

RESOLUTION NO. WW-3-21-1-R

AUTHORIZING CONTRACT AWARD FOR CONTRACT NO. 21-2-1(AC)  
BENEFICIAL USE OR DISPOSAL OF WASTEWATER RESIDUALS  
2021-2022 (DEWATERED SLUDGE)  
DENALI WATER SOLUTIONS

WHEREAS, the Middlesex County Utilities Authority (“Authority”) publicly advertised for bids for a contract entitled “Beneficial Use Or Disposal Of Wastewater Residuals 2021-2022 (Dewatered Sludge) / Contract No. 21-2-1(AC),” hereinafter referred to as “Contract 21-2-1(AC)”;

and

WHEREAS, on March 16, 2021, the Authority received and publicly opened two [2] bids submitted for Contract 21-2-1(AC); and

WHEREAS, the said bids have been reviewed by the Authority’s Counsel, and staff who have advised that the said bid of Denali Water Solutions in the amount of \$2,066,560.00 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. 5:30-5.4 et seq., the Treasurer/Comptroller has certified, in writing, the availability of sufficient funds for Contract 21-2-1(AC) in the amount of \$2,066,560.00 to be paid from the Wastewater Operating Budget; 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 "Authorizing Contract Award – Contract No. 21-2-1(AC)/Beneficial Use Or Disposal Of Wastewater Residuals 2021-2022 (Dewatered Sludge) - Denali Water Solutions", and all subsequent documents concerning the matters addressed herein shall reference this title.
2. The Commissioners hereby find the Total Extended Price of \$2,066,560.00 by Denali Water Solutions to be the lowest responsive and responsible bid for Contract 21-2-1(AC) when based on unit pricing.
3. The Commissioners hereby accept the bid of Denali Water Solutions as set forth in Exhibit C-1 attached hereto for Contract 21-2-1(AC), for the term of 24 months commencing the Notice To Proceed date.
4. Funding for purchases, supply and delivery under Contract 21-2-1(AC) shall be certified as ordered by the Treasurer/Comptroller, shall not exceed \$2,066,560.00, and shall be drawn against the Wastewater Operating Budget.

5. The Executive Director is hereby authorized and directed to notify Denali Water Solutions 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 Contract 21-2-1(AC).
6. 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 Bond and required Certificates of Insurance.
7. This Resolution shall take effect upon the expiration of the Freeholder review period in accordance with law.

RESOLUTION NO. WW-3-21-2-R

AUTHORIZING CONTRACT AWARD FOR CONTRACT NO. 21-2-2(AC)/  
BENEFICIAL USE OR DISPOSAL OF WASTEWATER RESIDUALS  
2021-2022 (CLASS A & B BIOSOLIDS)  
DENALI WATER SOLUTIONS

WHEREAS, the Middlesex County Utilities Authority (“Authority”) publicly advertised for bids for a contract entitled “Beneficial Use Or Disposal Of Wastewater Residuals 2021-2022 (Class A & B Biosolids)/Contract No. 21-2-2(AC)”, hereinafter referred to as “Contract 21-2-2(AC)”; and

WHEREAS, on March 16, 2021, the Authority received and publicly opened two [2] bids submitted for Contract 21-2-2(AC); and

WHEREAS, the said bids have been reviewed by the Authority’s Counsel, and staff who have advised that the said bid of Denali Water Solutions in the amount of \$12,916,000.00 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. 5:30-5.4 et seq., the Treasurer/Comptroller has certified, in writing, the availability of sufficient funds for Contract 21-2-2(AC) in the amount of \$12,916,000.00 to be paid from the Wastewater Operating Budget; 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 "Authorizing Contract Award – Contract No. 21-2-2(AC)/Beneficial Use Or Disposal Of Wastewater Residuals 2021-2022 (Class A & B Biosolids) - Denali Water Solutions", and all subsequent documents concerning the matters addressed herein shall reference this title.
2. The Commissioners hereby find the Total Extended Price of \$12,916,000.00 by Denali Water Solutions to be the lowest responsive and responsible bid for Contract 21-2-2(AC) when based on unit pricing.
3. The Commissioners hereby accept the bid of Denali Water Solutions as set forth in Exhibit C-1 attached hereto for Contract 21-2-2(AC), for the term of 24 months commencing the Notice To Proceed date
4. Funding for purchases, supply and delivery under Contract 21-2-2 (AC) shall be certified as ordered by the Treasurer/Comptroller, shall not exceed \$12,916,000.00, and shall be drawn against the Wastewater Operating Budget.

