur in the United States including all melting, rolling, extruding, machining, bending, grinding, drilling and coating. The Utility Company shall submit a Buy America Commitment letter at the time of execution of this Agreement affirmatively stating that the Utility is committed to complying with all the requirements of the Buy America Federal Regulations, and that the Utility will comply with its approved Buy America Assurance Plan. The Utility's Buy America Assurance Plan shall indicate how the Utility will ensure that only materials that comply with the Federal Buy America requirements will be used for permanent incorporation into this Project. This will include how the Utility will maintain the records of certification from suppliers, fabricators and manufacturers verifying compliance with Buy America Federal Regulations. The State reserves the right to audit such records at the completion of the Project. The lack of these documents will be justification for rejection of the steel and/or iron product thus resulting in nonpayment for all work performed by the Utility.
- With the Final Construction Invoice submission, the Utility shall submit a "Buy America Certification of Compliance" certifying that:
- All steel and iron products provided for permanent incorporation in the Project, were made from steel and iron that was melted and manufactured in the United States including the application of coatings which protect or enhance the value of the material.**
- Or if any material does not comply with these requirements, the Utility will indicate what material does not comply. The State may require the Utility to remove and replace material that does not comply with the Buy America requirements, at no expense to the Department and may deny the Utility reimbursement for all the relocation costs incurred by the Utility.
- (16) The Utility shall perform the work, specified herein, with its own forces wherever possible and only have that portion of the work performed by a consultant or contractor that the Utility is not adequately staffed or equipped to perform with its own forces.

Route 7, Mill St. to Park Ave.
Townships of Belleville & Nutley
Essex County
Passaic Valley Water Commission
UECA-6-Mill St-158100
UPC Code: 158100
Contract ID No.: 16-16084

- (17) The intention of this Agreement is that facilities which are removed, relocated, or disrupted will be replaced in such a manner that shall result in services being restored to the status and degree of use as existed prior to said changes. The Utility and the State agree to jointly use their best efforts to relocate, adjust and/or abandon the existing facilities and construct any new facilities without detrimentally affecting or interrupting services to the Utility's customers. In the event during construction of the Project it is necessary to detrimentally affect or interrupt services, the Utility shall be notified at least 48 hours in advance, unless the particular circumstances dictate less notice.
- (18) The design of utility facilities intended to be constructed by the State for the Utility shall be approved by the Utility before the State includes such facilities in the State's contract documents before the Project is advertised.
- (19) In no case will the State pay for betterment of facilities nor will the State pay any costs for work performed for the sole benefit or convenience of the Utility, the State's contractor, or the Utility's contractor.
- (20) Utility facilities constructed under the terms of this Agreement shall become the sole property of the Utility and the Utility shall be solely responsible for their operation, repair, and maintenance.
- (21) The State will obtain and bear the cost of all permits, environmental or otherwise, relating to the construction of new, and/or the protection, relocation and/or rearrangement of existing facilities, as necessitated by the Project, whether the necessary utility work is within or outside of the highway right-of-way. However, should the Utility choose to install facilities that constitute betterment, then it is the sole responsibility of the Utility to obtain the permits necessary for said betterment. It is further understood that should the Utility desire to install additional facilities, at a future date within the highway right-of-way, the Utility shall obtain the appropriate Utility Permit from the authority having jurisdiction over the highway. This Agreement is the Utility Permit for the work authorized herein.
- (22) Subject to provisions of the New Jersey Tort Claims Act, N.J.S.A. 59:1-et seq., the State will be responsible for personal injuries and property damage caused by the actions of the State, its employees or agents which arises out of this Agreement. Any claim for such personal injury or property damage must be filed in accordance with N.J.S.A. 59:8-1 et seq.
- (23) Subject to the provisions of the New Jersey Tort Claims Act, N.J.S.A. 59:1-1 et. Seq., the Utility will be responsible for personal injuries and property damage caused by the actions of the Utility, its employees or agents which arises out of this Agreement. Any claim for such personal injury or property damage must be filed in accordance with N.J.S.A. 59:8-1 et seq.

Route 7, Mill St. to Park Ave.
 Townships of Belleville & Nutley
 Essex County
 Passaic Valley Water Commission
 UECA-6-Mill St-158100
 UPC Code: 158100
 Contract ID No.: 16-16084

- (24) The State has estimated the Utility's engineering costs for the Project and will adjust these costs to reflect the actual costs incurred by the Utility by issuing the appropriate Utility Agreement Modification.
- (25) The Utility's engineering costs incurred for the Project are eligible for reimbursement as of May 19, 2016, and are estimated to be \$1,000.00.

Route 7, Mill St. to Park Ave.
Townships of Belleville & Nutley
Essex County
Passaic Valley Water Commission
UECA-6-Mill St-158100
UPC Code: 158100
Contract ID No.: 16-16084

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed the date and year first written above.

ATTEST:

PASSAIC VALLEY WATER
COMMISSION

Name:
Title:

By: _____

Name:
Title:

ATTEST:

STATE OF NEW JERSEY
DEPARTMENT OF TRANSPORTATION

Anika James, Secretary
Department of Transportation

By: _____

Richard Jaffe, Director
Capital Program Support

Date: _____

This aforementioned Agreement has been
reviewed and approved as to form.

