

MCUA REGULAR MEETING

THURSDAY, JULY 25, 2013

4:00 P.M.

AGENDA

Pledge of Allegiance

Approval of the Minutes of the Regular Meeting of June 27, 2013

RESOLUTIONS

1. Resolution No. WW-7-13-1-R
Authorization to Rebid - Contract 13-7-1(AC) – Stand-By Contract – Force Mains and Gravity Sewers
2. Resolution No. WW-7-13-2-R
Change Order No. 8 – HSR to Contract 10-2-6(SPS)(Rebid) – Rehabilitation and Upgrade of the Sayreville Pump Station – Allied Construction Group, Inc. – Not to Exceed \$700,000.00
3. Resolution No. WW-7-13-3-R
Emergency Contract Authorization – Contract 13-7-3(CTP) / Removal and Disposal of Two Electrical Transformers and Pyranol Fluid – M&L Power Systems, Inc. – Not to Exceed \$80,000.00
4. Resolution No. WW-7-13-4-R
Amendment No. 3 to Engineering Services During Construction of Contract 10-2-6(SPS)(Rebid)/The Rehabilitation and Upgrade of the Sayreville Pump Station – R3M Engineering, Inc. – Emergency Engineering Services (HSR) – Not to Exceed \$200,000.00
5. Resolution No. WW-7-13-5-R
Amendment No. 2 – Additional Construction Engineering Services During Construction of Contract 09-02-9(CTP) Generators and Main Electrical Switchgear Upgrades – Hatch Mott MacDonald – Not to Exceed \$382,000.00
6. Resolution No. WW-7-13-6-R
Approval of Consent to Assignment by and between Middlesex County Utilities Authority and CPV Shore, LLC.
7. Resolution No. SW-7-13-7-R
Contract award – Contract No. 13-3SW (Rebid) Heavy Equipment Rental and Operation for Landfill Cover Maintenance at the Middlesex County Landfill – Barbella Construction Services, LLC. – Not to Exceed \$139,900.00
8. Resolution No. SW-7-13-8-R
Contract Award – Contract No. 13-4SW – Uniform Services at the Middlesex County Landfill – American Wear, Inc. – Not to Exceed \$8,967.68

MCUA REGULAR MEETING

THURSDAY, JULY 25, 2013

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AGENDA

9. Resolution No. SW-7-13-9-R
Contract Award – Contract No. 13-5SW – Furnishing Off-Road Tires for Various Heavy Equipment for the Middlesex County Landfill – F&S Tires Corp., Inc. – Not to Exceed \$37,600.00

*** PUBLIC PORTION ***

COMMITTEE REPORTS

NEW BUSINESS

OLD BUSINESS

ADJOURNMENT

RESOLUTION NO. WW-7-13-1- R

AUTHORIZATION TO REBID
CONTRACT 13-7-1(AC) FOR STAND-BY CONTRACT -
FORCE MAINS AND GRAVITY SEWERS

WHEREAS, on July 11, 2013, the Middlesex County Utilities Authority (Authority) publicly advertised for bids for a contract entitled "Contract 13-7-1(AC) for Stand-by Contract - Force Mains and Gravity Sewers" hereinafter referred to as "Contract 10-5-6(CTP);" and

WHEREAS, on July 23, 2013, the Authority received two (2) bids for Contract 13-7-1(AC) ; and

WHEREAS, the Authority's Staff, Legal Counsel, and Engineering Consultant have determined that due to defective specifications it would be in the best interest of the Authority to rebid for stand-by contract- force mains and gravity sewers services; and

NOW THEREFORE BE IT RESOLVED by the Commissioners of the Middlesex County Utilities Authority as follows:

1. For all future reference the title of this Resolution shall be Contract 13-7-1(AC) for Stand-by Contract - Force Mains and Gravity Sewers- Authorization to Rebid," and all subsequent documents associated with the matters addressed herein shall reference this Title.

2. The Executive Director is hereby authorized to direct the Authority's staff to revise specifications as necessary and to rebid Contract 13-7-1(AC) .