5. Should the Authority determine that additional funding must be made available in order to accommodate additional work utilizing the unit prices set forth in Exhibit C-1, the Authority will request Board approval for the additional funding at that time via Resolution .

6. The Executive Director is hereby authorized and directed to notify Denali Water Solutions 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 Contract 21-2-2(AC).

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 Bond and required Certificates of Insurance.

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

RESOLUTION NO. WW-3-21-3-R

AUTHORIZING RETENTION OF NAJARIAN ASSOCIATES TO PROVIDE  
ENGINEERING SERVICES RELATED TO WATER QUALITY AND NJPDES  
PERMITTING ISSUES 2021-2022

WHEREAS, pursuant to N.J.S.A. 40A:11-5 the Middlesex County Utilities Authority (“Authority”) may procure Professional Services without the necessity of advertising for bids pursuant to N.J.S.A. 40:A:11-1 et seq.; 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 contracts having an anticipated value in excess of \$17,500; and

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

WHEREAS, Najarian Associates was one of the two (2) firms that submitted qualifications; and

WHEREAS, it was determined that Najarian Associates was a qualified firm for services mentioned herein as described in Attachment #1; and

WHEREAS, the Authority requested a proposal from Najarian Associates for the services mentioned herein; and

WHEREAS, Najarian Associates has prepared a proposal and schedule of rates and services as required by N.J.A.C. 5:34-4.5 (c), as set forth in Attachment #1, which shall be the basis for payment for Engineering Services Related To Water Quality And NJPDES Permitting Issues 2021-2022; 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 Najarian Associates for Engineering Services Related To Water Quality And NJPDES Permitting Issues 2021-2022; and

WHEREAS, the Engineering Services provided by Najarian Associates are Professional Services within the definition contained in N.J.S.A. 40A:11-2; and

WHEREAS, pursuant to N.J.A.C. 5:34-5.1 et seq., the Treasurer/Comptroller has certified, in writing, the availability of sufficient funds for such Professional Services in the amount of \$209,929.99 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 "Authorizing Retention Of Najarian Associates To Provide Engineering Services Related To Water Quality And NJPDES Permitting Issues 2021-2022", and all subsequent documents concerning the matters addressed herein shall reference this title.
2. Upon review of the two (2) firms that submitted qualifications, Najarian Associates was determined to be a qualified firm for the services mentioned herein.
3. Najarian Associates shall be, and is hereby retained to perform Construction Engineering Services related to the Wastewater Division for and on behalf of the Authority for the services set forth in Attachment #1.
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 Attachment #1 hereto, and the Chairman or Vice Chairman and Secretary are hereby authorized to execute a Contact for said services.
5. Payment shall not to exceed \$209,929.99 for said Professional Services and shall be drawn against the Wastewater Operating Budget.
6. The retainage of Najarian Associates 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 Najarian Associates is a licensed Engineering firm which profession is recognized by law.
7. The retainage of Najarian Associates has been obtained pursuant to a "fair and open process" in accordance with the Act.
8. This Resolution shall take effect upon the expiration of the Freeholder review period in accordance with law.
9. 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-3-21-4-R

RESOLUTION AUTHORIZING THE SALE OF CERTAIN SURPLUS PERSONAL  
PROPERTY OF THE MIDDLESEX COUNTY UTILITIES AUTHORITY NO LONGER  
NEEDED FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE

WHEREAS, the Middlesex County Utilities Authority (“Authority”) has determined that the personal property described on Attachment 1 attached hereto and incorporated herein, is no longer needed for public use; and

WHEREAS, the Authority intends to utilize the online auction services of Municibid, which has been awarded a State contract with the State of New Jersey for Online Auction Services (19-GNSV1-00696), which contract services are authorized for use by local governments and school districts; and

WHEREAS, the online auction sales are being conducted pursuant to N.J.S.A. 40A:11-36 and the guidance set forth in the Division of Local Government Services’ Local Finance Notice 2019-15.