ROBERT LOUGY
ACTING ATTORNEY GENERAL OF
NEW JERSEY

Recommended:

Date: _____

By: _____

Deputy Attorney General

Kamlesh Shah, Project Manager, Team D
Division of Project Management

Date: _____

RESOLUTION: 16-51
RESOLUTION OF PASSAIC VALLEY WATER COMMISSION
AUTHORIZING THE SALE OF ITS SURPLUS PERSONAL
PROPERTY NO LONGER NEEDED FOR PUBLIC USE
ON AN ON-LINE AUCTION WEBSITE

DATE OF ADOPTION: JUNE 15, 2016

Approved as to Form and Legality by Law Department on basis of facts set forth by the Executive Director, Purchasing, Engineering, and Finance Departments.

Introduced by Commissioner: **VANNOY**

Seconded by Commissioner: **KOLODZIEJ**

WHEREAS, Passaic Valley Water Commission ("PVWC") is the owner of certain miscellaneous materials, vehicles, and equipment ("Surplus Personal Property") which PVWC has determined are no longer needed for public use; and

WHEREAS, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) authorizes the sale of Surplus Personal Property no longer needed for public use through the use of an on-line auction service; and

WHEREAS, a copy of a memorandum dated June 9, 2016 from the Director of Purchasing recommending the auction, along with other relevant correspondence, is attached hereto and made a part hereof as Exhibit A; and

WHEREAS, the Executive Director and the Director of Engineering have reviewed the above-referenced memorandum and proposed auction and concur with the Director of Purchasing's recommendations, (and the General Counsel has reviewed the same as to form and legality), and

WHEREAS, in accordance with N.J.S.A. 40A:11-36, a Public Notice (legal newspaper advertisement) informing the public as to the nature of the Surplus Personal Property being sold and how to obtain more information on the sale, will be published (and placed on PVWC's website), within the required time frames, and a copy of the

Public Notice (with a general description of the Surplus Personal Property to be included in the auction) is attached hereto and made a part hereof as Exhibit B; and

WHEREAS, the estimated fair market value of the Surplus Personal Property to be sold exceeds \$6,000 [fifteen percent (15%) of the PVWC's current bid threshold of \$40,000]; and

WHEREAS, pursuant to the Division of Local Government Services' Local Finance Notice 2008-9, PVWC will utilize the on-line services of US Government Bid Government Surplus, a Division of Auction Liquidation Services ("USGovBid"), P.O. Box 1216, Eatontown, New Jersey 07724 located at www.USGovBid.com for conducting the sales; and

WHEREAS, the terms and conditions of the agreement entered into between USGovBid and PVWC, along with the agreed-to compensation to USGovBid, are available at www.USGovBid.com and a copy of the said agreement is attached hereto and made a part hereof in above-referenced Exhibit A, and is also on file and available for inspection at the office of the Administrative Secretary of PVWC; and

WHEREAS, there will be a non-mandatory preview of Surplus Personal Property to be held on the date, time, and at the locations; all as set forth in the above-referenced Public Notice; and

WHEREAS, the scheduled date and time for the opening of the auction, and the time that the auction will begin closing, with items and/or groups of items as applicable, closing in one (1) minute intervals until all items are closed, shall also be as set forth in the Public Notice; and

WHEREAS, pursuant to N.J.S.A. 40A:11-36, sales shall be held not less than seven (7) days, nor more than fourteen (14) days after the latest publication of the Public Notice; and

WHEREAS, all sales will be made to the highest bidder, all sales shall be final, and all Surplus Personal Property will be sold "As Is-Where Is", free from any guarantee or warranty; and

WHEREAS, all Surplus Personal Property purchased will be required to be removed by the successful bidder(s) from PVWC's premises within fifteen (15) business days of the close of the auction, and any and all Surplus Personal Property not sold at the auction (or removed by the successful bidders within the stipulated time frame) shall subsequently be properly disposed of by PVWC personnel; and

WHEREAS, within the parameters established by the governing law, PVWC reserves the right to accept or reject any or all bids;

NOW, THEREFORE, BE IT RESOLVED, by Passaic Valley Water Commission, in the County of Passaic, New Jersey:

1. PVWC is hereby authorized to sell the Surplus Personal Property as generally described and set forth in the Public Notice attached hereto as Exhibit B, utilizing the on-line auction website entitled www.USGovBid.com.
2. That the Public Notice attached hereto as Exhibit B shall be placed on PVWC's website and published in a newspaper circulating in the member municipalities of PVWC no earlier than fourteen (14) days nor later than seven (7) days prior to said auction.
3. That the appropriate officials and employees of the Commission are hereby authorized to perform such acts and execute such documents as are necessary to implement the terms and intentions of this Resolution and the submissions provided in connection therewith.

RECORD OF COMMISSION VOTE ON FINAL PASSAGE

	AYE	NAY	ABSTAIN	ABSENT
VANNOY, R.	<u>X</u>	—	—	—
LEVINE, J.	<u>X</u>	—	—	—
CLEAVES, C.	—	—	—	<u>X</u>
KOLODZIEJ, G.	<u>X</u>	—	—	—
FRIEND, G.	<u>X</u>	—	—	—
BLUMENTHAL, D.	<u>X</u>	—	—	—
SANCHEZ, R.	<u>X</u>	—	—	—

Adopted at a meeting of Passaic Valley Water Commission.



