

RESOLUTION NO. 54-23

BRICK TOWNSHIP MUNICIPAL UTILITIES AUTHORITY

September 28, 2023

A RESOLUTION RATIFYING THE AWARD OF AN EMERGENCY CONTRACT PURSUANT TO N.J.S.A. 40A: 11- 6 TO MILLER ENERGY, INC. IN THE AMOUNT OF \$23,630.00 FOR EMERGENCY REPAIRS TO THE FINISHED WATER PUMPING SYSTEM INCLUDING THE INSTALLATION OF A VARIABLE FREQUENCY DRIVE WITH PAYMENT TO BE MADE FROM THE EMERGENCY REPAIR FUND NO. 01- 724-007X

WHEREAS, The Brick Township Municipal Utilities Authority (" Authority") provides drinking water to over 100, 000 people; and

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

WHEREAS, the Finished Water Pumping System Infrastructure of the Authority was operating properly when a failure occurred; and

WHEREAS, the failure of the Finished Water Pumping System Infrastructure of the Authority significantly affected the Authority' s ability to provide adequate water supply and pressure to its customers; and

WHEREAS, the Finished Water Pumping System Infrastructure is crucial to the operation of the Authority' s plant; 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 and the installation of a new variable frequency drive of the Finished Water Pumping System Infrastructure were required to return the equipment to full, reliable and resilient operation and 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 repairs and the installation of a new variable frequency drive required for the Finished Water Pumping System Infrastructure 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; and

WHEREAS, in accord with that declaration, and pursuant to NJSA 40A: 11- 6 which permits the awarding of emergency contracts, Miller Energy, Inc. was authorized to provide all necessary services and equipment to return the Finished Water Pumping System Infrastructure to full and reliable operation on a cost of the work basis (time and material) in an amount not to exceed \$23,630; and

WHEREAS, additional goods and services may be required upon completion of these approved goods and services; and

WHEREAS, Chris A. Theodos, PE, PP, CME, CPWM, CFM, Executive Director, Brick Utilities certified per the attachment of the Declaration of an Emergency for the repair, testing and inspections of the Finished Water Pumping System Infrastructure; and

WHEREAS, the emergency contract shall be of such limited duration as to meet only the immediate needs of the emergency repairs and the installation of a new variable frequency drive required to return the Finished Water Pumping System Infrastructure to full, reliable and resilient operation; and

WHEREAS, John Clifford, Chief Financial Officer, has advised Brick Utilities that funds for payment of \$23,630 does exist and is included in Budget Account Number 01-724-007X Emergency Expenditures.

NOW, THEREFORE, BE IT RESOLVED this 28th day of September 2023, by the Commissioners of Brick Township Municipal Utilities Authority as follows:

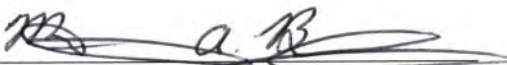
1. The Authority ratifies the Executive Director's declaration of emergency and the need to award an emergency contract for inspections, testing and repairs required for the Finished Water Pumping System Infrastructure.
2. The Authority Chairman and Secretary are hereby authorized and directed to execute the emergency contract and any documents required to effectuate the Authority's obligation to make payment of the emergency contract price in an amount not to exceed \$23,630, to Miller Energy, Inc., 3200 South Clinton Ave. South Plainfield, NJ 07080.
3. Said total amount of \$23,630 shall be taken from Budget Account Number 01724007X Emergency Expenditures.

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

- a. Thomas C. Curtis, Chairman
- b. Michael A. Blandina, Authority Secretary
- c. Chris A. Theodos, P.E., P.P., C.M.E., CPWM, CFM, Executive Director
- d. John Clifford, CFO
- e. Joseph Maggio, P.E., Director of Water Quality
- f. Nicholas C. Montenegro, Esq.
- g. Miller Energy, Inc

CERTIFICATION

I hereby certify that the foregoing Resolution was duly adopted at a Regular Meeting of the Brick Township Municipal Utilities Authority, Township of Brick, County of Ocean, State of New Jersey, held on September 28, 2023, a quorum being present and voting in the majority.


Michael A. Blandina, Secretary

CFO Certification of Funds

I certify that sufficient funds exist within the Authority's Capital Account 01-724-007X to fund the action authorized herein.


John Clifford, CFO