

RESOLUTION NO. 83-18

**BRICK TOWNSHIP MUNICIPAL UTILITIES AUTHORITY
September 27, 2018**

**A RESOLUTION RATIFYING THE NEGOTIATION AND AWARD OF
EMERGENCY CONTRACT PURSUANT TO NJSA 40A:11-6 FOR
REPLACEMENT OF INDUCTIVELY COUPLED MASS
SPECTROMETER (ICPMS)**

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 Director of Water Quality, has determined and declared that the inability to return the ICPMS to operation following a cyber security attack on the Authority's computer network constitutes 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 replacement of the ICPMS 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 for the purchase and installation of an ICPMS to Agilent Technologies in the total sum of : \$135,486.42; and

WHEREAS, the emergency contract shall be of such limited duration as to meet only the immediate needs of the emergency replacement of the ICPMS;

NOW, THEREFORE, BE IT RESOLVED this 27th day of September, 2018, 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 the replacement of the ICPMS.

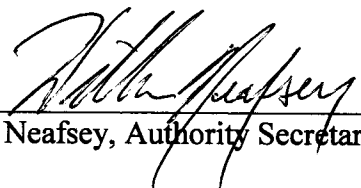
2. The Authority Chairman and Secretary are hereby authorized and directed to execute the emergency contract and any documents required to effectuate the Authority's obligation to make payment of the emergency contract price.

3. A copy of this Resolution shall be forwarded by the Administrative Secretary of the Authority to the following:

- (a) Gregory Flynn, 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 27th day of September, 2018, a quorum being present and voting in the majority.



William Neafsey, Authority Secretary

Emergency Purchase of New ICPMS:

Brick Utilities ICPMS instrument is no longer functional due to a recent cyber-attack on the Brick Utilities business network which required significant security enhancements that rendered the ICPMS unusable. The unavailability of this instrument constitutes an emergency situation as it has the potential to impact the health and welfare of the public as water quality monitoring is essential to Brick Utilities providing its customer base with safe and potable water. Brick Utilities ICPMS instrument is used to analyze 16 metals that we are state certified to run. Some of the metals that are analyzed are Lead, Copper and Manganese. Brick Utilities analyzes these metals on a daily basis to ensure the health and well-being of the customers we serve. We also analyze these metals to meet the regulatory compliance from NJDEP. The laboratory also analyzes samples for other utilities so they can monitor their systems water quality.