3. The Bid Securities of all bidders shall be returned

4. This Resolution shall take effect immediately.

5. This resolution shall take effect upon expiration of the Freeholder veto period in accordance with law.

RESOLUTION NO. WW-7-13-2- R

CHANGE ORDER #8-HSR TO
CONTRACT #10-2-6(SPS)(REBID)
REHABILITATION AND UPGRADE OF THE SAYREVILLE PUMP STATION
ALLIED CONSTRUCTION GROUP, INC.

WHEREAS, the Middlesex County Utilities Authority (Authority) previously executed a contract to and with Allied Construction Group, Inc. for Contract 10-2-6(SPS)(REBID)/ Rehabilitation And Upgrade Of The Sayreville Pump Station, hereinafter "Contract 10-2-6(SPS)(REBID)"; and

WHEREAS, the Consulting Engineer has recommended to the Authority the approval and execution of a Change Order to said Contract in the amount of \$700,000.00 for the purpose of completing certain critical Hurricane Sandy storm restoration work including a 90 day time extension; and

WHEREAS, the Authority has determined that said Change Order causes the change orders executed on this Contract to further exceed 20% of the Original Contract amount; and

WHEREAS, pursuant to N.J.A.C. 5:30-11.1, et seq. the Executive Director and Authority Staff have furnished the required and necessary documentation that said Change Order and the resulting costs could not have been foreseen as set forth in Attachment #1 hereto; and

WHEREAS, said Change Order has been deemed to be in the best interests of the Authority; and

WHEREAS, pursuant to N.J.A.C. 5:30-5.4, the Chief Financial Officer has certified, in writing, the availability of sufficient funds for said Change Order in the amount of \$700,000.00, to be paid from the Wastewater Operation Budget.

NOW THEREFORE BE IT RESOLVED by the Commissioners of the Middlesex County Utilities Authority as follows:

1. For all future reference the title of this Resolution shall be "Change Order No. 8-HSR to Contract 10-2-6(SPS)(REBID)/Rehabilitation And Upgrade Of The Sayreville Pump Station" and all subsequent documents associated with the matters addressed herein shall reference this Title.

2. The following Change Order shall be and is hereby approved:

Contractor:	Allied Construction Group, Inc.
Contract No.:	Contract 10-2-6(SPS)(REBID)
Change Order No.:	8
Description of Work:	Completing certain critical Hurricane Sandy storm restoration work including a 90 day time extension
Change Order Amount:	\$700,000.00
Comments:	NONE

3. The appropriate Officers and Staff of the Authority are hereby authorized and directed to execute said Change Order.
4. Payment not to exceed \$700,000.00 for said Change Order shall be drawn against the Wastewater Operating Budget.
5. The Executive Director of the Authority is hereby authorized and directed to cause notice of this Resolution to be published in an appropriate newspaper as required by N.J.A.C. 5:30-11.9.
6. This resolution shall take effect upon expiration of the Freeholder veto period in accordance with law.

RESOLUTION NO. WW-7-13-3-R

EMERGENCY CONTRACT AUTHORIZATION- CONTRACT 13-7-3(CTP)
REMOVAL AND DISPOSAL OF
TWO ELECTRICAL TRANSFORMERS AND PYRANOL FLUID
M&L POWER SYSTEMS, INC.

WHEREAS, the Middlesex County Utilities Authority's (Authority) Technical Staff have determined that on July 18, 2013 the liquid noticed on the concrete pad by de-energized transformer for Unit Substation (USS) 400 represents a potential health and safety condition since there is a possibility that the liquid that leaked from the USS 400 transformer contains high levels of PCB as detailed in Attachment No. 2 hereto; and

WHEREAS, said liquid has been cleaned up and if the source is not immediately removed, including adjacent transformer of USS 500, there is potential that the USS 400 transformer could further leak, and the transformer for USS 500 could begin to leak, which events would have a negative impact on the public health, safety, and welfare; and

