

RESOLUTION NO. WW-2-23-16-R

**RESOLUTION OF THE MIDDLESEX COUNTY UTILITIES AUTHORITY
DECLARING ITS OFFICIAL INTENT TO REIMBURSE EXPENDITURES
FOR PROJECT COSTS FROM THE PROCEEDS OF DEBT
OBLIGATIONS IN CONNECTION WITH ITS PARTICIPATION IN THE
NEW JERSEY INFRASTRUCTURE BANK FINANCING PROGRAM**

WHEREAS, the Middlesex County Utilities Authority (the "Borrower") is a public body corporate and politic of the State of New Jersey organized pursuant to the "Municipal and Counties Utilities Authorities Law", Chapter 183 of the Laws of 1957 of the State of New Jersey, as amended and supplemented (the "Act"); and

WHEREAS, the Borrower intends to acquire, construct, renovate and/or install the environmental infrastructure project more fully described in **Exhibit A** attached hereto (the "Project"); and

WHEREAS, the Borrower intends to finance the Project with debt obligations of the Borrower (the "Project Debt Obligations") but may pay for certain costs of the Project (the "Project Costs") prior to the issuance of the Project Debt Obligations with funds of the Borrower that are not borrowed funds; and

WHEREAS, the Borrower reasonably anticipates that obligations, the interest on which is excluded from gross income under Section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), will be issued by the New Jersey Infrastructure Bank (the "Issuer") to finance the Project on a long-term basis by making a loan to the Borrower with the proceeds of the Issuer's obligations (the "Project Bonds"); and

WHEREAS, the Borrower desires to preserve its right to treat an allocation of proceeds of the Project Debt Obligations to the reimbursement of Project Costs paid prior to the issuance of the Project Debt Obligations as an expenditure for such Project Costs to be reimbursed for purposes of Sections 103 and 141 through 150, inclusive, of the Code;

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borrower as follows:

Section 1. The Borrower proclaims that the statements contained in the foregoing preambles be and are hereby incorporated into this resolution as if more fully set forth herein at length.

Section 2. The Borrower reasonably expects to reimburse its expenditure of Project Costs paid prior to the issuance of the Project Debt Obligations with proceeds of its Project Debt Obligations.

Section 3. This resolution is intended to be and hereby is a declaration of the Borrower's official intent to reimburse the expenditure of Project Costs paid prior to the issuance of the Project Debt Obligations with the proceeds of a borrowing to be incurred by the Borrower, in accordance with Treasury Regulations §150-2.

Section 4. The maximum principal amount of the Project Debt Obligations expected to be issued to finance the Project is not to exceed \$35,000,000.

Section 5. The Project Costs to be reimbursed with the proceeds of the Project Debt Obligations will be "capital expenditures" in accordance with the meaning of Section 150 of the Code.

Section 6. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Code. The proceeds of the Project Bonds used to reimburse the Borrower for Project Costs, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of the Project Debt Obligations or another issue of debt obligations of the Borrower, other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1).

Section 7. All reimbursement allocations will occur not later than 18 months after the later of (i) the date the expenditure from a source other than the Project Debt Obligations is paid, or (ii) the date the Project is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than 3 years after the expenditure is paid.

Section 8. This resolution shall take effect immediately.

RESOLUTION NO. SW/WW-2-23-17-R

**AUTHORIZING AGREEMENT FOR ENGINEERING SERVICES
RELATED TO THE LANDFILL GAS COLLECTION SYSTEM FOR
THE SOLID WASTE AND WASTEWATER DIVISIONS**

T&M ASSOCIATES

WHEREAS, the Middlesex County Landfill Gas Collection System provides a benefit to both the Solid Waste and Wastewater Divisions; and

WHEREAS, the Landfill Gas System requires the services of a professional engineer in order to remain compliant with various NJDEP and USEPA regulations; and

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. 19:44A-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, Ten (10) firms submitted qualifications in response to the Authority's solicitation and were deemed qualified for the services mentioned herein; and

WHEREAS, upon the review of the firms that submitted qualifications, it was determined that T&M Associates was qualified for the services mentioned herein as described in Attachment #1; and

WHEREAS, the Authority has requested a proposal from T&M Associates for the services mentioned herein; and

WHEREAS, T&M Associates has prepared a proposal and schedule of rates and services as required by N.J.A.C. 5:34-4.5 (c) (Attachment #2) which shall be the basis for payment for Professional Services related to engineering services for the Landfill Gas Collection System for the Solid Waste and Wastewater Divisions; 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 T&M Associates for Engineering Services associated with the Landfill Gas Collection System for the Solid Waste and Wastewater Divisions; and

WHEREAS, Engineering Services provided by T&M 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 Chief Financial Officer has certified, in writing, the availability of sufficient funds for the term of the appointment for an amount not to exceed \$385,000.00 for engineering services to be paid from the Operating Budgets of the Solid Waste and Wastewater Divisions.

