



PASSAIC VALLEY WATER COMMISSION

RESOLUTION #24-EXE-7

RESOLUTION OF PASSAIC VALLEY WATER COMMISSION

DATE OF ADOPTION: JULY 24, 2024

Factual Contents certified to by Louis Amodio, Administrative Secretary. Approved as to Form and Legality on basis of facts set forth by Yaacov Brisman, General Counsel. Entering Executive Closed Session in accordance with Open Public Meetings Act, R.S. 10:4-6 et seq. Pursuant to the Open Public Meetings Act,

COMMISSIONER: DEPADUA offers the following Resolution for adoption:

WHEREAS, Section 8 of the Open Public Meetings Act, c. 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS the public body is of the opinion that such circumstances presently exist:

NOW, THEREFORE, BE IT RESOLVED, by the Commissioners of Passaic Valley Water Commission:

- 1. The public shall be excluded from discussion of the hereinafter-specified subject Matters; Contracts, Security, Negotiations, Personnel, Law and: other matters as may be discussed *in camera*.
- 2. It is anticipated at this time that the above-stated subject matters will be ratified During public meeting following or as soon thereafter as the reason for discussion no Longer exists.
- 3. This Resolution shall take effect immediately.

Second by COMMISSIONER: KOLODZIEJ Time: 10:10 am

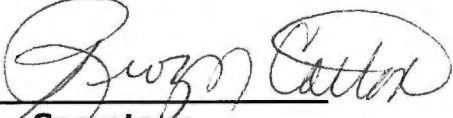
RECORD OF COMMISSION VOTE ON FINAL PASSAGE

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

Adopted at a meeting of Passaic Valley Water Commission.



President Pro-Tem
RIGO SANCHEZ



Secretary
RUBY N. COTTON

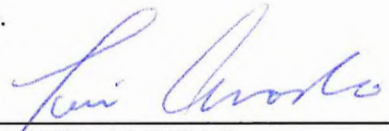
This Resolution, when adopted, must remain in the custody of the Administrative Secretary.



PASSAIC VALLEY WATER COMMISSION

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 of a legal quorum of the Original Resolution duly passed and adopted by a majority of the full membership of the Passaic Valley Water Commission at its meeting of JULY 24, 2024.


LOUIS AMODIO
Administrative Secretary

RESOLUTION # 24-086

PASSAIC VALLEY WATER COMMISSION

**RESOLUTION TO AWARD CONTRACT NO. 24-B-21
"CHEMICAL TANK NEUTRALIZATION AND CLEANING – RE-BID"**

DATE OF ADOPTION: JULY 24, 2024

Approved as to form and legality by Law Department on basis of facts set forth by Executive Director, Purchasing, Engineering and Finance Departments.

Introduced by Commissioner: **JOSEPH KOLODZIEJ**

Seconded by Commissioner: **RUBY COTTON**

WHEREAS, Passaic Valley Water Commission ("PVWC") is desirous of retaining services for Chemical Tank Neutralization and Cleaning; and in furtherance of this, PVWC advertised an Invitation for Bid for this project on April 25, 2024. Bids were to be received on May 2, 2024 and no bids were received at that time; and

WHEREAS, the Commission authorized the Buyer to re-bid this Contract via Resolution 24-063; and

WHEREAS, this Contract was rebid and bids were received on July 11, 2024. PVWC received one (1) bid was received by PVWC for Contract No. 24-B-21 entitled "Chemical Tank Neutralization and Cleaning – RE-Bid"; and

WHEREAS, said bid has been reviewed by the Engineering Department and the Director of Purchasing, and a copy of said bid tabulation sheet is attached hereto and made part hereof as **Exhibit A**; and

WHEREAS, the Local Public Contracts Law provides for award of the Contract upon receipt of bid and qualifications of bidder therefor; and

WHEREAS, the responsible responsive bid submitted for this contract was that of ACV Environmental Services, Inc. of Avenel, New Jersey (the "Awardee") with respect to said bid, in the amount of \$530,362.50 for a period of two (2) years; and

WHEREAS, PVWC's Comptroller has certified, with respect hereto, that funds are currently available for said purpose and a copy of the said certification is attached hereto as **Exhibit B** and made a part hereof;

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

1. That for Contract No. 24-B-21 entitled "Chemical Tank Neutralization and Cleaning – Re-Bid" in the total amount of \$530,362.50 in connection with the above-described goods and services is hereby awarded to the Awardee.
2. That the appropriate officers of the Commission are hereby authorized to execute the Contract; and implement the terms of said Contract in accordance with this Resolution and the submissions provided in connection therewith, with respect to solicitation for bids made in connection with Contract 24-B-21 (Re-Bid) as set forth hereinabove.

RECORD OF COMMISSION VOTE ON FINAL PASSAGE

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

Adopted at a meeting of Passaic Valley Water Commission.