WHEREAS, the Board of Commissioners has determined that the potential for such adverse impacts constitutes an immediate threat to the public welfare, health and safety; and

WHEREAS, pursuant to N.J.S.A. 40A:11-6 Authority has solicited and received a quote from M&L Power Systems, Inc. for said emergency services without the necessity of advertising for bids pursuant to N.J.S.A.40A:11-1 et seq.; and

WHEREAS, based on said review, the Authority's Staff recommends awarding an emergency contract to M&L Power Systems, Inc. has prepared a proposal for said services as required by N.J.A.C. 5:34-4.5(c) as set forth in Attachment No. 1 to provide the necessary labor, equipment, and materials perform and complete these remediation services; and

WHEREAS, in accordance with N.J.S.A. 40A:11-6 the Authority and its members and Commissioners desire to contract with M&L Power Systems, Inc. for the emergency remediation of the liquid leak and the removal of USS 400 and USS 500; and

WHEREAS, pursuant to N.J.A.C. 5:30-5.4, the Chief Financial Officer has certified, in writing, the availability of sufficient funds for such labor and materials in an amount not to exceed \$80,000.00, to be paid from the Wastewater Operating Budget;

NOW THEREFORE BE IT RESOLVED by the Commissioners of the Middlesex County Utilities Authority as follows:

1. For all future reference the title of this Resolution shall be "Emergency Contract 13-7-3 (CTP)/Removal and Disposal of Two Electrical Transformers and Pyranol Fluid -M&L Power Systems, Inc.," and all subsequent documents associated with the matters addressed herein shall reference this Title.

2. In order to protect the public welfare, health and safety the Authority shall take emergency action to clean up the liquid leak and remove the transformers for USS 400 and USS 500.

3. The Authority shall contract with M&L Power Systems, Inc. for the aforementioned services.

4. The Authority's Counsel and Staff are hereby authorized to prepare the necessary contract documents which will incorporate substantially the terms set forth in M&L Power Systems, Inc.'s initial quote, and the Chairman and Secretary are hereby authorized to execute a Contract for said services.

5. In the absence of the Chairman, the Authority's Vice Chairman is hereby authorized to execute said contract on the Chairman's behalf.

6. Payment not to exceed \$80,000.00 for said remediation services shall be drawn against the Wastewater Operating Budget.

7. The retainage of M&L Power Systems, Inc. authorized herein shall be made without public bidding pursuant to the Local Public Contracts Law of the State of New Jersey for the reason that the Board of Commissioners has determined that an emergency condition exists consistent with N.J.S.A.40A:11-6.

8. This resolution shall take effect upon expiration of the Freeholder veto period in accordance with law.

RESOLUTION NO. WW-7-13-4-R

AMENDMENT NO.3 TO- ENGINEERING SERVICES DURING CONSTRUCTION OF
CONTRACT 10-2-6(SPS)(REBID)/THE REHABILITATION AND UPGRADE OF THE
SAYREVILLE PUMP STATION
R3M ENGINEERING, INC. - EMERGENCY ENGINEERING SERVICES(HSR)

WHEREAS, on October 30, 2012 Hurricane Sandy made landfall on the New Jersey shore line causing extensive damage to Middlesex County Utilities Authority (Authority) facilities, mainly the Sayreville and Edison Pump Stations, which was determined to be a condition that was a hazard to the health, safety, and welfare to the public requiring the Authority to declare a state of emergency; and

WHEREAS, the Authority previously executed a contract to and with R3M Engineering, Inc., for Contract 10-2-6(SPS)(Rebid)/Rehabilitation and Upgrade of the Sayreville Pump Station which was amended November 29, 2012 and March 26, 2013 for the purpose of providing emergency Hurricane Sandy storm restoration engineering services at the Sayreville Pump Station; and

WHEREAS, Hurricane Sandy Restoration (HSR) at the Sayreville Pump Station continues and is projected to be several months from being restored to pre-Sandy conditions; and

