

RESOLUTION NUMBER: 23-063

**RESOLUTION OF PASSAIC VALLEY WATER COMMISSION
FIFTH AMENDMENT TO THE AGREEMENT FOR PROJECT NO. 18-P-21 (REVISED) ENTITLED "GOVERNMENT RELATIONS AND PUBLIC AFFAIRS"**

DATE OF ADOPTION: MAY 24, 2023

Introduced by Commissioner: **JOSEPH KOLODZIEJ**

Seconded by Commissioner: **JEFF LEVINE**

WHEREAS, Project No. 18-P-21 (Revised) entitled "Government Relations and Public Affairs" (the "Project") was awarded to Gibbons, PC ("Gibbons") (the "Awardee") of Trenton, New Jersey at PVWC's Commission Meeting of April 18, 2018 with reimbursement to be on a flat monthly basis in the lump sum amount of \$7,500.00 per month, plus reimbursable expenses for the duration of the Project, all as set forth in the previously approved agreement for the Project (the Agreement"); and

WHEREAS, Gibbons has, and continues to, provide professional services related to the Project consistently and reliably and effectively and efficiently, and continuation of these services is necessary for Gibbons to continue assisting PVWC in these ongoing efforts related to government relations and public affairs; and

WHEREAS, in response to PVWC's request, Gibbons has submitted a Proposal dated APRIL 28, 2023 (the "Proposal"), to continue providing professional services related to the above, for an additional one-year period, and a copy of the Proposal is attached hereto and made a part hereof as an attachment to the Amendment to the Agreement included in Exhibit B referenced below; and

WHEREAS, the previously approved reimbursement (which was on a flat monthly basis in the lump sum amount of \$7,500.00 per month, plus reimbursable expenses, for the duration of the Project) is hereby

duplicated on the same basis and made available under this one-year extension to the Project; and

WHEREAS, the Project is hereby extended for a one-year period, and the previously approved provisions for reimbursement on a flat monthly basis in the lump sum amount of \$7,500.00 per month, plus reimbursable expenses, are hereby duplicated and made available under this one-year extension to the Project; and

WHEREAS, the Director of Purchasing has reviewed Gibbons' Proposal for continuing the professional services as set forth hereinabove and find it to be reasonable, considering the nature and scope of said additional professional services involved, and have recommended that the said services, and additional costs related thereto, be approved, and a copy of the Director of Purchasing's memorandum dated May 24, 2023 is attached hereto and made a part hereof as Exhibit A; and

WHEREAS, the said modifications will be incorporated into an amendment to the Agreement for the Project (the "Amendment to the Agreement"), a form of which is attached hereto and made a part hereof as Exhibit B; and

WHEREAS, the additional services to be rendered pursuant hereto constitute professional services (or extraordinary unspecifiable services) within the meaning and intent of the Local Public Contracts Law; and

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

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

1. That PVWC hereby authorizes and approves the Amendment to the Agreement for the Project, and the appropriate officials of PVWC, and such other officers, employees and officials of PVWC, on behalf of

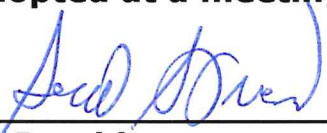
PVWC, are hereby authorized to execute and enter into the Amendment to the Agreement for the Project, and to perform such other acts and execute such documents as are necessary to implement the terms and intentions of this Resolution; and

2. 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 and Agreement shall be placed on file and made available for inspection at the office of the Administrative Secretary of Passaic Valley Water Commission.

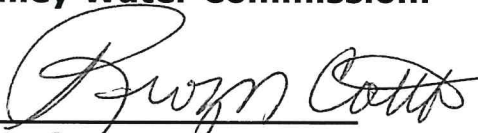
RECORD OF COMMISSION VOTE ON FINAL PASSAGE

| | AYE | NAY | ABSTAIN | ABSENT |
|--------------------------|-----------------|---------------|----------------|-----------------|
| SANCHEZ, R. | <u>X</u> | <u> </u> | <u> </u> | <u> </u> |
| COTTON, R. | <u>X</u> | <u> </u> | <u> </u> | <u> </u> |
| DEPADUA, C. | <u>X</u> | <u> </u> | <u> </u> | <u> </u> |
| KOLODZIEJ, J. | <u>X</u> | <u> </u> | <u> </u> | <u> </u> |
| LEVINE, J. | <u>X</u> | <u> </u> | <u> </u> | <u> </u> |
| VAN RENSALIER, R. | <u> </u> | <u> </u> | <u> </u> | <u>X</u> |
| FRIEND, G. | <u>X</u> | <u> </u> | <u> </u> | <u> </u> |

Adopted at a meeting of Passaic Valley Water Commission.