President Pro-Tem
RIGO SANCHEZ

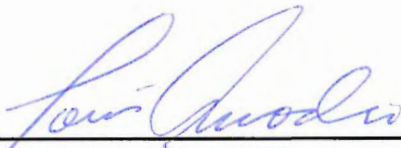


Secretary
RUBY N. COTTON

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 July 24, 2024.



LOUIS AMODIO
Administrative Secretary

EXHIBIT A

Title: Chemical Tank Neutralization & Cleaning
 Contract # 24-B-21
 Bid Tabulation Evaluation
 Bid Opening Date: July 11, 2024 at 2:00 pm

BIDDERS	BID DEPOSIT	TOTAL AMOUNT OF CONTRACT	REMARKS
ACV Environmental Services, Inc. 1500 Rahway Avenue Avenel, NJ 07001	☐ Certified Check	\$521,812.50	☒ Business Registration Cert.
	☐ Cashier's Check		☐ PWWC Consent of Surety
	☒ Bid Bond 10%	\$530,362.50	☐ Other Consent of Surety
	☒ Not to Exceed \$20K		☒ Public Works Cont. Cert.
			☒ EEO
	☐ Certified Check		☐ Business Registration Cert.
	☐ Cashier's Check		☐ PWWC Consent of Surety
	☐ Bid Bond 10%		☐ Other Consent of Surety
	☐ Not to Exceed 20K		☐ Public Works Cont. Cert.
			☐ EEO
	☐ Certified Check		☐ Business Registration Cert.
	☐ Cashier's Check		☐ PWWC Consent of Surety
	☐ Bid Bond 10%		☐ Other Consent of Surety
	☐ Not to Exceed \$20K		☐ Public Works Cont. Cert.
			☐ EEO
	☐ Certified Check		☐ Business Registration Cert.
	☐ Cashier's Check		☐ PWWC Consent of Surety
	☐ Bid Bond 10%		☐ Other Consent of Surety
	☐ Not to Exceed 20K		☐ Public Works Cont. Cert.
			☐ EEO
	☐ Certified Check		☐ Business Registration Cert.
	☐ Cashier's Check		☐ PWWC Consent of Surety
	☐ Bid Bond 10%		☐ Other Consent of Surety
	☐ Not to Exceed \$20K		☐ Public Works Cont. Cert.
			☐ EEO
	☐ Certified Check		☐ Business Registration Cert.
	☐ Cashier's Check		☐ PWWC Consent of Surety
	☐ Bid Bond 10%		☐ Other Consent of Surety
	☐ Not to Exceed 20K		☐ Public Works Cont. Cert.
			☐ EEO
	☐ Certified Check		☐ Business Registration Cert.
	☐ Cashier's Check		☐ PWWC Consent of Surety
	☐ Bid Bond 10%		☐ Other Consent of Surety
	☐ Not to Exceed 20K		☐ Public Works Cont. Cert.
			☐ EEO

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: Contract No. 24-B-21
"Chemical Tank Neutralization and Cleaning"
ACV Environmental Services, Inc.

Amount of Project or Contract:

NTE \$530,362.50

1. Acct: # 001-2002-423-45-05
Outside Contractors/Chemical Storage Cleaning
2. Specific Appropriation to which expenditures will be charged:
Budget/2024-2026

Other comments: Two (2) Year Contrac Commencing July 2024

Date of Certification: July 24, 2024

Amount Certified: \$530,362.50

Yitzchak Weiss
Comptroller and Chief Financial Officer

YW:lb

RESOLUTION # 24-087
PASSAIC VALLEY WATER COMMISSION

RESOLUTION TO AWARD CONTRACTS FOR "PROFESSIONAL LEGAL SERVICES"

DATE OF ADOPTION: JULY 24, 2024

Introduced by Commissioner: **JOSEPH KOLODZIEJ**

Seconded by Commissioner: **RUBY N. COTTON**

WHEREAS, the Passaic Valley Water Commission ("PVWC") has solicited for professional services (or extraordinary unspecifiable Services) for the following professional legal services:

1. Project No. 24-PL-01, "Review of Land Use and Related Matters."
2. Project No. 24-PL-02, "Bond Counsel Services."
3. Project No. 24-PL-03, "Loss Prevention, Insurance, Personal Injury Defense & Related Matters."
4. Project No. 24-PL-04, "Bankruptcy, Delinquencies & Other Related Matters."
5. Project No. 24-PL-05, "Employment Law/Personnel Matters & Other Related Matters."
6. Project No. 24-PL-06, "Special Counsel Services: Litigation, Contracts & Regulatory, Legislative & Policy Matters."
7. Project No. 24-PL-07, "Hearing Officer for Personnel Matters."
8. Project No. 24-PL-08, "Real Property Tax Appeals & Related Matters."
9. Project No. 24-PL-09, "Professional Legal Counsel for Investigations."
10. Project No. 24-PL-10, "Workers' Compensation Law and Related Matters."