WHEREAS, R3M Engineering, Inc. has requested the Authority approve additional funding in the amount of \$200,000.00 and a 122 day increase in time for providing continued engineering Hurricane Sandy Restoration services at the Sayreville Pump Station as set forth in Attachment #1 hereto; and

WHEREAS, the Authority's Staff have reviewed said request and have determined it necessary to provide additional funding increasing the current authorized funding limit of \$1,600,000.00 to \$1,800,000.00 and extending the termination date from the current July 31, 2013, to November 30, 2013 for Hurricane Sandy related work only; and

WHEREAS, pursuant to N.J.A.C. 5:30-5.4, the Chief Financial Officer has certified, in writing, the availability of sufficient funds for said Amendment in the amount of an additional \$200,000.00, to be paid from the Wastewater Operating Budget

NOW THEREFORE BE IT RESOLVED by the Commissioners of the Middlesex County Utilities Authority as follows:

1. For all future reference the title of this Resolution shall be "Amendment No. 3 to Engineering Services During Construction of Contract 10-2-6(SPS)(Rebid)/The Rehabilitation and Upgrade of the Sayreville Pump Station- R3M Engineering, Inc. -Emergency Engineering Services (HSR)", and all subsequent documents associated with the matters addressed herein shall reference this Title.

2. In compliance with procedures and requirements for the fair and open process set forth in the Act, R3M Engineering, Inc. shall be, and is hereby retained to continue performing engineering services during construction for and on behalf of the Authority.

3. The Authority's Counsel and Staff are hereby authorized to prepare the necessary agreement documents which will incorporate substantially the terms set forth in Attachment #1 hereto, and the Chairman and Secretary are hereby authorized to execute an Agreement for said services.

4. In the absence of the Chairman, the Authority's Vice Chairman is hereby authorized to execute said contract on the Chairman's behalf.

5. Payment for these continuing engineering services, which will terminate November 30, 2013, shall not exceed \$1,800,000.00 for Hurricane Sandy related work only and shall be drawn from the Wastewater Operating Budget.

6. The retainage of R3M Engineering, Inc. authorized herein shall be made without public bidding pursuant to the Local Public Contracts Law of the State of New Jersey for the reason that R3M Engineering, Inc. is licensed to these engineering services during construction which profession is recognized by law.

7. Resolution shall take effect upon expiration of the Freeholder veto period in accordance with law.

8. The Executive Director of the Authority is hereby authorized and directed to cause notice of this Resolution as required by N.J.S.A. 40A:11-5(1)(a) to be published in an appropriate newspaper.

RESOLUTION NO. WW-7-13-5-R

AMENDMENT NO. 2- ADDITIONAL CONSTRUCTION ENGINEERING SERVICES
DURING CONSTRUCTION OF CONTRACT 09-02-9(CTP)
GENERATORS AND MAIN ELECTRICAL SWITCHGEAR UPGRADES
HATCH MOTT MACDONALD

WHEREAS, the Middlesex County Utilities Authority (Authority) executed an Agreement on July 23, 2009, and amended on May 31, 2012, with Hatch Mott MacDonald for construction engineering services, related to Contract 09-02-9(CTP)/Generators and Main Electrical Switchgear Upgrades, hereinafter the “Original Agreement”; and

WHEREAS, it has been determined by Authority Staff to be necessary to increase the funding of services and extend the contract termination date under the Original Agreement due to additional construction contractor work scope in order to continue providing these engineering services; and

WHEREAS, pursuant to P.L. 2004 L. 19, as amended by P.L. 2005 c. 51, [N.J.S.A. 19:44-20-4 et seq. (“Act”)] the Authority must follow the requirements set forth in the Act in awarding professional services contracts having an anticipated value in excess of \$17,500; and

WHEREAS, the Authority has solicited qualifications from professionals for June 20, 2013, pursuant to a “fair and open process” pursuant to provisions of the Act (N.J.S.A. 19:44A-20.7); and

WHEREAS, upon review of those firms that submitted qualifications, it was determined that Hatch Mott MacDonald was the most qualified firm for the services mentioned herein as described in Attachment No. 1; and