President
GERALD FRIEND




Secretary
RUBY N. COTTON

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 thereof of the foregoing Resolution duly passed and adopted by a majority of a legal quorum of the full membership of the Passaic Valley Water Commission at its duly noticed and convened meeting of the said Commission on May 24, 2023.



LOUIS AMODIO
Administrative Secretary

PASSAIC VALLEY WATER COMMISSION

**FIFTH AMENDMENT TO THE AGREEMENT FOR PROJECT NO. 18-
P-21 (REVISED) ENTITLED "GOVERNMENT RELATIONS AND
PUBLIC AFFAIRS"**

**PVWC'S DIRECTOR OF ENGINEERING'S MEMORANDUM
DATED MAY 24, 2023**

EXHIBIT A

**PASSAIC VALLEY WATER COMMISSION
INTEROFFICE MEMORANDUM**

Date: May 24, 2023

To: Hon. Commissioners

From: L. Bresemann

C: Y. Brisman
J. Mueller
L. Amodio
P.Porcaro

Re: Request for the Commission to Authorize and Approve a Fifth Amendment to the Agreement for Project 18-P-21 (Revised) entitled" Government Relations and Public Affairs" (the "Project")

Summary

It is recommended that a fourth amendment to the agreement for the above-referenced Project be approved. This amendment would enable Gibbons, PC ("Gibbons") of Trenton, New Jersey to continue providing necessary professional services related to the Project, under the same provisions for reimbursement, for an additional one-year period; all as set forth below.

Background

Project No. 18-P-21 (Revised) entitled "Government Relations and Public Affairs" (the "Project") was awarded to Gibbons, PC ("Gibbons") (the "Awardee") of Trenton, New Jersey at PVWC's Commission Meeting of April 18, 2018 with provisions for reimbursement to be on a flat monthly basis in the lump sum amount of \$7,500.00 per month, plus reimbursable expenses for the duration of the Project, all as set forth in the previously approved agreement for the Project (the Agreement").

Gibbons has, and continues to, provide professional services related to the Project consistently and reliably and effectively and efficiently, and continuation of these services is necessary for Gibbons to continue assisting PVWC in these ongoing efforts related to government relations and public affairs.

In response to PVWC's request, Gibbons has submitted a Proposal dated April 18, 2022 (the "Proposal"), to continue providing professional services related to the above, for an additional one-year period, and a copy of the Proposal is included as an attachment to the Amendment to the Agreement included in Exhibit B.

The previously approved reimbursement (on a flat monthly basis in the lump sum amount of \$7,500.00 per month, plus reimbursable expenses), would be duplicated and made available under this one-year extension to the Project.

Gibbons' Proposal for continuing the professional services as set forth hereinabove has been reviewed and found to be reasonable, considering the nature and scope of said additional professional services involved, and it is recommended that the said services, and additional costs related thereto, be approved.

Subject to review and approval by the Law Department, the said changes will be incorporated into an Amendment to Agreement for the Project, the form of which is attached hereto.

PASSAIC VALLEY WATER COMMISSION

**FIFTH AMENDMENT TO THE AGREEMENT FOR PROJECT NO. 18-
P-21 (REVISED) ENTITLED "GOVERNMENT RELATIONS AND
PUBLIC AFFAIRS"**

**THE AMENDMENT TO THE AGREEMENT
AND GIBBONS' PROPOSAL
DATED MAY 24, 2023**

EXHIBIT B

**PASSAIC VALLEY WATER COMMISSION
FIFTH AMENDMENT TO THE AGREEMENT FOR PROFESSIONAL
SERVICES FOR PROJECT 18-P-21 (Revised)**

THIS AMENDMENT TO AGREEMENT FOR ADDITIONAL PROFESSIONAL SERVICES (the "AMENDMENT") made as of _____, 20____ between PASSAIC VALLEY WATER COMMISSION ("PVWC"), a Public Utility Company organized pursuant to its enabling statute (N.J.S.A. 40:62-108 et seq.), having its principal place of business at 1525 Main Avenue, Clifton, New Jersey 07011, and Gibbons, PC, a professional firm (hereinafter "PROFESSIONAL" and/or "contractor") having a place of business at 50 West State Street, Suite 1104, Trenton, New Jersey 08608.