and

WHEREAS, following public advertisement as required by New Jersey law, in accordance with an appropriate form of notice, and placement of the said notice in the official newspaper of PVWC and any other such publications as may have been deemed appropriate, PVWC has evaluated each response based on criteria as set forth in the request for responses for the Project; and

WHEREAS, based on said evaluation, the law firms listed on the attached **Exhibit A** (the "Awardee(s)"), were determined to be the most professionally qualified and capable of performing the required services with respect to the afore-mentioned Projects based upon their respective responses received on July 9, 2024 [hereinafter the "Response(s)"]; and

WHEREAS, the Response(s), copies of which are on file in the office of the Buyer and available for inspection; and

WHEREAS, it is in the best interest of PVWC, its users and constituent municipalities to engage, or continue to engage, the services of the Awardee(s) at this time; and

WHEREAS, the services to be rendered pursuant hereto constitute professional services (or extraordinary unspecifiable services) within the meaning and intent of the Local Public Contracts Law; and

WHEREAS, in the event that a specific not-to-exceed amount has been established in the Response, and PVWC has subsequently accepted the same, PVWC's Comptroller has certified, with respect hereto, that funds are currently available for said purpose. A copy of these Certifications are attached hereto and made a part hereof as **Exhibit B**; and

WHEREAS, PVWC retains the authority to retain additional outside professional legal counsel should such need be determined.

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

1. That PVWC hereby awards the Contract(s) to the Awardee(s) in accordance with N.J.S.A. 40A:11-1 et seq. and N.J.S.A. 19:44A-20.7, and in accordance with said Responses, for services related to the Project; and
2. That an appropriate official of PVWC, on behalf of PVWC, is hereby authorized and directed to execute the Contract(s) hereby awarded to the Awardee(s) and the Secretary of PVWC to attest to the Contract(s) and such other officers, employees and officials of PVWC are hereby authorized to perform such acts and execute such documents as are necessary to implement the terms and intentions of this Resolution, and
3. That this matter shall be advertised as required by New Jersey law, in accordance with an appropriate form of notice, and a copy of this Resolution and Agreement(s) shall be placed on file and made available for inspection at the office of the Administrative Secretary of Passaic Valley Water Commission.

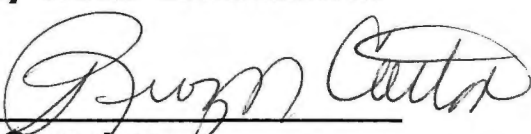
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COTTON, R.	<u>X</u>	___	___	___
SANCHEZ, R.	<u>X</u>	___	___	___
KOLODZIEJ, J.	<u>X</u>	___	___	___
DEPADUA, C.	<u>X</u>	___	___	___
FRIEND, G.	<u>X</u>	___	___	___
LEVINE, J.	___	___	___	<u>X</u>

Adopted at a meeting of Passaic Valley Water Commission.



President Pro-Tem
RIGO SANCHEZ

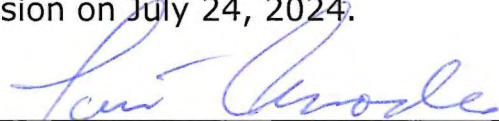


Secretary
RUBY N. COTTON

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CERTIFICATION

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LOUIS AMODIO
Administrative Secretary

EXHIBIT A

PROFESSIONAL LEGAL SERVICES 2024/2025				
Project Number	Project Name	Name of Law Firm	Hourly Rate	Not to Exceed
24-PL-01	Professional Legal Services for Review of Land Use and Related Matters	Waters, McPherson, McNeill PC	\$190.00	\$15,000.00
24-PL-02	Professional Bond Counsel Services	Dilworth Paxson, LLP	\$210.00	\$5,000.00
24-PL-03	Professional Legal Services Related to Loss Prevention, Insurance, Personal Injury Defense and Related Matters			
		Bio & Laracca, PC	\$190.00	\$15,000.00
		Law Offices of Matthew Priore	\$190.00	\$15,000.00
		Buglione, Hutton & DeYoe, LLC	\$190.00	\$15,000.00
24-PL-04	Professional Legal Services for Bankruptcy, Delinquencies, and Other Related Matters	Florio Kenny Raval LLP	\$190.00	\$30,000.00
		Celentano, Stadtmuer & Walentowicz, LLP		\$20,000.00
24-PL-05	Professional Legal Services Related to Employment Law/Personnel Matters and Other Related Matters	Bio & Laracca, PC	\$190.00	\$19,000.00
		Cleary Giacobbe Alfieri & Jacobs	\$190.00	\$19,000.00
24-PL-06	Special Counsel Services: Litigation, Contracts and Regulatory, Legislative & Policy Matters	Weber Dowd Law, LLC	\$190.00	\$65,000.00
		Waters, McPherson, McNeill, PC	\$190.00	\$10,000.00
24-PL-07	Professional Legal Services for Hearing Officer For Personnel Matters	Florio Kenny Raval LLP	\$190.00	\$10,000.00
24-PL-08	Professional Legal Services for Real Property Tax Appeals and Related Matters	Florio Kenny Raval LLP	\$190.00	\$5,000.00
24-PL-09	Professional Counsel for Investigations	Cleary Giacobbe Alfieri Jacobs	\$190.00	\$10,000.00
24-PL-10	Professional Legal Services Related to Workers' Compensation Law and Related Matters	Leitner, Tort, DeFazio & Brause, PC	\$190.00	\$10,000.00