WHEREAS, said engineering services provided by Hatch Mott MacDonald are professional services within the definition contained in N.J.S.A. 40A:11-2; and

WHEREAS, the Authority issued a Request for Proposal to Hatch Mott MacDonald for engineering services mentioned herein; and

WHEREAS, Hatch Mott MacDonald has prepared a proposal and schedule of rates and services as required by N.J.A.C. 5:34-4.5(c) which shall be the basis for payment for providing additional engineering services related to the Wastewater Division as detailed in pertinent part in Attachment No. 2; and

WHEREAS, in accordance with the Local Public Contracts Law Regulations N.J.A.C. 5:34-1 et seq., the Authority, and its Members and Commissioners, desire to retain Hatch Mott MacDonald to provide additional engineering services to the Wastewater Division; and

WHEREAS, pursuant to N.J.A.C. 5:34-5.1 *et seq.*, the Chief Financial Officer has certified, in writing, the availability of sufficient funds for such Professional Services in an additional amount not to exceed \$382,000.00, to be paid from the New Jersey Environmental Infrastructure Trust Fund;

NOW THEREFORE BE IT RESOLVED by the Commissioners of the Middlesex County Utilities Authority as follows:

1. For all future reference the title of this Resolution shall be “Amendment No. 2- Additional Construction Engineering Services During Construction of Contract 09-02-9(CTP)/Generators and Main Electrical Switchgear Upgrades- Hatch Mott MacDonald,” and all subsequent documents associated with the matters addressed herein shall reference this Title.

2. Hatch Mott MacDonald is hereby directed to continue providing these additional engineering construction services for an additional cost of \$382,000.00 and an extension of time through September 30, 2013, related to the construction of Contract 09-02-9(CTP) for the Wastewater Division for and on behalf of the Authority for the services set forth in Attachment #1.

3. The Authority’s Counsel and Staff are hereby authorized to prepare the necessary agreement amendment documents which will incorporate substantially the terms set forth in Attachment #1 hereto, and the Chairman and Secretary are hereby authorized to execute an Amendment to the Original Agreement for said services.

4. In the absence of the Chairman, the Authority’s Vice Chairman is hereby authorized to execute said Amendment on behalf of the Authority.

5. Additional payment not to exceed \$382,000.00 for said professional services shall be drawn against the New Jersey Environmental Infrastructure Trust Fund.

6. The retainage of Hatch Mott MacDonald authorized herein shall be made without public bidding pursuant to the Local Public Contracts Law of the State of New Jersey for the reason that Hatch Mott MacDonald is an engineering firm which profession is recognized by law.

7. This Resolution shall take effect upon expiration of the Freeholder veto period in accordance with law.

8. The Executive Director of the Authority is hereby authorized and directed to cause notice of this Resolution as required by N.J.S.A. 40A:11-5(1)(a) to be published in an appropriate newspaper.

RESOLUTION NO. WW-7-13-6-R

**APPROVAL OF CONSENT TO ASSIGNMENT BY AND BETWEEN
MIDDLESEX COUNTY UTILITIES AUTHORITY AND CPV SHORE, LLC**

WHEREAS, the Middlesex County Utilities Authority (“MCUA”) has executed the following agreements with CPV Shore, LLC (“CPV”): (i) a Design and Construction Agreement dated as of May 1, 2013 between the MCUA and CPV (the “MCUA Design and Construction Agreement”) and (ii) an Operating Agreement for the Use of Reclaimed Water dated as of May 1, 2013, between the MCUA and CPV (the “MCUA Operating Agreement”), and together with the MCUA Design and Construction Agreement, (the “Project Agreements”), in each case, regarding the CPV Co-Generation Project (“Project”); and

WHEREAS, pursuant to the Project Agreements, CPV may assign the Project Agreements to lenders providing financing to the Project; and

WHEREAS, CPV has secured financing of the Project and in connection with the financing, has assigned the Project Agreements to the lenders; and

WHEREAS, CPV has requested that the MCUA consent to the assignments and presented a document entitled Consent to Assignment to MCUA General Counsel; and

WHEREAS, General Counsel has revised the Consent to Assignment and CPV and the lenders have agreed to the revised Consent to Assignment; and

WHEREAS, General Counsel and Executive Director recommend that the Commissioners approve the attached Consent to Assignment in substantially the form set forth herein.