WHEREAS, this AMENDMENT hereby modifies the previously signed and executed agreement (the "AGREEMENT") with PVWC and PROFESSIONAL that was awarded Project No. 18-P-21 (Revised) entitled "Government Relations and Public Affairs" (hereinafter the "PROJECT"); and

WHEREAS, at PVWC's request, PROFESSIONAL submitted a proposal dated April 28, 2023 (the "PROPOSAL") which PROPOSAL hereby modifies the AGREEMENT to include the continuation of professional services as set forth in the PROPOSAL, and a copy of the PROPOSAL, including a breakdown of the scope and additional costs related thereto, is attached hereto and made a part hereof as Attachment A; and

WHEREAS, the PROJECT is hereby extended for a one-year period, and the previously approved provisions for reimbursement, on a flat monthly basis in the lump sum amount of \$7,500.00 per month, plus reimbursable expenses, are hereby duplicated and made available under this one-year extension to the Project.

All other provisions of the AGREEMENT shall remain in full force and effect.

GIBBONS, PC

Witness or Attest

By: _____
Secretary

(Seal)

By: _____
Authorized Signatory

PASSAIC VALLEY WATER COMMISSION

By: _____
LOUIS AMODIO
Administrative Secretary

By: _____
GERALD FRIEND
President

PASSAIC VALLEY WATER COMMISSION

FIFTH AMENDMENT TO THE AGREEMENT FOR PROJECT NO. 18-P-21 (REVISED) ENTITLED "GOVERNMENT RELATIONS AND PUBLIC AFFAIRS"

PROFESSIONAL'S PROPOSAL DATED MAY 24, 2023

ATTACHMENT A

April 28, 2023

Via Electronic Mail Only

Mr. Jim Mueller
Executive Director
Passaic Valley Water Commission
1525 Main Avenue, P.O. Box 230
Clifton, NJ 07011

Re: Project No. 18-P-21 - Extension of Term to Provide Government and Public Affairs Contract (Amendment No. 4)

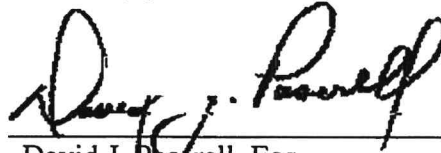
Dear Mr. Mueller:

This letter acknowledges that the Passaic Valley Water Commission and Gibbons P.C. have agreed to extend the term of Gibbons' engagement for twelve (12) additional months from April 28, 2023. This extension will be in accordance with and under the same terms and conditions as those set forth in Gibbons' current engagement with the PVWC.

If our continued representation of the PVWC on the terms described above is acceptable, please execute a copy of this letter in the space provided below and return a fully executed copy to me.

We greatly appreciate the PVWC extending our agreement and we look forward to continuing to work with you on your New Jersey government and public affairs matters.

Sincerely yours,



David J. Pascrell, Esq.
Director

DJP/alm

Cc: Yaacov Brisman, Legal Counsel
Lisa Bresemann, Assistant Buyer

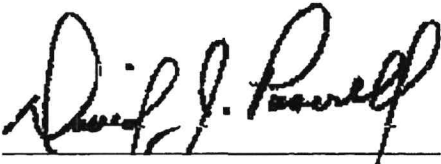
I have read, understand and agree to be bound by the terms and conditions set forth herein.

Passaic Valley Water Commission

Gibbons P.C.

By:

By:



Name:

Name: David J. Pascrell, Esq.

Title: _____

Title: Director _____

Date: _____

Date: April 28, 2023 _____

PASSAIC VALLEY WATER COMMISSION

**FIFTH AMENDMENT TO THE AGREEMENT FOR PROJECT NO. 18-
P-21 (REVISED) ENTITLED "GOVERNMENT RELATIONS AND
PUBLIC AFFAIRS"**

PVWC'S FINANCIAL CERTIFICATION SHEET

EXHIBIT C

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:

Professional Engineering Services for Government Relations & Public Affairs
Project #18-P-21 (Revised) –Budget Amendment # 5– (Gibbons, PC)

Amount of Project or Contract: Not to Exceed: \$90,000
 \$7,500 monthly plus reimbursable expenses

- 1. Acct: # 001-0201-412-30-04 BUDGET 2023/2024
- 2. Specific Appropriation to which expenditures will be charged:
 Budget 2023/2024

Other comments: Professional Services

Date of Certification: 05/24/2023 Amount Certified: \$90,000.00

Yitzchak Weiss
Comptroller and Chief Financial Officer

YW:lb