President
RIGO SANCHEZ



Secretary
CHRYSTAL CLEAVES

This Resolution, when adopted, must remain in the custody of the Administrative Secretary.

CERTIFICATION

I, LOUIS AMODIO, Administrative Secretary of the Passaic Valley Water Commission in the County of Passaic, and the State of New Jersey do hereby certify that the foregoing Resolution is a true copy of a legal quorum of the Original Resolution duly passed and adopted by a majority of the full membership of the Passaic Valley Water Commission at its meeting of June 15, 2016.



LOUIS AMODIO
Administrative Secretary

PASSAIC VALLEY WATER COMMISSION

**SALE OF SURPLUS PERSONAL PROPERTY NO LONGER NEEDED
FOR PUBLIC USE ON AN ON-LINE AUCTION WEBSITE**

**DIRECTOR OF PURCHASING'S MEMORANDUM DATED JUNE 9, 2016
AND OTHER RELEVANT CORRESPONDENCE**

EXHIBIT A

PASSAIC VALLEY WATER COMMISSION

**SALE OF SURPLUS PERSONAL PROPERTY NO LONGER NEEDED
FOR PUBLIC USE
ON AN ON-LINE AUCTION WEBSITE**

**FORM OF PUBLIC NOTICE AND SCHEDULE OF SURPLUS PERSONAL
PROPERTY INCLUDED IN THE AUCTION**

EXHIBIT B

**PASSAIC VALLEY WATER COMMISSION
PUBLIC NOTICE**

**SALE OF SURPLUS PERSONAL PROPERTY NO LONGER NEEDED FOR
PUBLIC USE ON AN ON-LINE AUCTION WEBSITE**

NOTICE IS HEREBY GIVEN THAT Passaic Valley Water Commission (PVWC) will sell at an on-line Public Auction, "as is", and "where is"; and free from any guarantee or warranty; its materials, vehicles, and equipment (referred to herein as "Surplus Personal Property" and/or "Items") as generally described on the attached "Schedule of Surplus Personal Property".

The on-line Public Auction will commence on Saturday, July 16, 2016 at 9:00 a.m. Eastern Standard Time (EST) and shall end on Wednesday, July 20, 2016 at 6:00 p.m., with Items and/or groups of Items as applicable, closing in one (1) minute intervals until all Items are closed.

Additional details of the auction can be found at www.usgovbid.com. All bidders are required to electronically register for bidding on this website. All bidders participating in this auction agree that they have read and fully understood the terms and conditions outlined on the website and agree to be bound thereby.

Items may be previewed by the public prior to sale. There will be a non-mandatory pre-auction meeting at PVWC's Clifton Distribution Facilities located at 1525 Main Avenue, Clifton, New Jersey on Thursday June 30, 2016 from 10:00 a.m. to 12:00 p.m. Representatives of PVWC will on hand to coordinate previews of Items located at the Clifton Distribution Facilities (referred to as the "Premises"). Contact Linda Beckering, Purchasing Agent, at 973-340-4315 for additional information in this regard.

The sale(s) will be made to the highest bidder(s); however, within the parameters established by the governing law, PVWC reserves the right to accept or reject any or all bids. All sales are final.

The successful bidder shall pay the full bid price by wire transfer, cashier's check or money order to USGovBid prior to taking possession of the Items purchased. The successful bidder shall take any and all action necessary to remove from the Premises, within fifteen (15) business days from the completion and close of the auction, and at its own cost and expense, all Items purchased. The successful bidder will be responsible for any damage it causes in removing said Items.

Passaic Valley Water Commission

Louis Amodio
Administrative Secretary

Linda Beckering
Purchasing Agent

Dated: June 21, 2016

Passaic Valley Water Commission

Inter-Office Memorandum

Date: June 9, 2016

To: Hon. Commissioners

From: L. Beckering

cc: L. Amodio
J. Bella
G. Hanley
Y. Weiss

Re: Online Auction of Surplus Property

The Division of Local Government Services authorizes the use of online auction sites for the sale of surplus property (see Local Finance Notice 2008-21). There are ten (10) vendors on the State's approved list.

This is a request for approval to proceed with a contract with US GovBid to auction Passaic Valley's junk vehicles currently being stored at our Clifton site.

A list of the vehicles and equipment is attached to a resolution for the Board's action.

Respectfully Submitted,



Linda Beckering
Purchasing Agent

PWWC Vehicle / Equipment Inventory
Updated June 2016

Junk Vehicles									
15	J	1995	JEEP	CHEROKEE	1J4FJ68S2 SL571324	MG9784	155,459	\$	24,322.00
26	J	2000	FORD	EXPLORER XL	1FMZU71X7 YZB90995	MG41301	48,000	\$	20,999.00
39		2003	CHEVY	BLAZER	1GNDT13X23K155835	MG55043		\$	20,499.75
46		1998	FORD	CLUB WAGON	1FMRE1167 WHB39291	MG32464	101,579	\$	16,800.00
63		1993	GMC	PLUMB TRUCK	1GDHC33K7PJ707783	MG10069	80,551	\$	24,114.00
68	J	1995	INTERNATIONAL	DUMP TRUCK	1HTGLAET9 SH698520	MG21892	89,000	\$	97,454.00
84		1995	FORD	E-150	1FTEE14N0 SHA86305	MG9788	115,974	\$	17,420.00
91	LF	1998	FORD	EXPEDITION	1FMRU18WX WLB86515	MG35149	170,000	\$	26,050.00
92	J	1994	CHEVROLET	STEELFAB RD4194	1GBJK34K1 RE296520	MG9747	42,000	\$	58,012.00
EH-05		1986	CASE	580 LOADER-Bucket	17038721	MG49HN		\$	39,700.00