NOW THEREFORE BE IT RESOLVED by the Commissioners of the Middlesex County Utilities Authority as follows:

1. For all future reference, the title of this Resolution shall be “Approval of Consent to Assignment by and Between Middlesex County Utilities Authority and CPV Shore, LLC.” and all subsequent documents concerning the matters addressed herein shall reference this title.

2. The attached Consent to Assignment is approved in substantially the form set forth herein.

3. The Executive Director is authorized to execute the Consent to Assignment.

4. This Resolution shall take effect upon the expiration of the Freeholder review period in accordance with law.

RESOLUTION NO. SW-7-13-7-R

**CONTRACT AWARD - CONTRACT NO. 13-3SW (REBID)
HEAVY EQUIPMENT RENTAL AND OPERATION
FOR LANDFILL COVER MAINTENANCE
AT THE MIDDLESEX COUNTY LANDFILL**

BARBELLA CONSTRUCTION SERVICES, LLC

WHEREAS, the Middlesex County Utilities Authority (“Authority”) publicly advertised for bids for a contract entitled “Heavy Equipment Rental and Operation for Landfill Cover Maintenance at the Middlesex County Landfill”/ Contract No. 13-3SW,” hereinafter referred to as the (“Contract”) and

WHEREAS, on June 20, 2013 the Authority received and publicly opened the two bids submitted for the Contract; and

WHEREAS, by Resolution No. SW-6-13-13-R the Commissioners rejected all of the bids received due to the fact that the bid of the mathematically low bidder Persistent Construction, Inc. (Persistent) was materially nonconforming to the Authority’s requirements, in that the submitted Consent of Surety impermissibly limits the surety’s liability if it fails or refuses to issue bonds after contract award and is therefore not the equivalent of the form required by law and by the Authority’s specifications; and

WHEREAS, the remaining bid was substantially higher than the Authority’s cost estimate for this work; and

WHEREAS, Persistent’s bid must be rejected as non-responsive under N.J.S.A. 40A: 11-23.2(b) by reason of the defective consent of surety and Barbella’s bid may be rejected under N.J.S.A. 40A: 11-13.2(a) as substantially exceeding the Authority’s cost estimate;

WHEREAS, the Middlesex County Utilities Authority (“Authority”) publicly advertised for bids for a contract entitled “Heavy Equipment Rental and Operation for Landfill Cover Maintenance at the Middlesex County Landfill”/ Contract No. 13-3SW (Rebid), and received two bids on July 23, 2013 as set forth below, including the total extended unit prices as follows:

Barbella Construction Services, LLC	\$139,900.00
Persistent Construction, Inc.	\$211,700.00

WHEREAS, the said bids have been reviewed by the Authority’s Counsel and staff who have advised that the said bid of Barbella Construction Services, LLC for minimum, maximum and average quantities as set forth in Exhibit A for the Unit Prices set forth in Exhibit C-1 attached hereto, satisfies, in all material respects, the requirements of the Specifications and Bid Documents and is the lowest responsive and responsible bid; and

WHEREAS, pursuant to N.J.A.C. 5:30-5.4 et seq., the Chief Financial Officer has certified, in writing, the availability of sufficient funds for such supply and delivery services based on the unit prices set forth in the attached excerpt from Exhibit A for the bid items, for which funding shall be certified as ordered and drawn against the amount allotted in the Solid Waste Division Operating Budget.