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 Agreement for Engineering Services related to the Landfill Gas Collection System for the Solid Waste and Wastewater Divisions – T&M Associates" and all subsequent documents concerning the matters addressed herein shall reference this title.
2. Upon review of the Ten (10) firms that submitted qualifications, it was determined that T&M Associates was qualified for the services mentioned herein.
3. T&M Associates shall be, and is hereby retained to perform Engineering Services related to the Solid Waste and Wastewater Divisions for and on behalf of the Authority for the term commencing March 1, 2023 and terminating February 29, 2024.
4. The Authority's Counsel and Staff are hereby authorized to prepare the necessary contract documents which will incorporate substantially the terms set herein, and the Chairman or Vice Chairman and Secretary are hereby authorized to execute a Contract for said services.
5. Payment for engineering services in an amount not to exceed \$385,000.00 shall be drawn against the Operating Budgets of the Solid Waste and Wastewater Divisions.
6. The retainage of T&M 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 T&M Associates is a licensed Engineering firm which profession is recognized by law.
7. The retainage of T&M Associates has been obtained pursuant to a "fair and open process" in accordance with the Act.
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.
9. 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/WW-2-23-18-R

AUTHORIZING AGREEMENT FOR LAND SURVEYING SERVICES

THE ALAIMO GROUP

WHEREAS, the Middlesex County Utilities Authority (“Authority”) requires the services of a licensed land surveyor and engineer to establish and re-establish control points of locations and elevations for the aerial topography flown of the Middlesex County Landfill, survey potential wetlands, update existing maps, survey as-built monitoring wells, provide groundwater contour mapping and reports, prepare New Jersey Department of Environmental Protection (“NJDEP”) Annual Topography Survey and Capacity Report, and provide various plans in support of the Authority’s permit and site implementation activities and additional tasks as may be required for both Wastewater and Solid Waste Divisions; and

WHEREAS, this information is a requirement of NJDEP regulations, and the permits held by the Authority; and

WHEREAS, pursuant to N.J.S.A. 40A:11-5, the Authority may procure professional services without the necessity of advertising for bids pursuant to N.J.S.A. 40A:11-1 et seq.; and

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

WHEREAS, Seven (7) firms submitted qualifications in response to the Authority’s solicitation and were deemed qualified for the services mentioned herein; and

WHEREAS, upon review of those firms that submitted qualifications, it was determined that The Alaimo Group was qualified for the services mentioned herein as described in Attachment #1; and

WHEREAS, the Authority staff has requested a proposal from The Alaimo Group for the services mentioned herein; and

WHEREAS, The Alaimo Group has prepared a proposal and schedule of rates and services as required by N.J.A.C. 5:34-4.5(c) (Attachment # 2) which shall be the basis for payment for professional services related to Land Surveying services; 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 The Alaimo Group for Professional Services associated with Land Surveying; and

WHEREAS, Land Surveying Services provided by The Alaimo Group 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 Chief Financial Officer has certified, in writing, the availability of sufficient funds for such professional services in an amount not to exceed \$184,000 to be paid from the Solid Waste Division Operating Budget and/or Wastewater Division Operating Budget, as applicable.

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 Agreement for Land Surveying Services – The Alaimo Group” and all subsequent documents associated with the matters addressed herein shall reference this Title.
2. Upon review of the seven (7) firms that submitted qualifications, it was determined that The Alaimo Group qualified for the services mentioned herein.
3. The Alaimo Group is hereby retained to perform Land Surveying Services related to the Solid Waste and Wastewater Divisions for and on behalf of the Authority for the term commencing March 1, 2023 and terminating February 29, 2024.
4. The Authority's Counsel and staff are hereby authorized to prepare the necessary documents which will incorporate substantially the terms herein, and the Chairman or Vice Chairman and Secretary are hereby authorized to execute an Agreement for said services.
5. Payment not to exceed \$184,000 for said professional services shall be drawn against the Solid Waste Division Operating Budget and/or Wastewater Operating Budget as applicable.
6. The retainage of The Alaimo Group 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 Alaimo Group is a licensed surveyor which profession is recognized by law.
7. The retainage of The Alaimo Group has been obtained pursuant to a “fair and open process” in accordance with the Act.
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.
9. 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-2-23-19-R

