

RESOLUTION NO. 88-16

BRICK TOWNSHIP MUNICIPAL UTILITIES AUTHORITY

November 28, 2016

**A RESOLUTION RATIFYING THE FINAL PAYMENT/AMENDED
EMERGENCY CONTRACTS PURSUANT TO NJSA 40A:11-6 FOR
REPAIRS/INSPECTION SERVICES TO WELLS #11 AND #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, determined and declared that repairs required for Wells #11 and #12 constituted 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; and

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

WHEREAS, the need for the goods and services for the repair of Wells #11 and #12 could not have been reasonably foreseen and the need for the goods and services arose 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 ratified and approved the award of emergency contracts to Layne Christensen Company via Resolutions 64-16 (Well #11 - \$79,165) and 67-16 (Well #12 - \$25,100);

WHEREAS, additional repair goods and services were required for completion of these approved emergency repair, goods and services.

WHEREAS, Layne Christensen Company has completed all required emergency repair services for Wells #11 and #12, and said work has been inspected and approved as complete by Authority Consulting Engineer, Maser Consulting, P.A.; and

WHEREAS, final invoicing for the emergency repairs have been submitted by Layne Christensen Company in the aggregate sums of \$121,973. (Well #11) and \$56,264. (Well #12), and said sums have been inspected and approved by Director of Water Quality, Joseph Maggio; and

NOW, THEREFORE, BE IT RESOLVED this 28th day of November, 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 emergency contracts for repairs to Wells #11 and #12.

2. The Authority ratifies the amended emergency repairs, goods/services contracts as reflected in the itemized final invoices (Well #11 - \$121,973.; Well #12 - \$56,264.)

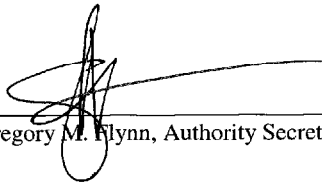
3. The Authority Chairman, Secretary and Chief Financial Officer are hereby authorized and directed to execute any documents required to effectuate the Authority's obligation to make payment of the emergency contract price, as amended/finalized.

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) John Clifford, 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 28th day of November, 2016, a quorum being present and voting in the majority.



Gregory M. Flynn, Authority Secretary