NOW THEREFORE BE IT RESOLVED by the Commissioners of the Middlesex County Utilities Authority as follows:

1. For all future reference the title of this Resolution shall be "Contract Award – Contract No. 13-3SW (Rebid)/Heavy Equipment Rental and Operation for Landfill Cover Maintenance at the Middlesex County Landfill – Barbella Construction Services, LLC", and all subsequent documents concerning the matters addressed herein shall reference this title.
2. The Commissioners hereby find Barbella Construction Services, LLC to be the lowest responsive and responsible bidder for the Contract.
3. The Commissioners hereby accept the total extended price in the amount of \$139,900.00 of Barbella Construction Services, LLC as set forth in Exhibit C-1 attached hereto for the Contract.
4. The Commissioners hereby award the aforementioned contract to Barbella Construction Services, LLC, 24 Tannery Road, Somerville, NJ 08876 on the basis of the unit prices set forth in its Proposal and reproduced in the attached Certified Bid Tabulation. As this contract is for the provision of services only as and when required, certification(s) of funds shall be provided in accordance with applicable regulations of the New Jersey Department of Community Affairs.
5. Funding for services under the Contract shall be certified as outlined by the Chief Financial Officer and shall be drawn against the Solid Waste Division Operating Budget.
6. The Executive Director is hereby authorized and directed to notify Barbella Construction Services, LLC of the acceptance of its bid, and the Chairman or Vice Chairman and Secretary are authorized to execute any and all contracts with said bidder as required by the Contract.
7. The Bid Securities of all unsuccessful bidders shall be returned to said unsuccessful bidders upon receipt, by the Authority, of executed Contracts by the successful bidder together with a Performance and Payment Bond and required Certificates of Insurance.
8. This Resolution shall take effect immediately following Freeholder review, pursuant to law.

RESOLUTION NO. SW-7-13-8-R

**CONTRACT AWARD - CONTRACT NO. 13-4SW
UNIFORM SERVICES
AT THE MIDDLESEX COUNTY LANDFILL**

AMERICAN WEAR, INC.

WHEREAS, the Middlesex County Utilities Authority (“Authority”) publicly advertised for bids for a contract entitled “Uniform Services at the Middlesex County Landfill / Contract No. 13-4SW, hereinafter referred to as the (“Contract”) and

WHEREAS, on July 11, 2013 the Authority received and publicly opened the single bid submitted for the Contract from American Wear, Inc in the amount of \$26,903.04 for a three year contract term; and

WHEREAS, the said bid has been reviewed by the Authority’s Counsel and staff who have advised that the said bid of American Wear, Inc. in the amount of \$26,903.04 as set forth in Exhibit C-1 attached hereto satisfies, in all material respects, the requirements of the Specifications and Bid Documents and is the lowest responsive and responsible bid; and

WHEREAS, pursuant to N.J.A.C. 5:34-5.1 et seq., the Chief Financial Officer has certified, in writing, the availability of sufficient funds for the Contract in the amount of \$8,967.68 for the first year of the contract to be paid from the Solid Waste Division Operating Budget.

NOW THEREFORE BE IT RESOLVED by the Commissioners of the Middlesex County Utilities Authority as follows:

1. For all future reference the title of this Resolution shall be "Contract Award – Contract No. 13-4SW / Uniform Services at the Middlesex County Landfill- American Wear, Inc.", and all subsequent documents concerning the matters addressed herein shall reference this title.
2. The Commissioners hereby find American Wear, Inc. to be the lowest responsive and responsible bidder for the Contract.
3. That Contract No. 13-4SW shall be awarded to American Wear, Inc., 261 North 18th Street, East Orange, NJ 07017 in the amount of \$26,903.04 (Twenty-Six Thousand, Nine Hundred Three and 04/100 Dollars), subject to the conditions contained in the Authority’s specifications.
4. Payment not to exceed \$8,967.68 for the first year of the contract shall be drawn against the Solid Waste Division Operating Budget.

5. The Executive Director is hereby authorized and directed to notify American Wear, Inc. of the acceptance of its bid, and the Chairman or Vice Chairman and Secretary are authorized to execute any and all contracts with said bidder as required by the Contract.