- www.bldtron.com
- www.energymarketexchange.com
- www.ebridgeglobal.com
- www.periscopeholdings.com

* Approved software provided for local contracting units to receive online bids and quotes:

- www.bldmanager.com (InfoBid)
- www.njbld.net
- www.bldexpress.com
- www.bldaync.com
- www.h2bid.com
- www.gebelassociates.com
- www.ecsourcinggroup.com
- www.lptbybldnet.com
- www.commercialutility.com
- www.procurexinc.com
- www.concord-engineering.com
- www.taylorcc.com
- www.ausenenergy.com
- www.mreac.k12.nj.us
- www.goodenergy.com
- www.proportalus.com
- www.goldstar-energy.com
- www.bldtron.com
- www.energymarketexchange.com
- www.ebridgeglobal.com
- www.periscopeholdings.com

* Online Auction Sales of Personal Property and Solar RECs

* General Information

■ Local Finance Notices - 2008-9 2008-21

■ Instructions

■ Application

■ Examples

■ Resolution for Online Auctions- Examples

* Approved providers of online auction services for the sale of surplus personal property:

- www.eBay.com
- www.GovDeals.com
- www.PropertyRoom.com
- www.usgovbid.com
- www.publicsurplus.com
- www.municipalbid.com
- www.aifredsauctionsinc.com
- www.auctionsbygov.com
- www.bxauction.com
- www.bldtron.com

* Approved providers of Solar-REC online auction services:

- www.flettxchange.com
- www.evomarkets.com (Evolution Markets, Inc.)
- www.sretrade.com
- www.marxspectron.com
- www.NJSREC.com
- www.enemcc.com
- www.bldtron.com
- www.energymarketexchange.com
- www.tullettprebon.com

LFN 2008-21R

December 3, 2008
Revised October, 2012

Contact Information

Director's Office

V. 609.292.6613
F. 609.292.9073

Local Government Research

V. 609.292.6110
F. 609.292.9073

Financial Regulation
and Assistance

V. 609.292.4806
F. 609.984.7388

Local Finance Board

V. 609.292.0479
F. 609.633.6243

Local Management Services

V. 609.292.7842
F. 609.633.6243

Authority Regulation

V. 609.984.0132
F. 609.984.7388

Mail and Delivery

101 South Broad St.
PO Box 803
Trenton, New Jersey
08625-0803

Web: www.nj.gov/dca/lgs
E-mail: lgs@dca.state.nj.us

Distribution

Municipal and Freeholder Clerks
Municipal and County Chief
Financial Officers
Local Procurement Officials
School Business Officials
Local Authority and Fire District
Commissioners

Local Finance Notice

Jon S. Corzine
Governor

Joseph V. Doria
Commissioner

Susan Jacobucci
Director

Online Auctions and Other Procurement Related Issues

Over the last few months, significant interest in the use of online auctions for the sale of local unit surplus personal property, and related procurement issues have led to the implementation of new policies in several areas of local unit procurement practices. This Local Finance Notice addresses these issues. Agencies covered under this Notice are those covered by the Local Public Contracts Law and the Public School Contracts Law. Recipients of this Notice are asked to ensure that procurement officials in the organization receive copies of this Notice.

This Notice covers the following issues;

A. Sale of Property Issues

1. Use of Online Auction Sites
2. Funds Held by Vendors for Disbursement to Local Units
3. Use of Craigslist.com and Similar Websites
4. Sale of Abandoned/Confiscated/Forfeited Property Online
5. Auctions of Abandoned or Confiscated Motor Vehicles
6. Sale of Renewable Energy Certificates

B. Other Contract Practice Updates

1. Contract Compliance and Affirmative Action for Public Contracts
2. Adjusting Public Contracts for Petroleum Price Changes
3. T-2545, Notice of Award, Municipal/Local Government Energy Audit Program
4. Local Unit Membership in National Cooperative Purchasing Systems
5. Affidavits of Publication – Use of Electronic Legal Ads

A. Sale of Property Issues

1. Use of Online Auction Sites

~~Previously, in Local Finance Notices 2008-9 and 2008-21, the Division of Local Government Services (Division) has authorized a number of the use of four-five different vendors for local contracting units and boards of education (together, "local units") to contract with for the purposes of selling surplus personal property (surplus property) online without having to first obtain Division approval, as long as certain procedures are followed. With this Notice, local units are advised that this list has been expanded to include additional approved vendors. Local units should refer to All approved vendors are listed on the Division's E-procurement webpage, <http://www.nj.gov/dca/lgs/lpel/index.shtml#EProcForms> for the up-to-date list of approved vendors. As new vendors are approved under the Pilot Program, the Division will add them to the list on the website.~~

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The "approved" list of vendors includes:

1. ~~eBay.com~~
2. ~~GovDeals.com~~
3. ~~PropertyRoom.com~~
4. ~~usgovbid.com~~
5. ~~PublicSurplus.com~~

Local units that contract with one of the approved vendors are reminded to forward to the Division copies of resolutions approving the sale of surplus property, ~~except that those contracting with GovDeals.com are not required to forward such resolutions. Currently, GovDeals.com is the only vendor that has a State contract to offer these services, and who regularly reports sales information to the Division.~~ Use of vendors other than those on the approved list for selling surplus property online must first be approved by the Division. ~~Applications for approval and a sample resolution for selling surplus property online may be downloaded from the Division's website.~~

In addition to approved vendors for sales of surplus property, the most up to date list of vendors approved under the Pilot program for the sale of Solar Renewable Energy Certificates (SRECs) online, to conduct reverse auctions for purchase of commodities and energy services, for the online receipt competitive bids and quotes, etc., are also posted on the E-Procurement webpage at the above website.