EXHIBIT B

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: Project 24-PL-02 – “Professional Bond Counsel Services”

Dilworth Paxson, LLP

Amount of Project or Contract: \$5,000.00 plus reimbursable expenses

- 1. Acct: # 001-0201-412-30-13
 PROFESSIONAL SERVICE – LEGAL – BOND COUNSEL
- 2. Specific Appropriation to which expenditures will be charged:
 BUDGET 2024/2025

Other comments: Professional Services

Date of Certification: July 24, 2024

Certified: \$5,000.00

Yitzchak Weiss
Comptroller and Chief Financial Officer

YW:lb

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:	Project 24-PL-01 “Professional Legal Services for Review of Land Use and Related Matters”
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Waters McPherson, McNeill, P.C.

Amount of Project or Contract: \$15,000.00 plus reimbursable expenses

1. Acct: # 001-0201-412-30-06
PROFESSIONAL SERVICE – LEGAL/LAND USE GENERAL
2. Specific Appropriation to which expenditures will be charged:
BUDGET 2024/2025

Other comments: Professional Services

Date of Certification: July 24, 2024

Certified: \$15,000.00

Yitzchak Weiss
Comptroller and Chief Financial Officer

YW:lb

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: Project 24-PL-03

 “Professional Legal Services Related to Loss
Prevention, Insurance, Property Damage,
Personal Injury Defense &
Related Matters”

 Bio & Laracca, P.C.

Amount of Project or Contract: \$15,000.00 plus reimbursable expenses

- 1. Acct: # 001-0201-412-30-01
 PROFESSIONAL SERVICE – LEGAL-DEFENSE PERSONAL INJURY
- 2. Specific Appropriation to which expenditures will be charged:
 BUDGET 2024/2025

Other comments: Professional Services

Date of Certification: July 24, 2024 Certified: \$15,000.00

Yitzchak Weiss
Comptroller and Chief Financial Officer

YW:lb

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: Project 24-PL-03
 “Professional Legal Services Related to Loss
 Prevention, Insurance, Property Damage,
 Personal Injury Defense & Related Matters”

 Law Offices of Matthew Priore

Amount of Project or Contract: \$15,000.00 plus reimbursable expenses

- 1. Acct: # 001-0201-412-30-01
 PROFESSIONAL SERVICE – LEGAL-DEFENSE PERSONAL INJURY

- 2. Specific Appropriation to which expenditures will be charged:
 BUDGET 2024/2025

Other comments: Professional Services

Date of Certification: July 24, 2024 Certified: \$15,000.00

Yitzchak Weiss
Comptroller and Chief Financial Officer

YW:lb

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: Project 24-PL-03
 “Professional Legal Services Related to Loss
 Prevention, Insurance, Property Damage,
 Personal Injury Defense & Related Matters”

 Buglione, Hutton & DeYoe, LLC

Amount of Project or Contract: \$15,000.00 plus reimbursable expenses

- 1. Acct: # 001-0201-412-30-01
 PROFESSIONAL SERVICE – LEGAL-DEFENSE PERSONAL INJURY

- 2. Specific Appropriation to which expenditures will be charged:
 BUDGET 2024/2025

Other comments: Professional Services

Date of Certification: July 24,2024 Certified: \$15,000.00

Yitzchak Weiss
Comptroller and Chief Financial Officer

YW:lb

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: Project 24-PL-04
 “Professional Legal Services for Bankruptcy,
 Delinquencies, & Other Related Matters”

 Florio Kenny Raval, LLP

Amount of Project or Contract: \$30,000.00 plus reimbursable expenses

- 1. Acct: # 001-0201-412-30-20
 PROFESSIONAL SERVICE – LEGAL- BANKRUPTCY
- 2. Specific Appropriation to which expenditures will be charged:
 BUDGET 2024/2025

Other comments: Professional Services

Date of Certification: July 24, 2024 Certified: \$30,000.00

Yitzchak Weiss
Comptroller and Chief Financial Officer

YW:lb

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: Project 24-PL-05
 “Professional Legal Services Related to
 Employment Law/Personnel Matters, and
 Other Related Matters”

 Bio & Laracca, P.C.