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 “Authorizing the Sale of Certain Surplus Personal Property of the Middlesex County Utilities Authority No Longer Needed for Public Use on an Online Auction Website”, and all subsequent documents associated with the matters addressed herein shall reference this Title.
2. The Commissioners hereby authorize the Authority’s staff to sell the surplus personal property as indicated on Attachment 1 on an online auction website entitled Municibid.
3. This resolution shall take effect upon expiration of the Freeholder veto period in accordance with law.

**RESOLUTION NO. SW-3-21-5-R**

**RESOLUTION AWARDING CONTRACT NO. 21-3SW  
FURNISH AND INSTALL LEACHATE PUMP STATION  
ELECTRICAL PANELS AT THE MIDDLESEX COUNTY LANDFILL**

**PUMPING SERVICES, INC.**

**WHEREAS**, the Middlesex County Utilities Authority (“Authority”) publicly advertised for bids for a contract entitled “Furnish and Install Leachate Pump Station Electrical Panels at the Middlesex County Landfill/Contract No. 21-3SW,” hereinafter referred to as the (“Contract”); and

**WHEREAS**, on March 9, 2021 the Authority received and publicly opened the two (2) bids submitted for the Contract from:

<b>Pumping Services, Inc.</b>	<b>\$342,173.00</b>
<b>Longo Electrical-Mechanical, Inc.</b>	<b>\$570,000.00</b>

**WHEREAS**, the said bids have been reviewed by the Authority’s Counsel, staff and Consulting Engineer who have advised that the said bid of Pumping Services, Inc. in the amount of \$342,173.00 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. 5:30-5.4 et seq., the Treasurer/Comptroller shall certify, in writing, the availability of sufficient funds for the Contract in the amount of \$342,173.00 to be paid from the Solid Waste Division Capital 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 “Resolution Awarding Contract No. 21-3SW/Furnish and Install Leachate Pump Station Electrical Panels at the Middlesex County Landfill - Pumping Services, Inc.,” and all subsequent documents concerning the matters addressed herein shall reference this title.
2. The Commissioners hereby find Pumping Services, Inc. to be the lowest responsive and responsible bidder for the Contract.
3. The Commissioners hereby accept the bid of Pumping Services, Inc. as set forth in Exhibit C-1 attached hereto for the Contract.
4. Payment not to exceed \$342,173.00 for said Project shall be drawn against the Solid Waste Division Capital Budget.



5. The Executive Director is hereby authorized and directed to notify Pumping Services, 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. The Bid Securities of the unsuccessful bidder shall be returned to said unsuccessful bidder upon receipt, by the Authority, of executed Contracts by the successful bidder together with a Performance Bond and required Certificates of Insurance.
7. This resolution shall take effect upon the expiration of the Middlesex County Board of County Commissioners' review period, in accordance with law.

**RESOLUTION NO. SW-3-21-6-R**

**RESOLUTION AUTHORIZING AMENDMENT NO. 3  
TO RECLAIMED SOIL SUPPLY AGREEMENT  
BETWEEN AFORCE, INC.  
AND THE MIDDLESEX COUNTY UTILITIES AUTHORITY**

**WHEREAS**, AFORCE, Inc. (“AFORCE”) was authorized by Resolution No. SW-1-18-11-R and subsequently by Resolution Nos. SW-12-18-23-R (second year) and SW-12-19-24-R (third year) for reclaimed supply soil services for the Middlesex County Landfill; and

**WHEREAS**, the current Agreement limits projects to New Jersey or those projects related to a New Jersey participating agency; and

**WHEREAS**, AFORCE proposes to provide an estimated 25,000 tons of soil from two projects located in New York (Brooklyn and Yonkers), with payment to the Authority of \$23.50 per ton with payment terms consistent with the original Agreement; and

**WHEREAS**, the Authority’s staff has recommended amending the Agreement to allow the acceptance of an estimated 25,000 tons of soil, at the Agreement rate of \$23.50 per ton, from the two projects located in New York provided such material meets the Authority’s specifications; and

**WHEREAS**, the Authority’s staff deems the waiver to be in the best interests of the Authority and has recommended the approval and execution of this Amendment to said Agreement with AFORCE to provide the soil to the Authority for the terms set forth herein; and

**WHEREAS**, all other original Agreement terms and conditions shall remain in effect unless otherwise modified by the MCUA; and

**WHEREAS**, the waiver and amendment recommended herein, is solely for the soil amounts identified herein and any other request for such waiver by AFORCE or any other vendor shall be reviewed on a case by case basis.