6. This Resolution shall take effect immediately following Freeholder review period, pursuant to law.

RESOLUTION NO. SW-7-13-9-R

**CONTRACT AWARD - CONTRACT NO. 13-5SW
FURNISHING OFF-ROAD TIRES FOR VARIOUS HEAVY EQUIPMENT
FOR THE MIDDLESEX COUNTY LANDFILL**

F&S TIRES CORP, INC.

WHEREAS, the Middlesex County Utilities Authority (“Authority”) publicly advertised for bids for a contract entitled “Furnishing Off-Road Tires for Various Heavy Equipment for the Middlesex County Landfill/Contract No. 13-5SW, hereinafter referred to as the (“Contract”) and

WHEREAS, on July 23, 2013, the Authority received and publicly opened the two bids submitted for the Contract as follows; and

F & S TIRE CORP, INC.

BID ITEM 1.A.1, 29.5 R25 Tire, Unit Price	\$3,750.00
BID ITEM 2.A.1, 23.5 R25 Tire, Unit Price	\$1,900.00
BID ITEM 1.A.2, Extended Price (Item 1.A.1 x 8)	\$30,000.00
BID ITEM 2.A.2, Extended Price (Item 2.A.1 x 4)	<u>\$7,600.00</u>
TOTAL OF EXTENDED PRICES:	\$ 37,600.00

INTER CITY TIRE

BID ITEM 1.A.1, 29.5 R25 Tire, Unit Price	\$3,989.00
BID ITEM 2.A.1, 23.5 R25 Tire, Unit Price	\$1,989.00
BID ITEM 1.A.2, Extended Price (Item 1.A.1 x 8)	\$31,912.00
BID ITEM 2.A.2, Extended Price (Item 2.A.1 x 4)	<u>\$7,956.00</u>
TOTAL OF EXTENDED PRICES:	\$ 39,868.00

WHEREAS, the said bids have been reviewed by the Authority’s Counsel and staff who have advised that the said bid of F&S Tires Corp, Inc. for minimum, maximum and average quantities as set forth in Exhibit A for the Unit Prices set forth in Exhibit C-1 attached hereto, satisfies, in all material respects, the requirements of the Specifications and Bid Documents and is the lowest responsive and responsible bid; and

WHEREAS, pursuant to N.J.A.C. 5:30-5.4 et seq., the Chief Financial Officer has certified, in writing, the availability of sufficient funds for such supply and delivery services based on the unit prices set forth in the attached excerpt from Exhibit A for the bid items, for which funding shall be certified as ordered and drawn against the amount allotted in the Solid Waste Division Operating Budget.

NOW THEREFORE BE IT RESOLVED by the Commissioners of the Middlesex County Utilities Authority as follows:

1. For all future reference the title of this Resolution shall be "Contract Award – Contract No. 13-5SW/Furnishing Off-Road Tires for Various Heavy Equipment for the Middlesex County Landfill – F&S Tires Corp, Inc.", and all subsequent documents concerning the matters addressed herein shall reference this title.
2. The Commissioners hereby find F&S Tires Corp, Inc. to be the lowest responsive and responsible bidder for the Contract.
3. The Commissioners hereby award the aforementioned contract to F&S Tire Corp, Inc., 58 Brunswick Avenue, Edison, NJ 08817 on the basis of the unit prices set forth in its Proposal and reproduced in the attached Certified Bid Tabulation. As this contract is for the provision of services only as and when required, certification(s) of funds shall be provided in accordance with applicable regulations of the New Jersey Department of Community Affairs.
4. The Commissioners hereby accept the total extended price in the amount of \$37,600.00 of F&S Tires Corp, Inc. as set forth in Exhibit C-1 attached hereto for the Contract.
5. Funding for services under the Contract shall be certified as outlined by the Chief Financial Officer and shall be drawn against the Solid Waste Division Operating Budget.
6. The Executive Director is hereby authorized and directed to notify F&S Tires Corp, Inc. of the acceptance of its bid, and the Chairman or Vice Chairman and Secretary are authorized to execute any and all contracts with said bidder as required by the Contract.
7. This Resolution shall take effect immediately following Freeholder review, pursuant to law.