

RESOLUTION NUMBER: 23-069

RESOLUTION OF PASSAIC VALLEY WATER COMMISSION

AUTHORIZING THE PROCUREMENT OF ADDITIONAL HYDRA-STOP EQUIPMENT AND INSERTION VALVES"

DATE OF ADOPTION: MAY 24, 2023

Introduced by Commissioner: **JOSEPH KOLODZIEJ**

Seconded by Commissioner: **JEFF LEVINE**

WHEREAS, the Passaic Valley Water Commission ("PVWC") wishes to procure additional Hydra-Stop ("Hydra-Stop") equipment for installing 12-inch insertion valves and to procure 6-inch, 8-inch and 12-inch insertion valves for the Distribution Department to replace the existing valves that are damaged beyond repair under the proprietary goods exception to the Local Public Contracts Law ("LPCL"); and

WHEREAS, Hydra-Stop of Burr Ridge, Illinois ("Hydra-Stop") has provided PVWC with pricing sheet and the Distribution Department has determined their immediate need to be in the total amount of \$895,244.20, to procure the new equipment; and

WHEREAS, Hydra-Stop is the sole provider of Hydra-Stop insertion valves, as demonstrated by the Sole Source letter attached hereto as **Exhibit A**, which allows the user to replace valves that are leaking and beyond repair at the site and avoid the disruption to the customer in shutting down an entire block to replace one valve; and

WHEREAS, the Hydra-Stop equipment allows the Distribution Department to optimize valve replacement of old and leaky valves without shutting down water service to an entire block and instead isolate the repair to minimize the impact on its customers; and

WHEREAS, the LPCL normally requires Contracting Units to give bidders the option to supply "equivalent" equipment to the brand name specified as per N.J.S.A. § 40A:11-13(d), N.J.A.C. § 5:34-9.2; and

WHEREAS, the LPCL allows Contracting Units, in appropriate situations, to designate certain brands of goods as "proprietary" when

those brands of goods are “necessary for the conduct of [the Contracting Unit’s] affairs” (hereinafter “the Proprietary Goods Exception”) (see N.J.S.A. § 40A:11-2(39); N.J.A.C. § 5:34-9.1(a)(2)); and

WHEREAS, the Proprietary Goods Exception provides that if the Contracting Unit needs to procure goods “of a specialized nature” by one manufacturer, and the need for a certain brand is greater (or more valuable) than the “public benefit of permitting ‘brand name or equivalent’, the Contracting Unit may proceed with a bid specification that restricts bidders to supplying just that brand name of goods, to the exclusion of others; and

WHEREAS, a Contracting Unit may be entitled to opt for the Proprietary Goods Exception when: (i) The contracting unit has a substantial investment in facilities, training, replacement parts, or complimentary items that warrants reliance on a specific manufacturer or vendor to maintain the value of the investment, and/or (ii) Unique circumstances as to a facility or environment preclude the use of other goods or services; and

WHEREAS, in accordance with the pre-requisite procedures for entitlement to use the Proprietary Goods Exception, the PVWC’s Buyer, Lisa Bresemann, has prepared a Certification addressed to the Executive Director, General Counsel, and Chief Financial Officer to demonstrate entitlement to use the Proprietary Goods Exception, which is attached hereto as **Exhibit B**, the contents of which are deemed incorporated into this Resolution as set forth herein; and

WHEREAS, the Executive Director, General Counsel, and Chief Financial Officer reviewed the Certification and concur with the findings of the Buyer and ask the Commissioners to authorized PVWC to designate the Hydra-Stop equipment as proprietary goods henceforth; and

WHEREAS, PVWC’s Chief Financial Officer has certified, with respect hereto, that funds are currently available for said purpose and said certificate is attached hereto as **Exhibit C;** and

WHEREAS, Hydra-Stop’s price sheet and other relevant correspondences are attached hereto as **Exhibit D;** and

WHEREAS, the Commissioners, having received the aforementioned Certification and recommendation, approve the above-referenced measures; and

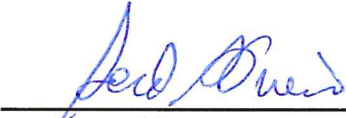
NOW, THEREFORE, BE IT RESOLVED, by the Passaic Valley Water Commission, in the County of Passaic, New Jersey;

- 1. That the Commissioners, in accordance with recommendations referenced above, hereby authorize PVWC to procure the Hydra-Stop Equipment and Insertion Valves under the Proprietary Goods Exception to the Local Public Contracts Law.
- 2. That appropriate officials and employees of the PVWC are hereby directed to procure the Hydra-Stop Equipment and Insertion Valves in accordance with these findings and applicable law, and to perform such acts and executes such documents as are necessary to implement the terms and intentions of this Resolution as set forth hereinabove.