2. Funds Held by Vendors for Disbursement to Local Units

In most cases, when using a vendor on the approved list for the sale of personal property online, local units have been receiving the monies from the successful bidder and then disbursing an agreed upon commission to the vendor from the proceeds of the sale. Recently, however, the Division has received an inquiry as to whether vendors may collect the monies from the sale of an item, deduct the agreed upon commission they are owed, and then disburse the balance of the proceeds of the sale to the local unit.

Generally, this practice is only permissible as long as the procedure is clearly outlined in the contract with the vendor, and the vendor holds the proper bonds and insurance to cover the possible loss of such funds. Examples of proper coverage could include an auctioneer's bond, fidelity bond, general liability insurance, etc.

Based on the inquiry, the Division has verified that the five approved vendors noted above do have the proper coverage and thus can be used to receive the monies and then disburse them to local units.

3. Use of Craigslist.com and Similar Websites

Recently, the Division received inquiries asking if local units may use the website craigslist.com for purposes of selling surplus property online. Craigslist.com and similar websites are essentially the web-based equivalent of classified ads that would be placed in a newspaper and not as an auction site.

For this reason, local units are advised that they may not utilize craigslist.com or similar sites for the purposes of selling surplus property online, except if an item's value is below 15% of the local unit's bid threshold. In cases in which an item's value is below 15% of the bid threshold, the statutes allow for the private sale of such surplus property, including craigslist or other similar online or print media options.

Local units are, however, permitted to use craigslist.com and similar websites to *advertise* the auction sale (online or live) of surplus property regardless of the value of such property. Items that exceed

15% of the bid threshold must also be advertised in the official newspaper of the local unit [N.J.S.A. 40A:11-36(3)].

4. Sale of Abandoned/Confiscated/Forfeited Property Online

Another inquiry recently received by the Division is whether municipalities and counties are permitted to sell, in the same way surplus personal property is sold, property that was abandoned, confiscated, or forfeited and obtained by the local unit through law enforcement action. The Division contacted the Attorney General's Office regarding this matter. They advise that local units should have standard operating procedures (SOPs) in place to address disposal of such property, including provision for adherence to applicable statutes, such as N.J.S.A. 2C:64-1 and N.J.S.A. 40A:14-157. Once these SOPs have been met, local units may sell such property online through use of the vendors on the approved list.

5. Auctions of Abandoned or Confiscated Motor Vehicles

Municipalities and counties are reminded that the requirements of N.J.S.A. 39:10A-1 must be met in regard to the disposal (auctioning) of abandoned, unclaimed motor vehicles. Once these requirements have been met and a CO-88, certificate of ownership, has been received from the State Motor Vehicle Commission, such vehicles then become the personal property of the local unit.

Auctioning such vehicles is then subject to the provisions of N.J.S.A. 40A:11-36 with regard to the notice of sale, time frame for the advertisement, etc. The notice of sale must also include information as to where such vehicles will be on display for potential bidders. As an example, this could include either the municipal public works facility or at the towing vendor's property.

Please also be advised that, unless a towing vendor possesses an automobile dealership license, any vehicles not sold by the local contracting unit that are turned over to such vendors may only be titled as junk vehicles.

Most importantly however, is a recent court case (Harvey v. Township of Deptford, A-3187-06T1, Appellate Division) emphasizing State law that limits towing vendors to a maximum reimbursement of \$400 in storage fees per vehicle. Enforcement of this limit emphasizes the importance of police agencies to actively pursue the issuance of a junk title and the prompt sale of the vehicles. Police agencies should carefully review their internal practices and consult with their attorneys to ensure that their practices are in compliance with State law.

6. Sale of Renewable Energy Certificates (RECs)

An increasing number of local units have installed renewable energy facilities (solar, wind, etc.) that have resulted in the issuance of "Renewal Energy Certificates" or, in the case of solar installations, "Solar Renewable Energy Certifications," commonly known as RECs and S-RECs. The certificates authorized by the NJ Board of Public Utilities and represent the amount of renewable energy generated by a renewable energy facility. These certificates are generally sold to electric suppliers, or to marketers or aggregator that eventually sell them to the electric suppliers, who use them to document compliance with their renewable energy portfolio standard requirements set by the BPU or other BPU authorized programs.

Both forms of RECs are personal property for local units. Their sale must follow the local unit's procedures for the sale of personal property, that is, public notice and an auction sale if the value exceeds 15 percent of the local unit's bid threshold. The sale process is simplified as the BPU provides an online bulletin board for the sale of RECs and S-RECs. The Division is approving this process under the Division's pilot program that permits online auction sales of personal property. After registration on the BPU system and following the instructions, the governing body must pass a

resolution authorizing sales and publish an advertisement in an official newspaper directing the public to the BPU website.