Amount of Project or Contract: \$19,000.00 plus reimbursable expenses

- 1. Acct: # 001-0201-412-30-16
 PROFESSIONAL SERVICE – LEGAL- PERSONNEL

- 2. Specific Appropriation to which expenditures will be charged:
 BUDGET 2024/2025

Other comments: Professional Services

Date of Certification: July 24.2024 Certified: \$19,000.00

Yitzchak Weiss
Comptroller and Chief Financial Officer

YW:lb

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:

24-PL-06

“Special Counsel Services: Litigation, Contracts & Regulatory; Legislative and Policy Matters”

Weber Dowd Law LLC

Amount of Project or Contract: \$65,000.00 plus reimbursable expenses

1. Acct: # 001-0201-412-30-15
PROFESSIONAL SERVICE – LEGAL-
REGULATORY & ADMINISTRATION LAW
2. Specific Appropriation to which expenditures will be charged:
BUDGET 2024/2025

Other comments: Professional Services

Date of Certification: July 24.2024

Certified: \$65,000.00

Yitzchak Weiss

Comptroller and Chief Financial Officer

YW:lb

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: 24-PL-05
“Professional Legal Services Related to
Employment Law/Personnel Matters, and
Other Related Matters”
Cleary Jacobbe Alfieri Jacobs

Amount of Project or Contract: \$19,000.00 plus reimbursable expenses

- 1. Acct: # 001-0201-412-30-16
PROFESSIONAL SERVICE – LEGAL- PERSONNEL
- 2. Specific Appropriation to which expenditures will be charged:
BUDGET 2024/2025

Other comments: Professional Services

Date of Certification: July 24, 2024 Certified: \$19,000.00

Yitzchak Weiss
Comptroller and Chief Financial Officer

YW:lb

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: 24-PL-07
 “Professional Legal Services – Hearing
 Officer for Personnel Matters”
Florio Kenny Raval, LLP

Amount of Project or Contract: \$10,000.00

1. Acct: # 001-0201-412-30-16
PROFESSIONAL SERVICE – LEGAL- PERSONNEL
2. Specific Appropriation to which expenditures will be charged:
BUDGET 2022/2023

Other comments: Professional Services

Date of Certification: July 24, 2024

Certified: \$10,000.00

Yitzchak Weiss
Comptroller and Chief Financial Officer

YW:1b

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: 23-PL-08
 “Professional Legal Services For Real
 Property Tax Appeals, and Related Matters”
Florio Kenny Raval, LLP

Amount of Project or Contract: \$5,000.00 plus reimbursable expenses

1. Acct: # 001-0201-412-30-10
PROFESSIONAL SERVICE – Tax Appeals
2. Specific Appropriation to which expenditures will be charged:
BUDGET 2024/2025

Other comments: Professional Services

Date of Certification: July 24, 2024

Certified: \$5,000.00

Yitzchak Weiss
Comptroller and Chief Financial Officer

YW:lb

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: 24-PL-09
"Special Counsel for Investigations"
Cleary Giacobbe Alfieri Jacobs LLC

Amount of Project or Contract: \$10,000.00 plus reimbursable expenses

- 1. Acct: # 001-0201-412-30-16
PROFESSIONAL SERVICE – LEGAL- PERSONNEL
- 2. Specific Appropriation to which expenditures will be charged:
BUDGET 2024/2025

Other comments: Professional Services

Date of Certification: July 24.2024 Certified: \$10,000.00

Yitzchak Weiss
Comptroller and Chief Financial Officer

YW:lb

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: 24-PL-10
“Professional Legal Services Related to
Workers’ Compensation Law and
Related Matters”
Leitner, Tort, DeFazio & Brause, P.C.

Amount of Project or Contract: \$10,000.00 plus reimbursable expenses

- 1. Acct: # 001-0201-412-30-21
PROFESSIONAL SERVICE – LEGAL- GENERAL LITIGATION
- 2. Specific Appropriation to which expenditures will be charged:
BUDGET 2024/2025

Other comments: Professional Services

Date of Certification: July 24,.2024 Certified: \$10,000.00

Yitzchak Weiss
Comptroller and Chief Financial Officer

YW:lb

RESOLUTION NO. 24-088

PASSAIC VALLEY WATER COMMISSION

**RESOLUTION TO AWARD CONTRACT NO. 24-B-20 ENTITLED
"MAINTENANCE OF HVAC EQUIPMENT AND SYSTEMS"**

DATE OF ADOPTION: JULY 24, 2024

Introduced by Commissioner: **JOSEPH KOLODZIEJ**

Seconded by Commissioner: **RUBY N. COTTON**

WHEREAS, on July 18, 2024, three (3) bids were received by Passaic Valley Water Commission ("PVWC") for Contract No. 24-B-20 entitled "Maintenance of HVAC Equipment and Systems"; and