RECORD OF COMMISSION VOTE ON FINAL PASSAGE

	AYE	NAY	ABSTAIN	ABSENT
SANCHEZ, R.	<u>X</u>	___	___	___
COTTON, R.	<u>X</u>	___	___	___
DEPADUA, C.	<u>X</u>	___	___	___
KOLODZIEJ, J.	<u>X</u>	___	___	___
LEVINE, J.	<u>X</u>	___	___	___
VAN RENSALIER, R.	___	___	___	<u>X</u>
FRIEND, G.	<u>X</u>	___	___	___

Adopted at a meeting of Passaic Valley Water Commission.



President
GERALD FRIEND

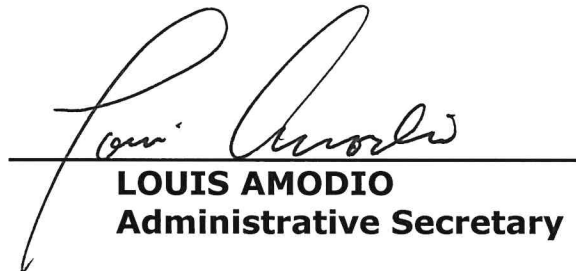


Secretary
RUBY N. COTTON

This Resolution, when adopted, must remain in the custody of the Administrative Secretary.

CERTIFICATION

I, LOUIS AMODIO, Administrative Secretary of the Passaic Valley Water Commission in the County of Passaic, and the State of New Jersey do hereby certify that the foregoing Resolution is a true copy thereof of the foregoing Resolution duly passed and adopted by a majority of a legal quorum of the full membership of the Passaic Valley Water Commission at its duly noticed and convened meeting of the said Commission on May 24, 2023.



LOUIS AMODIO
Administrative Secretary

EXHIBIT A



www.hydra-stop.com

April 27, 2023

Passaic Valley Water Commission
1525 Main Avenue
Clifton, NJ 07011

Dear Michael Marotta:

Hydra-Stop is the sole designer and manufacturer of the Hydra-Stop System. The Hydra-Stop System is an under-pressure pipe maintenance and repair system engineered to allow the repair and maintenance of water, wastewater and other fluid systems without interrupting service or requiring system shutdown.

The Hydra-Stop System allows any of its four standalone machines to expand capability and function through the use of interchangeable components and expansion kits: Hydra-Tapper 4"-12" pressure tapping, Hydra-Stopper 4"-12" line stopping, Insta-Valve 250® 4"-12" valve insertion. Covered by United States Patent No. 9,829,141,B2 and United States Patent No. 9,644,779,B2 and IVP 250® 16" valve insertion (Patent 8627843,B2). All design and invention rights are reserved. Additional Patents Pending.

Hydra-Stop Fittings, Insta-Valve 250® insertion valves and IVP 250® insertion valves are engineered specifically to be used with the Hydra-Stop System and are an integral component of the Hydra-Stop System.

If you require any additional information or documentation, please do not hesitate to contact me.

Sincerely,


John Lyons (April 27, 2023 12:29 CDT)

John Lyons
CFO
Hydra-Stop

Passaic Sole Source

Final Audit Report

2023-04-27

Created:	2023-04-27
By:	Jason Baldauf (jbaldauf@hydra-stop.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAA3jdhCKSc8BKLIPil_6ifU7zlaySL8HBj

"Passaic Sole Source" History

-  Document created by Jason Baldauf (jbaldauf@hydra-stop.com)
2023-04-27 - 3:15:51 PM GMT
-  Document emailed to John Lyons (jlyons@hydra-stop.com) for signature
2023-04-27 - 3:16:08 PM GMT
-  Email viewed by John Lyons (jlyons@hydra-stop.com)
2023-04-27 - 5:39:03 PM GMT
-  Document e-signed by John Lyons (jlyons@hydra-stop.com)
Signature Date: 2023-04-27 - 5:39:12 PM GMT - Time Source: server
-  Agreement completed.
2023-04-27 - 5:39:12 PM GMT