Details about S-RECs and how to sell them are available on the [Board of Public Utilities website](#).

B. Other Contract Practice Updates**1. Contract Compliance and Affirmative Action for Public Contracts**

The State Department of Treasury, Division of Contract Compliance and Equal Employment Opportunity in Public Contracts (DCC) published rules in the New Jersey Register on June 16, 2008, including amendments necessary to implement the provisions of the FY 09 Appropriations Act.

The State's FY 09 Appropriations Act created an on-going pool of funding for NJ Build, the construction trades training program for minorities and women in the construction trades, through the Department of Labor. Since the funding of NJ Build will now be exclusively provided by State government agencies, the requirements for the ¼ of 1% Training Fund Allocation **only** applies to State agencies. This means that **local units are no longer required to include the ¼ of 1% training allocation for their construction projects.**

Although local units are no longer required to make a funding commitment, they are still subject to Equal Employment Opportunity in public contracting requirements and may voluntarily contribute to the construction trades training program. Please see Local Finance Notice 2008-15 for further information, or contact the DCC at 609-292-5473.

2. Adjusting Public Contracts for Petroleum Price Changes

Due to recent fluctuations in the price of petroleum, the matter of vendors adding fuel surcharges was recently raised. Recent behavior in the petroleum markets that have resulted in price decreases also warrants attention to these details. Please refer to Local Finance Notice 2005-24 for guidance in regard to this matter.

The Notice highlights that in regard to the purchase of actual petroleum products, change orders may be authorized pursuant to the following stipulations:

1. There has been a determination by the local attorney that the price adjustment is allowable and does not undermine the integrity of the contract or create an undue financial burden for the local unit. Often, documentation of the financial impact on the supplier is warranted.
2. The original bidding specifications and contract authorize the price adjustment.
3. An objective price benchmark not under the direct control of the supplier is utilized to establish the price changes, and the changes are not for the purpose of correcting asserted bidding errors. Use of a benchmark will also result in the local unit receiving the benefit of price decreases.
4. Adequate funds have been certified as being available.

3. T-2545, Notice of Award, Local Government Energy Audit Program

The 2007 program and budgets approved by the Board of Public Utilities include funding for the Local Government Energy Audit Program. The purpose is to allow local units to engage an energy audit firm to evaluate the energy efficiency of their facilities and receive recommendations on ways to improve such efficiency.

Under State Contract T-2545, the Division of Purchase and Property awarded contracts to the following five vendors to conduct such audits: Camp, Dresser & McKee; Clough Harbourt & Associates; Concord Engineering Group; Dome Tech, Inc., and; Steven Winter Associates. Local units may use these vendors through the State contract to conduct energy efficiency audits.

The contract requires the local unit to competitively solicit prices from all the vendors prior to awarding a contract to one of them. There are, however, exceptions. An example of an exception to receiving prices from all five is if a particular vendor has a conflict of interest in submitting a proposal and notifies both the Division of Purchase and Property and the local unit of such conflict of interest.

4. Local Unit Membership in National Cooperative Purchasing Systems

It has come to the attention of the Division that several local units, specifically boards of education, have become members of a national cooperative purchasing network. All local units are reminded State law does **not authorize local units to join national or out-of-state** cooperative purchasing systems as a basis to award contracts in excess of their bid threshold.

Use of out-of-state cooperatives is only permitted through the State Cooperative Purchasing System promulgated by the Division of Purchase and Property, Department of Treasury. The use of any cooperative contract that has not been authorized as a State contract for local unit purchases in excess of a local unit's bid threshold is a violation of State procurement law. Local units may use the national cooperative vendors for purchases below their bid threshold.

5. Affidavits of Publication – Use of Electronic Legal Ads

The New Jersey Press Association maintains a website, www.publicnoticeads.com/nj, which contains copies of legal advertisements published in most of the State's official newspapers. If a local unit's legal ads are posted on the website, in the absence of another affidavit, a legal advertisement may be downloaded, printed out and, when certified by the Municipal Clerk and notarized, serve as an affidavit of publication.

Approved: Susan Jacobucci, Director

Table of Web Links

Page	Shortcut text	Internet Address
1	E-procurement website	http://www.nj.gov/dca/igs/pci/index.shtml#EProcForms
2	Division's website	http://www.nj.gov/dca/igs/pci/index.shtml#EProcForms
3	(Harvey v. Township of Deptford, A-3187-06T1,	http://lawlibrary.rutgers.edu/courts/appellate/a3187-06.opn.html
3	Board of Public Utilities website.	www.njcleanenergy.com/renewable-energy/programs/solar-renewable-energy-certificates-srec/new-jersey-solar-renewable-energy
4	Local Finance Notice 2008-15	http://www.nj.gov/dca/igs/ifns/08ifns/2008-15.doc
4	Local Finance Notice 2005-24	http://www.nj.gov/dca/igs/ifns/05ifns/2005-24.doc
4	Local Government Energy Audit Program	http://www.njcleanenergy.com/commercial-industrial/programs/local-government-energy-audit/local-government-energy-audit
4	State Contract T-2545	http://www.state.nj.us/treasury/purchase/boa/contracts/t2545.shtml