WHEREAS, the lowest responsible, responsive bid submitted for this contract was that of Residential Air Systems dba Victory Air Services (the "Awardee") with respect to said bid, in the amount of \$451,442.00 for a period of two (2) years; and

WHEREAS, the bids have been reviewed by the Engineering Department and the Director of Purchasing and a copy of the said bid tabulation sheet is attached hereto and made a part hereof as **Exhibit A**; and

WHEREAS, the Local Public Contracts Law provides for award of the Contract upon receipt of bids and qualifications of bidders therefor; and

WHEREAS, PVWC's Chief Financial Officer has certified, with respect hereto, that funds are currently available for said purpose and a copy of the said certification is attached hereto and made a part hereof as **Exhibit B**;

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

1. That for Contract No. 24-B-20 entitled "Maintenance of HVAC Equipment and Systems" in the total amount of \$451,442.00 in connection with the above-described goods and services is hereby awarded to the Awardee. That an appropriate official of PVWC, on

behalf of PVWC, is hereby authorized and directed to execute the Contract hereby awarded to the Awardee and the Secretary of PVWC to attest to the Contract and such other officers, employees and officials of PVWC are hereby authorized to perform such acts and execute such documents as are necessary to implement the terms and intentions of this Resolution.

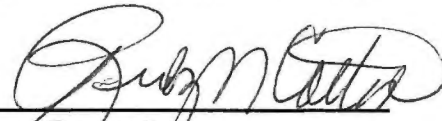
RECORD OF COMMISSION VOTE ON FINAL PASSAGE

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

Adopted at a meeting of Passaic Valley Water Commission.



President PRO-TEM
RIGO SANCHEZ

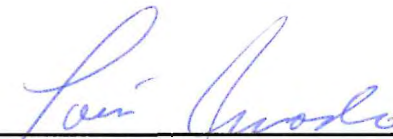


Secretary
RUBY N. COTTON

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 July 24, 2024.



LOUIS AMODIO
Administrative Secretary

EXHIBIT A

Title: Maintenance of HVAC Equipment and Systems
Contract # 24-B-20
Bid Tabulation Evaluation
Bid Opening Date: July 18, 2024 at 2:00 pm

BIDDERS	BID DEPOSIT	TOTAL AMOUNT OF CONTRACT	REMARKS
Residential Air Systems dba Victory Air Services 59 Village Park Road Cedar Grove, NJ 07009	Certified Check	\$451,442.00	☒ Business Registration Cert.
	Cashier's Check		☒ PVWC Consent of Surety
	☒ Bid Bond 10%		☐ Other Consent of Surety
	☒ Not to Exceed \$20K		☒ Public Works Cont. Cert.
McCloskey Mechanical Contractors, Inc. 445 Lower Landing Road Blackwood, NJ 08012	Certified Check	\$492,950.00	☒ EEO
	Cashier's Check		☒ Business Registration Cert.
	☒ Bid Bond 10%		☒ PVWC Consent of Surety
	☒ Not to Exceed 20K		☐ Other Consent of Surety
Envirocon LLC 83 Canada Goose Hackettstown, NJ 07840	Certified Check	\$605,920.00	☐ Public Works Cont. Cert.
	Cashier's Check		☒ EEO
	☒ Bid Bond 10%		☒ Business Registration Cert.
	☒ Not to Exceed \$20K		☒ PVWC Consent of Surety
	Certified Check		☐ Other Consent of Surety
	Cashier's Check		☐ Public Works Cont. Cert.
	☐ Bid Bond 10%		☐ EEO
	☐ Not to Exceed 20K		☐ Business Registration Cert.
	Certified Check		☐ PVWC Consent of Surety
	Cashier's Check		☐ Other Consent of Surety
	☐ Bid Bond 10%		☐ Public Works Cont. Cert.
	☐ Not to Exceed \$20K		☐ EEO
	Certified Check		☐ Business Registration Cert.
	Cashier's Check		☐ PVWC Consent of Surety
	☐ Bid Bond 10%		☐ Other Consent of Surety
	☐ Not to Exceed 20K		☐ Public Works Cont. Cert.
	Certified Check		☐ EEO
	Cashier's Check		☐ Business Registration Cert.
	☐ Bid Bond 10%		☐ PVWC Consent of Surety
	☐ Not to Exceed 20K		☐ Other Consent of Surety

EXHIBIT B

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: Contract No. 24-B-20
 "Maintenance of HVAC Equipment & Systems"
 Residential Air Systems dba
 Victory Air Services

Amount of Project or Contract:

NTE \$451,442.00

1. Acct: # 001-2002-423-45-03
Outside Contractors/HVAC
2. Specific Appropriation to which expenditures will be charged:
Budget/2024-2026

Other comments: Two (2) Year Contract Commencing July 2024

Date of Certification: July 24, 2024

Amount Certified: \$451,442.00

Yitzchak Weiss
Comptroller and Chief Financial Officer

YW:lb

RESOLUTION # 24-089

PASSAIC VALLEY WATER COMMISSION

**RESOLUTION TO RESCIND AWARD TO NEC FOR THE
RENEWAL OF MAINTENANCE CONTRACT FOR
PVWC'S PHONE/IVR AND UPGRADES**

DATE OF ADOPTION: JULY 24, 2024

Approved as to form and legality by Law Department on basis of facts set forth by the Executive Director, Purchasing, Engineering and Finance Departments.