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

1. The title of this Resolution shall be “Resolution Authorizing Amendment No. 3 to Reclaimed Soil Supply Agreement between AFORCE, Inc. and the Middlesex County Utilities Authority.”

2. The Agreement for Reclaimed Soil Supply Services with AFORCE, Inc., 6 Main Street, Oceanport, New Jersey 07757 shall be amended to provide a waiver permitting the delivery of material from two projects located in New York (Brooklyn and Yonkers) and acceptance of soil meeting the Agreement's requirements.
3. The appropriate Officers and Staff of the Authority are hereby authorized and directed to execute said Amendment.
4. This resolution shall take effect upon the expiration of the Middlesex County Board of County Commissioners' review period, in accordance with law.

**RESOLUTION NO. SW-3-21-7-R**

**RESOLUTION APPROVING RECLAIMED SOIL SUPPLY AGREEMENTS  
BETWEEN SOIL SERVICE COMPANIES  
AND MIDDLESEX COUNTY UTILITIES AUTHORITY**

**WHEREAS**, it has been determined to be in the best interests of the Middlesex County Utilities Authority (“Authority”) to retain the services of qualified soil supply companies to provide reclaimed soil meeting MCUA specifications to be utilized as cover material at the Middlesex County Landfill (“Landfill”); and

**WHEREAS**, pursuant to N.J.S.A. 40A:11-5 et seq., the Authority may award agreements for reclaimed soil supply services without publicly advertising for bids pursuant to the Local Public Contract Law, N.J.S.A. 40A:1-1 et seq.; and

**WHEREAS**, the Authority, in accordance with fair and open procedures, advertised for and solicited qualifications for soil supply companies to provide reclaimed soil compliant with the Authority’s Soil Reuse Program to be used as cover material for the Landfill pursuant to a duly issued Request for Qualifications; and

**WHEREAS**, five (5) companies responded to the Request for Qualifications, and upon review of those companies that submitted qualifications, it was determined that three (3) were qualified for the services mentioned herein; and

**WHEREAS** the Authority issued a Request for Proposals to three (3) qualified companies for reclaimed soil supply services; and

**WHEREAS**, the Request for Proposals set forth the criteria for proposals from qualified companies to provide a minimum of 25,000 tons and up to a maximum of 50,000 tons of material per year at a minimum payment to the Authority of \$19.00 per ton, to be awarded to three (3) companies including the company offering the highest price per ton and to the second and third highest proposals agreeing to match the price of the highest proposal; and

**WHEREAS**, on March 16, 2021, the Authority received proposals from three (3) companies offering to pay between \$19.00 per ton and \$23.50 per ton to supply reclaimed soil as set forth in Attachment 2; and

**WHEREAS**, the C.J. Nesti Materials, LLC’s proposed price of \$23.50 per ton was the highest price per ton and the United Energy Systems, Inc. and AFORCE, Inc. proposals were the second and third highest proposals; and

**WHEREAS**, United Energy Systems, Inc. and AFORCE, Inc. confirmed in writing that they would match the highest proposed price of \$23.50 per ton; and

**WHEREAS**, the proposals were reviewed by the Authority staff and Authority Counsel who have recommended that the contract be awarded to the highest proposer, C.J. Nesti Materials, LLC and the next highest proposers United Energy Systems, Inc. and AFORCE, Inc. at the highest proposed price of \$23.50 per ton for a term of one year with an option for the Authority to renew for two additional one year terms consistent with MCUA's criteria and its Soil Reuse Program.