PASSAIC VALLEY WATER COMMISSION

**SALE OF SURPLUS PERSONAL PROPERTY NO LONGER NEEDED
FOR PUBLIC USE
ON AN ON-LINE AUCTION WEBSITE**

**FORM OF PUBLIC NOTICE AND SCHEDULE OF SURPLUS PERSONAL
PROPERTY INCLUDED IN THE AUCTION**

EXHIBIT B

**PASSAIC VALLEY WATER COMMISSION
PUBLIC NOTICE**

**SALE OF SURPLUS PERSONAL PROPERTY NO LONGER NEEDED FOR
PUBLIC USE ON AN ON-LINE AUCTION WEBSITE**

NOTICE IS HEREBY GIVEN THAT Passaic Valley Water Commission (PVWC) will sell at an on-line Public Auction, "as is", and "where is"; and free from any guarantee or warranty; its materials, vehicles, and equipment (referred to herein as "Surplus Personal Property" and/or "Items") as generally described on the attached "Schedule of Surplus Personal Property".

The on-line Public Auction will commence on _____, 2016 at 9:00 a.m. Eastern Standard Time (EST) and shall begin closing on _____, 2016 at 6:00 p.m., with Items and/or groups of Items as applicable, closing in one (1) minute intervals until all Items are closed.

Additional details of the auction can be found at www.usgovbid.com. All bidders are required to electronically register for bidding on this website. All bidders participating in this auction agree that they have read and fully understood the terms and conditions outlined on the website and agree to be bound thereby.

Items may be previewed by the public prior to sale. There will be a non-mandatory pre-auction meeting at PVWC's Clifton Distribution Facilities located at 1525 Main Avenue, Clifton, New Jersey on _____, 2016 from 10:00 a.m. to 2:00 p.m. Representatives of PVWC will on hand to coordinate previews of Items located at the Clifton Distribution Facilities (referred to as the "Premises"). Contact Linda Beckering, Purchasing Agent, at 973-340-4315 for additional information in this regard.

The sale(s) will be made to the highest bidder(s); however, within the parameters established by the governing law, PVWC reserves the right to accept or reject any or all bids. All sales are final.

The successful bidder shall pay the full bid price by wire transfer, cashier's check or money order to USGovBid prior to taking possession of the Items purchased. The successful bidder shall take any and all action necessary to remove from the Premises, within fifteen (15) business days from the completion and close of the auction, and at its own cost and expense, all Items purchased. The successful bidder will be responsible for any damage it causes in removing said Items.

Passaic Valley Water Commission

Louis Amodio
Administrative Secretary

Linda Beckering
Purchasing Agent

Dated: _____

RESOLUTION: 16-52
RESOLUTION OF PASSAIC VALLEY WATER COMMISSION
PARTICIPATION IN THE WATER RESEARCH
FOUNDATION (WRF) PROGRAM (RF2016)
DATE OF ADOPTION: JUNE 15, 2016

Approved as to form and legality by Law Department on the basis of facts set forth by Executive Director, Purchasing, Engineering and Finance Departments.

Introduced by Commissioner: **VANNOY**

Seconded by Commissioner: **KOLODZIEJ**

WHEREAS, Passaic Valley Water Commission ("PVWC") has agreed to participate in Water Research Foundation Program RF2016, Member 0002756 (the "WRF Program"); and

WHEREAS, the program enables the Water Research Foundation to address relevant issues, challenges, and opportunities with a targeted, sustained research effort to collaboratively and directly apply the research effort to challenges that PVWC currently faces, and to clarify and address those issues in a manner that directly benefits PVWC while also strengthening the overall research effort; and

WHEREAS, a memorandum dated June 2, 2016 from the Director of Purchasing, along with other relevant correspondence pertaining to the Program, is attached hereto and made a part hereof as Exhibit A; and

WHEREAS, in recognition of the above, PVWC hereby agrees to make a monetary contribution to the WRF Program in the total amount of \$44,581.00; with the said contribution made directly by PVWC to WRF; and

WHEREAS, it is in the best interest of PVWC, its customers and constituent municipalities for PVWC to participate in the above-referenced WRF Program at this time; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(i) requires that notice, with respect to professional services awarded without competitive bids, must be publicly advertised; and

WHEREAS, the services to be rendered pursuant hereto constitute professional services within the meaning and intent of the Local Public Contracts Law; and

WHEREAS, PVWC's Comptroller has certified, with respect hereto, that funds are currently available for said purpose and said certificate is attached hereto and made a part hereof as Exhibit B;

NOW, THEREFORE, BE IT RESOLVED, by Passaic Valley Water Commission, in the County of Passaic, New Jersey:

1. That participation in WRF Program RF2016, with PVWC's monetary contribution in the total amount of \$44,581.00 (made directly by PVWC to WRF), is hereby authorized and approved; and
2. That officers, employees and officials of PVWC are hereby authorized to perform such acts and execute such documents as are necessary to implement the terms and intentions of this Resolution; and
3. That this matter shall be advertised as required by New Jersey law, in accordance with an appropriate form of notice, and a copy of this Resolution shall be placed on file and made available for public inspection at the office of the Administrative Secretary of Passaic Valley Water Commission.