Introduced by Commissioner: **JOSEPH KOLODZIEJ**

Seconded by Commissioner: **RUBY N. COTTON**

WHEREAS, on March 27, 2024, Passaic Valley Water Commission ("PVWC") voted to approve a 3-year renewal of its contract with NEC Corporation of America "NEC" for continued maintenance of PVWC's phone IVR system pursuant to Resolution 24-039 in the amount of \$394,006.79; and

WHEREAS, the Commission was notified by NEC after awarding the renewal that the system that was being maintained by NEC would become obsolete in two years and the agreed upon services could not be provided as promised for the term set forth in the quotation. The Memorandum of the Director of IT is attached hereto as **Exhibit A**; and

WHEREAS, PVWC seeks to rescind the award of March 27, 2024; and

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

1. That the Award of a 3-year service contract in the amount of \$394,006.79 to NEC is hereby rescinded.
2. That the appropriate officers of the Commission are hereby authorized to rescind the Agreement; accordance with this Resolution as set forth hereinabove.

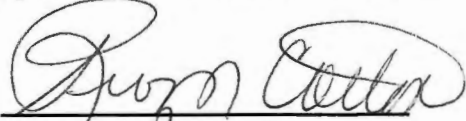
RECORD OF COMMISSION VOTE ON FINAL PASSAGE

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

Adopted at a meeting of Passaic Valley Water Commission.



President Pro-Tem
RIGO SANCHEZ

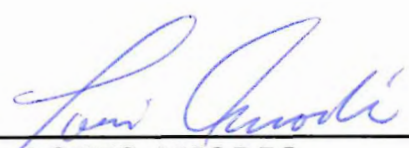


Secretary
RUBY N. COTTON

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 July 24, 2024.



LOUIS AMODIO
Administrative Secretary

EXHIBIT A

EXHIBIT A

PASSAIC VALLEY WATER COMMISSION INTER – OFFICE MEMORANDUM

To: L. Bresemann
From: L. Ducheine
cc: J. Mueller
Date: July 11, 2024
Re: Deny Recommendation to renew the NEC 3-year service contract + Systems upgrades

The IT Department's recommendation of the earlier Board Approved, 3-year maintenance contract with NEC corporation, be denied. The vendor used deceptive tactics, misrepresented its intentions and manipulated PVWC into buying its services.

PVWC has been in discussions with NEC's Robert Perriello, regarding this upgrade, since October of 2023. In discussions leading up to the upgrading of our communications system, we've communicated an unambiguous desire to operationally continue with our on premise hosted system. They assured us an on-premise solution architecture was the only one under consideration. Examination of the quote, provided by NEC, revealed components of a system to be hosted onsite.

After many meetings and securing the Board's approval, Robert applied pressure on PVWC to produce a Purchase Order for the contract:

- **2/23/24** NEC "If it's possible, would you provide any update on how the process is progressing."
- **2/28/24** "NEC is holding our best effort support to PVWC past the renewal date, as you know, however, having this information from you is very helpful in our managing."
- **3/1/24** "Respectfully, this now third request, in about a week, from me/NEC for an update on the progress from PVWC, specific to the NEC Maintenance Renewal closure. This is due to the fact, that NEC needs to manage internal contracts, not only for NEC hardware/software, but in addition our partners, such as Enghouse, who is requiring from NEC an update to them, during this "in between" period, where we have extended support. With the 1- month extension provided to PVWC, now expiring, our extensions with our partners, such as Enghouse, are expiring. This normally generates, reinstatement fees, which we are doing our best to manage, during this time. PVWC SENDING AN UPDATE TODAY, IS MUCH APPRECIATED AND IMPORTANT FOR NEC's MANAGEMENT OF THIS INTERIM PERIOD."
- **3/22/24** "As we approach end of March, I am reaching out to see if you can share any news from PVWC related to NEC decisions. If you can share if the PVWC Board approved the NEC package and if you believe NEC is positioned to receive PO, required paperwork, next week, or at what point, it would be appreciated."
- **4/11/24** NEC thanks PVWC for the requisite Purchase Order, asks that we signed the SOW and a Master Purchase Agreement.

4/15/24 Dear Landy,

I am writing to you in view of an important development concerning NEC's Unified Communications business. Kindly note that we are announcing today our Group's formal decision to exit our on-premise UC business outside of Japan over the next few years.