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

1. For all future references, the title of this Resolution shall be "Resolution Approving Reclaimed Soil Supply Agreements between Soil Supply Companies and the Middlesex County Utilities Authority," and all subsequent documents associated with the matters associated herein shall reference this Title.
2. That the within contracts for reclaimed soil supply services shall be awarded to: C.J. Nesti Materials, LLC, 32 Monroe Boulevard, Monroe Township, New Jersey 08831, United Energy Systems, Inc., 45 Park Place South, #140, Morristown, New Jersey 07960 and AFORCE, Inc., 6 Main Street, Oceanport, New Jersey 07757 at the highest responsive proposed price of \$23.50 per ton for a one year period commencing May 1, 2021 through April 30, 2022.
3. That the Commissioners of the Middlesex County Utilities Authority reserve the right to authorize the Authority to extend the Reclaim Soil Supply Agreements for two additional one-year periods.
4. That the Executive Director is hereby authorized and directed to notify C.J. Nesti Materials, LLC, United Energy Systems, Inc. and AFORCE, Inc. of the acceptance of their proposals and to execute the Reclaimed Soil Supply Agreement with each in substantially the form attached hereto.
5. This resolution shall take effect upon the expiration of the Middlesex County Board of County Commissioners' review period, in accordance with law.

**RESOLUTION NO. SW-3-21-8-R**

**RESOLUTION OF THE MIDDLESEX COUNTY UTILITIES AUTHORITY  
APPROVING RECOMMENDATIONS REGARDING A SHORTLIST OF  
QUALIFIED RESPONDENTS IN ACCORDANCE WITH  
THE PUBLIC-PRIVATE PARTNERSHIP (P3) PROCESS FOR  
THE DEVELOPMENT OF A FOOD WASTE RECYCLING FACILITY**

**WHEREAS**, pursuant to N.J.S.A. 40:14B-20(14) a county utilities authority is empowered to enter into any and all agreements or contracts, execute any and all instruments and do and perform any and all acts or things necessary, convenient or desirable for the purposes of the Authority or to carry out any power given in the Municipal and County Utilities Authorities Law, N.J.S.A. 40:14B-1 et seq. (the "Act"), subject to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

**WHEREAS**, the Middlesex County Utilities Authority ("MCUA") is interested in procuring the services of a qualified developer or other entity, to finance, plan, design, permit, construct, own, operate and maintain an authorized food waste recycling facility (the "Facility") for the MCUA; and

**WHEREAS**, after a review of the various procurement options available to the MCUA with respect to the Facility, it was determined that procurement for the services of a qualified developer to finance, plan, design, permit, construct, own, operate and maintain the Facility for the MCUA, through the P3 Process set forth at N.J.S.A. 40A:11-52 et seq., is in the best interests of the MCUA; and

**WHEREAS**, the P3 Process involves a two-step procurement process involving the issuance of a Request for Qualifications ("RFQ") and then the issuance of a Request for Proposals ("RFP"); and

**WHEREAS**, in furtherance of the P3 Process, an RFQ was issued; and

**WHEREAS**, eight responses were received in response to the RFQ; and

**WHEREAS**, the P3 Process requires that the RFQ submissions be reviewed based on the qualification criteria set forth in the RFQ and then requires that a determination be made as to a shortlist of qualified Respondents to whom the RFP should be issued; and

**WHEREAS**, the RFQ submissions were reviewed and evaluated by a Selection Committee of the MCUA, and based on a review and evaluation of the responses, the Selection Committee has determined that the following Respondents to the RFQ are Qualified Respondents in accordance with the RFQ, and therefore has recommended that these Respondents be shortlisted to receive the RFP upon its completion: Anaergia Services, LLC, Bioenergy Devco, LLC, Waste Management of New Jersey, Inc., Denali Water Solutions, LLC and Generate Organic Waste Services, LLC.

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

1. For all future references, the title of this Resolution shall be “Resolution of the Middlesex County Utilities Authority Approving Recommendations Regarding a Shortlist of Qualified Respondents in Accordance with the Public-Private Partnership (P3) Process for the Development of a Food Waste Recycling Facility” and all subsequent documents associated with the matters associated herein shall reference this Title.
2. The shortlist of Qualified Respondents as recommended by the Selection Committee is hereby approved and Staff is authorized to issue the RFP upon its completion to the shortlist of Qualified Respondents to the RFQ, in accordance with N.J.S.A 40A:11-52 et seq.
3. This resolution shall take effect upon the expiration of the Middlesex County Board of County Commissioners’ review period, in accordance with law.