

**RESOLUTION NO. 67 -16**

**BRICK TOWNSHIP MUNICIPAL UTILITIES AUTHORITY**

**August 22, 2016**

**A RESOLUTION RATIFYING THE NEGOTIATION AND AWARD OF  
EMERGENCY CONTRACT PURSUANT TO NJSA 40A:11-6 FOR  
PUMP REMOVAL/INSPECTION SERVICES TO WELL #12**

**WHEREAS**, the Brick Township Municipal Utilities Authority (hereinafter referred to as the "Authority") is a contracting unit subject to the Local Public Contracts Law (NJSA 40A:11-1 et seq); and

**WHEREAS**, NJSA 40A:11-6 provides that any contract may be negotiated or awarded for a contracting unit without public advertising for bids and bidding therefore, notwithstanding that the contract price will exceed the bid threshold, when an emergency exists affecting the public health, safety or welfare that requires the immediate delivery of goods or the performance of services; and

**WHEREAS**, the Executive Director, in consultation with the Authority's engineers, has determined and declared that repairs required for Well #12 constitute an emergency affecting the public health, safety or welfare and requires the immediate delivery of goods and performance of repair services in accord with the requirements set forth in NJSA 40A:11-6 and NJAC 5:34-6.1 ;

**WHEREAS**, an actual or imminent emergency exists requiring the immediate delivery of goods and performance of services;

**WHEREAS**, the need for the goods and services for the repair of Well #12 could not have been reasonably foreseen and the need for the goods and services have arisen notwithstanding a good faith effort on the part of the Authority to plan for the purchase of goods and services required by the Authority;

**WHEREAS**, in accord with that declaration, and pursuant to NJSA 40A:11-6, the Authority's Purchasing Agent has negotiated and awarded an emergency contract to Layne Christensen Company, in the total sum of : \$25,100.00. Services are itemized as follows:

- Pump Removal/Setting Inspection-Reinstall --- \$23,750.
- Add Alternate (TV Inspection of Well #12) --- \$ 1,350.

**WHEREAS**, additional repair goods and services may be required upon completion of these approved goods and services. The aggregate emergency contract sum for inspection and repairs to restore Well#12 function may ultimately exceed the bid threshold pursuant to the Local Public Contracts Law; and

**WHEREAS**, the Authority shall by separate resolution ratify any additional emergency contract for repairs to Well #12; and

**WHEREAS**, the emergency contract shall be of such limited duration as to meet only the immediate needs of the emergency repairs required for Well #12;

**NOW, THEREFORE, BE IT RESOLVED** this 22nd day of August, 2016, by the Brick Township Municipal Utilities Authority as follows:

1. The Authority ratifies the Executive Director's declaration of emergency and need to award an emergency contract for repairs to Well#12.
2. The Authority Chairman and Secretary are hereby authorized and directed to execute the emergency contract and any documents required to effectuate the Authority's obligation to make payment of the emergency contract price.
3. A copy of this Resolution shall be forwarded by the Administrative Secretary of the Authority to the following:
  - (a) George Cevasco, Chairman;
  - (b) Chris Theodos, Executive Director;
  - (c) Frank Planko, Chief Financial Officer;
  - (d) Joseph Maggio, Director of Water Quality; and
  - (e) Nicholas C. Montenegro, Esquire

**CERTIFICATION**

I certify that the foregoing Resolution was duly adopted by the Brick Township Municipal Utilities Authority at a meeting held on the 22nd day of August, 2016, a quorum being present and voting in the majority.

  
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Gregory M. Flynn, Authority Secretary