**AUTHORIZING APPROVAL OF CHANGE ORDER NO. 1
TO CONTRACT NO. 22-2SW WITH HOFFMAN INTERNATIONAL, INC.
FOR
FURNISHING MAINTENANCE, PARTS AND REPAIRS
FOR ONE (1) VOLVO A40G ARTICULATED DUMP TRUCK
FOR THE MIDDLESEX COUNTY LANDFILL**

WHEREAS, the Middlesex County Utilities Authority (“Authority”) previously executed a contract with Hoffman International, Inc. for Contract No. 21-5SW/Furnishing Maintenance, Parts and Repairs for One (1) Volvo A40G Articulated Dump Truck for the Middlesex County Landfill; and

WHEREAS, the Authority’s staff has recommended the approval and execution of a Change Order to said Contract for an amount not to exceed \$12,600.00 for additional maintenance, parts and repairs (“Change Order No. 1) in addition to the amounts outlined in in the original Contract on an as needed basis through June 3, 2023; and

WHEREAS, the Authority has determined that said Change Order No, 1 does not cause a change to this Contract in an amount to exceed 20% of the authorized maximum amount; and

WHEREAS, said Change Order No. 1 has been deemed to be in the best interests of the Authority; and

WHEREAS, pursuant to N.J.A.C. 5:34-5.1 et seq., the Treasurer/Certifying Financial Officer has certified, in writing, the availability of sufficient funds for said Change Order No, 1 in the amount of \$12,600.00 to be paid from the Solid Waste Division 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 Approval of Change Order No. 1 to Contract No. 22-2SW With Hoffman International, Inc. for Furnishing Maintenance, Parts and Repairs for One (1) Volvo A40G Articulated Dump Truck for the Middlesex County Landfill” 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: Hoffman International, Inc.

Contract Number: Contract No. 22-2SW

Change Order Number: 1

Description of Work: A Change Order to said Contract for an amount not to exceed \$12,600.00 for additional maintenance, parts and repairs, in addition to the amounts outlined in in the original Contract on an as needed basis through June 3, 2023.

Original Amount: \$63,300.00

Change Order Amount: \$12,600.00

Total Revised
Contract Amount: \$75,900.00

3. The appropriate Officers and Staff of the Authority are hereby authorized and directed to execute said Change Order No. 1.
4. Payment not to exceed \$12,600.00 for said Change Order No. 1 shall be drawn against the Solid Waste Division Operating Budget.
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-2-23-20-R

**RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH FOLEY, INC.
FOR THE PROCUREMENT OF A CERTIFIED CATERPILLAR RE-BUILD FOR A 980M
WHEEL LOADER THROUGH THE EDUCATIONAL SERVICES COMMISSION OF NEW
JERSEY COOPERATIVE**

WHEREAS, by Resolution No. SW/WW-12-18-12-R, dated December 20, 2018, the Middlesex County Utilities Authority (“Authority”) authorized participation by the Authority in the Educational Services Commission of New Jersey Cooperative (the “Cooperative”); and

WHEREAS, participation in the Cooperative allows the Authority to purchase certain goods and services through existing, competitively bid contracts; and

WHEREAS, the Authority desires to procure a Certified Re-Build for a Wheel Loader from Foley, Inc. a company that participates in the Cooperative and is located in Piscataway, New Jersey, in the amount of \$520,000.00; and

WHEREAS, pursuant to N.J.A.C. 5:30-5.4, the Treasurer/Comptroller has certified, in writing, the availability of sufficient funds for said purchase in the amount of \$520,000.00 to be paid from the Solid Waste Division Operating Budget.

NOW, THEREFORE, IT IS 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 Authorizing the Execution of a Contract with Foley, Inc. for the Procurement of a Certified Caterpillar Re-Build for a 980M Wheel Loader through the Educational Services Commission of New Jersey Cooperative” and all subsequent documents associated with the matters addressed herein shall reference this Title.
2. The appropriate Officers and Staff of the Authority are hereby authorized to execute a contract/purchase order(s) in the amount of \$520,000.00 and any other necessary documents, with Foley, Inc. for the procurement as described herein.
3. This contract is authorized pursuant to the authority set forth in the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., and as set forth under Resolution No. SW/WW-12-18-12-R.
4. This resolution shall take effect upon the expiration of the Middlesex County Board of County Commissioners’ review period, in accordance with law.