

**RESOLUTION NO. 92-19**

**BRICK TOWNSHIP MUNICIPAL UTILITIES AUTHORITY**

**December 19, 2019**

**A RESOLUTION AUTHORIZING THE NEGOTIATION AND AWARD  
OF EMERGENCY CONTRACT PURSUANT TO NJSA 40A:11-6 FOR  
REPAIR 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 the immediate 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; and

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

**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; and

**WHEREAS**, in accordance with that declaration of emergency, and pursuant to NJSA 40A:11-6, the Authority’s Purchasing Agent has authorized Unitech to review and provide all necessary repairs and services necessary to return Well #12 to operation including the procurement and installation of the equipment that is itemized as follows:

- New Column Pipe
- New Stainless Steel Shaft
- New pumping system
- all related appurtenances; and

Said Purchasing Agent is authorized to negotiate and award an emergency contract to Unitech to provide such services; and

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

**WHEREAS**, the Authority shall by separate resolution ratify the 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.

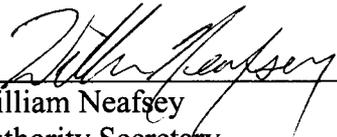
**NOW, THEREFORE, BE IT RESOLVED** this 19th day of September, 2019, by the Brick Township Municipal Utilities Authority as follows:

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 certified copy of this Resolution shall be forwarded by the Administrator's Secretary of Brick Utilities to the following:

- A. Gregory M. Flynn, Chairman
- B. William Neafsey, Secretary
- C. Chris A. Theodos, Executive Director
- D. Joseph Maggio, Director Water Quality
- 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 19th day of December 2019, a quorum being present and voting in the majority.

  
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William Neafsey  
Authority Secretary