RECORD OF COMMISSION VOTE ON FINAL PASSAGE

	AYE	NAY	ABSTAIN	ABSENT
VANNOY, R.	<u>X</u>	—	—	—
LEVINE, J.	<u>X</u>	—	—	—
CLEAVES, C.	—	—	—	<u>X</u>
KOLODZIEJ, G.	<u>X</u>	—	—	—
FRIEND, G.	<u>X</u>	—	—	—
BLUMENTHAL, D.	<u>X</u>	—	—	—
SANCHEZ, R.	<u>X</u>	—	—	—

Adopted at a meeting of Passaic Valley Water Commission.

President
RIGO SANCHEZ

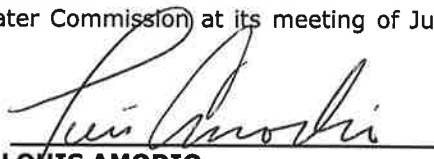


Secretary
CHRYSTAL CLEAVES

This Resolution, when adopted, must remain in the custody of the Administrative Secretary.

CERTIFICATION

I, LOUIS AMODIO, Administrative Secretary of the Passaic Valley Water Commission in the County of Passaic, and the State of New Jersey do hereby certify that the foregoing Resolution is a true copy of a legal quorum of the Original Resolution duly passed and adopted by a majority of the full membership of the Passaic Valley Water Commission at its meeting of June 15, 2016.



LOUIS AMODIO
Administrative Secretary

PASSAIC VALLEY WATER COMMISSION

**PARTICIPATION IN THE WATER RESEARCH
FOUNDATION (WRF) PROGRAM (RF2016)**

**DIRECTOR OF PURCHASING'S MEMORANDUM
DATED JUNE 2, 2016**

**WRF INVOICE NUMBER RF2016-0002756
DATED APRIL 7, 2016
AND OTHER RELEVANT CORRESPONDENCE**

EXHIBIT A

PASSAIC VALLEY WATER COMMISSION

**PARTICIPATION IN THE WATER RESEARCH
FOUNDATION (WRF) PROGRAM (RF2016)**

PVWC'S FINANCIAL CERTIFICATION SHEET

EXHIBIT B

PASSAIC VALLEY WATER COMMISSION

INTER-OFFICE MEMO

DATE: June 2, 2016

FROM: Purchasing Department

TO: Joseph A. Bella
George T. Hanley
Yitzchak Weiss

RE: **Water Research Foundation – Member Number 0002756**

Our 2016 annual membership subscription is due for renewal in the amount of \$44,581.00. (PVWC has been a subscriber since 1991).

The 2016 Program will address relevant issues, challenges and opportunities with a targeted, sustained research effort.

The Finance Department has "Certified the Availability of Funds" (attached).

Respectfully submitted,



Linda Beckering
Purchasing Agent

cc: L. Amodio
J. Duprey ✓



2016 INVOICE
2nd NOTICE

6666 W. Quincy Ave., Denver, CO 80235-3098
P 303.347.6128 F 303.734.0196
pschrader@WaterRF.org

Date	April 7, 2016
Subscriber Number	0002756
Foundation Tax ID	13-6211384
Subscriber Since	03/01/91
Invoice Number	RF2016-0002756

Passaic Valley Water Commission
ATTN: Joseph A Bella, Executive Director
1525 Main Ave
Clifton, NJ 07011-2139

ITEM NO.	DESCRIPTION	COMMITMENT AMOUNT
RF2016	January 2016 through December 2016 Subscription to the Water Research Foundation Program	\$44,581.00
If you have already submitted payment, please disregard this notice.		
Amount Due (USD Preferred):		\$44,581.00



Detach and return with payment and completed worksheet in the enclosed envelope
Please make check payable to: Water Research Foundation

6666 W. Quincy Ave, Denver, CO 80235-3098
P 303.347.6128 F 303.734.0196
pschrader@WaterRF.org

Date	April 7, 2016
Subscriber Number	0002756
Invoice Number	RF2016-0002756

ITEM NO.	DESCRIPTION	AMOUNT DUE
RF2016	Subscription to the Water Research Foundation Program	\$44,581.00
REVISED INVOICE REQUESTED		AMOUNT ENCLOSED
<input type="checkbox"/> Yes <input type="checkbox"/> No		

Passaic Valley Water Commission
ATTN: Joseph A Bella, Executive Director
1525 Main Ave
Clifton, NJ 07011-2139

PASSAIC VALLEY WATER COMMISSION

**PARTICIPATION IN THE WATER RESEARCH
FOUNDATION (WRF) PROGRAM (RF2016)**

PVWC'S FINANCIAL CERTIFICATION SHEET

EXHIBIT B

OFFICE OF THE COMPTROLLER

CERTIFICATION OF AVAILABILITY OF FUNDS

It is hereby certified that subject to Commission approval of future Budgets, with respect to multi-budget year contracts, there are or will be sufficient available funds for expenditures to be incurred as result of any contract or commitment to be entered into by Passaic Valley Water Commission as follows:

Description of Project or Contract: **Water Research Foundation Subscription**


Amount of Project or Contract: \$ 44,581.00

1. Acct: # 001-0901-419-70-33 Membership Affiliations

Specific Appropriation to which expenditures will be charged: Budget 2016

Other comments: One Year - Contract Commencing: June 2016
2016 Focus Area Program to address relevant issues, challenges
and opportunities with a targeted, sustained research effort.

Date of Certification: 06/02/2016 Certified: \$ 44,581.00


Yitzchak Weiss
Comptroller and Chief Financial Officer

YW:lb
