

RESOLUTION 49-24

BRICK TOWNSHIP MUNICIPAL UTILITIES AUTHORITY

June 25, 2024

A Resolution Awarding a Contract for Water Treatment Chemicals- Carbon Dioxide

WHEREAS, the Brick Township Municipal Utilities Authority (hereinafter referred to as the “Authority”) has solicited bids for the supply of Water Treatment Chemical- Carbon Dioxide for Fiscal Year 2024/2025 [April 1, 2024 to March 31, 2025]; and

WHEREAS, bids for the Contract have been solicited by the Authority in conformance with the provisions of the New Jersey Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, bids were previously solicited for the supply of all required water treatment chemicals for Fiscal Year 2024/2025 [April 1, 2024 to March 31, 2025] and no bids were received for the supply of Carbon Dioxide, as set forth in Resolution No. 19-24; and

WHEREAS, the Authority advertised a second time for bids for the supply of Carbon Dioxide pursuant to N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, bids were received on February 15, 2024 in response to the bid solicitation, by the following bidders: (a) Airgas USA, LLC; and (b) Linde, Inc.; and

WHEREAS, pursuant to Resolution No. 20-24, dated March 27, 2024, both bids were rejected as they were deemed non-responsive with material defects; and

WHEREAS, after bids have been advertised on two occasions and no responsive bids have been received, the Authority thereby authorized the negotiation process with interested bidders pursuant to N.J.S.A. 40A:11-5(3); and

WHEREAS, the Authority has reached a negotiated agreement with Airgas USA, LLC for the supply of Carbon Dioxide in the amount of \$390.00/ton (\$0.195/lb) for an estimated monthly volume of 30 tons; and

WHEREAS, the Authority and the Authority’s General Counsel reviewed the submission by Airgas USA, LLC and has determined that the submission is materially compliant with N.J.S.A. 40A:11-1 et seq. and that the terms, conditions and specifications of the negotiated agreement are not substantially different from those which were subject to competitive bidding; and

WHEREAS, pursuant to N.J.S.A. 40A:11-5(3), this Resolution shall be approved by a two-thirds affirmative vote of the authorized membership of the Authority.

WHEREAS, the Authority’s Chief Financial Officer, John Clifford, has advised the Authority that sufficient funds for the estimated payments do exist in the Authority’s Account 01-202-8701.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS OF BRICK UTILITIES as follows:

1. The above referenced Contract be hereby awarded to Airgas USA, LLC, 1 Progress Drive, Suite 101, Horsham PA 19044.
2. The Authority Chairman and Secretary are hereby authorized to execute an Agreement for these services subsequent to the execution of said Agreement by Airgas USA, LLC.
3. The Authority authorizes and directs the Authority Chair, Executive Director and Authority Secretary to execute any and all necessary documents in order to implement the intent of this Resolution.
4. A certified copy of this Resolution shall be forwarded by the Administrator’s Secretary of Brick Utilities to the following:

A. Paul Mummolo, Authority Chair

- B. Michael Blandina, Vice Chair
- C. Chris A. Theodos, PE, PP, CME, CPWM, CFM, Executive Director
- D. Joseph Maggio, P.E., Director of Water Quality
- E. John Clifford, C.F.O.
- F. Nicholas C. Montenegro, Esquire
- G. Airgas USA, LLC

CERTIFICATION

I certify that the foregoing Resolution was duly adopted by the Brick Township Municipal Utilities Authority at a meeting held on the 25th day of June, 2024, a quorum being present and voting in the majority.



Thomas C. Curtis
Authority Secretary

CFO Certification of Funds

I certify that sufficient funds exist within the Authority's Account No. 01-202-8701 to fund the action authorized herein.



John Clifford, CFO