Adobe Acrobat Sign

EXHIBIT B

**CERTIFICATION OF PVWC BUYER, LISA BRESEMANN, QPA,
PURSUANT TO N.J.A.C. § 5:34-9.1**

TO: James Mueller, Executive Director
Yaacov M. Brisman, General Counsel
Yitchak Weiss, Chief Financial Officer

RE: Procurement of Additional Hydra-Stop Equipment and Insertion Valves

1. I, Lisa Breseman, QPA, serve as the Buyer and am the Qualified Purchasing Agent for the Passaic Valley Water Commission ("PVWC").
2. I make this Certification pursuant to N.J.A.C. § 5:34-9.1 in support of the PVWC's position that PVWC is permitted to procure from the Original Equipment Manufacturer (OEM), Hydra-Stop ("Hydra-Stop"), additional Hydra-Stop Equipment and Insertion Valves for use by the PVWC Distribution Department as proprietary goods as that term is defined by N.J.S.A. § 40A:11-2(39).
3. Currently, PVWC procures insertion valves and replacement equipment from Hydra-Stop without regard to brand, or by allowing "or equal" as per N.J.S.A. § 40A:11-13(d) of the Local Public Contracts Law.
4. Hydra-Stop has provided a letter, dated April 27, 2023, that is on file in the PVWC Buyer's office, verifying that Hydra-Stop is the sole provider of Hydra-Stop Insertion Valves and Equipment and this equipment will insure that PVWC's broken and leaky valves which are damaged beyond repair may be replaced in a manner beneficial to the public safety welfare, so that an entire street does not have to be shut down in order to replace a broken and leaky valve, thereby benefitting the customers of PVWC.
5. I, as the PVWC Buyer recommends that the Board of Commissioners approve a Resolution authorizing the PVWC to procure the Hydra-Stop Equipment and Insertion Valves as proprietary goods.

I certify that the foregoing statements made by me are true to the best of my information, knowledge and belief, I understand that if any of my statements are willfully false, that I may be subject to punishment.

Dated: May 17, 2023

Lisa Breseman, Buyer
Passaic Valley Water Commission

EXHIBIT C

OFFICE OF THE COMPTROLLER

CERTIFICATION OF AVAILABILITY OF FUNDS

It is hereby certified that subject to Commission approval of future Budgets, with respect to multi-budget year contracts, there are or will be sufficient available funds for expenditures to be incurred as result of any contract or commitment to be entered into by Passaic Valley Water Commission as follows:

Description of Project or Contract: Hydra-Stop Insertion Valves

Amount of Project or Contract: \$895,244.20

Hydra-Stop

- 1. Acct: # 001-0901-419-95-32
 CAPITAL/VALVE REPLACEMENT

- 2. Specific Appropriation to which expenditures will be charged:
 CAPITOL 2023/2024

Other comments: Sole Source Provider

Date of Certification: May 24, 2023 Amount Certified: \$895,244.20

Yitzchak Weiss
Comptroller and Chief Financial Officer

YW:lb

EXHIBIT D

Hydra-Stop Inst-Valve 250 Patriot Insertion Valves

Item	Qty	Units	Unit Price	Total Price
6-inch IV 250 Body	70	EA	\$ 2,642.00	\$ 184,940.00
8-inch IV 250 Body	70	EA	\$ 2,994.00	\$ 209,580.00
12-inch IV 250 Body	15	EA	\$ 6,635.00	\$ 99,525.00
6-inch Cartridge	70	EA	\$ 2,057.00	\$ 143,990.00
8-inch Cartridge	70	EA	\$ 2,472.00	\$ 173,040.00
12-inch Cartridge	15	EA	\$ 4,055.00	\$ 60,825.00
Additional Hydra-Stop Equipment for 12-inch IV	1	LS	\$ 18,094.00	\$ 18,094.00
Additional Hydra-Stop Equipment for storage and misc	1	Allowance	\$ 5,428.20	\$ 5,428.20
				\$ 895,422.20