This change applies to all of our on-premises UC products. Our NEC UNIVERGE BLUE UCaaS / CCaaS offerings will not be affected by the exit process, where such products are currently available.

As a key and highly valued customer, we understand the significance of the UC solution to your operations. We want to assure you that we will fulfill the existing contractual obligations we have agreed

with you to date, and we are committed to exploring possible ways to ensure we find a suitable path forward.

We would also like to share the following details of our decision, as we communicate to our customers that, from today's announcement:

- we will no longer accept any new Purchase Orders received after 31st December 2024, nor will we enter into any new commitments/renewals/extensions after that date;
- we will no longer accept any new Purchase Orders with a scheduled or expected delivery date after 31st March 2025; and
- we will no longer provide hardware and/or software support services beyond 31st March 2026.

The date of 31st March 2025 is the deadline we are targeting for completing the last shipment of products relating to any accepted Purchase Orders received, and/or any new commitments/renewals/extensions agreed, between 15th April 2024 and 31st December 2024. However, we also understand that some customers will require extended support options for various reasons, and we will work with you to ensure continuity of service as best we can.

Considering the above, please allow us to reiterate how greatly we value the relationship we have built over the years. We will keep in close contact as this process develops while remaining available to speak at your convenience about options that may be explored to minimize any disruption during this transition. In the coming days, Bob Perriello will reach out to discuss how PVWC would like to proceed from here.

Thank you in advance for the opportunity to talk again.

Marc Hebner

SVP – Head of Enterprise BU; Americas

- President – NEC Cloud Communications America, Inc.
[NEC Corporation of America](#)

Upon receipt of this letter from Robert's supervisor, we resolved to stop all activities that preserve our previous relationships with this vendor. The only remaining artifact of that relationship is P.O. # 234280, with a balance of \$394,006.79. The Department of Information Technology requests that this P.O. be rescinded; we have not got any intention of conducting business with this vendor.

RESOLUTION # 24-090

PASSAIC VALLEY WATER COMMISSION

**RESOLUTION TO PROCURE AVAYA CALL MANAGEMENT SYSTEM
FOR PVWC'S PHONE SYSTEM
UNDER STATE CONTRACT #V00028616**

DATE OF ADOPTION: JULY 24, 2024

Introduced by Commissioner: **JOSEPH KOLODZIEJ**

Seconded by Commissioner: **RUBY N. COTTON**

WHEREAS, under the current New Jersey State Contract V00028616 (herein the "State Contract") PVWC is desirous of procuring the Avaya Call Management System from the Professional Services Group "PSG"; and

WHEREAS, the current system is at the end-of-life and PVWC desires to upgrade the current system under the State Contract; and

WHEREAS, a copy of the Director of IT's memorandum dated May 29, 2024, recommending the purchase, is attached hereto as **EXHIBIT A**; and

WHEREAS, a copy of the Quote No. PVWC001-20240516R2-0927 for a total of \$404,996.53 is attached hereto as **EXHIBIT B**; and

WHEREAS, in accordance with N.J.S.A. 40A:11-12, PVWC may purchase goods or services under contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, the Executive Director, the Director of Engineering, and the Chief Financial Officer have reviewed the above-referenced memorandums and concur with the recommendation of the Director of the IT Department; and

WHEREAS, PVWC's Comptroller has certified, with respect hereto that funds are currently available for said purpose and said certificate is attached hereto and made a part hereof as **Exhibit C**;

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

1. That the State Contract for procurement of the above-referenced equipment is hereby awarded to the Awardee as set forth hereinabove in the total amount of \$404,996.53; and
2. That the appropriate officers and employees of PVWC are hereby authorized and directed to perform such acts and execute such documents as are consistent herewith, with respect to the State Contract as set forth hereinabove.

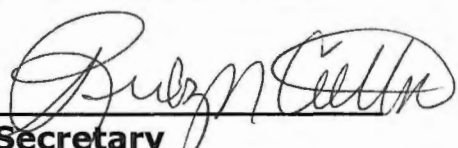
RECORD OF COMMISSION VOTE ON FINAL PASSAGE

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

Adopted at a meeting of Passaic Valley Water Commission.



President Pro-Tem
RIGO SANCHEZ

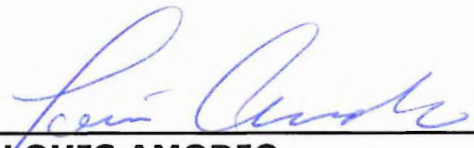


Secretary
RUBY N. COTTON

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 July 24, 2024.



LOUIS AMODIO
Administrative Secretary

PASSAIC VALLEY WATER COMMISSION

EXHIBIT A



Delivering solutions that WORK.

Professional Services Group (PSG)
1 South Corporate Drive, Riverdale, NJ 07457
(201) 312-6510



Passaic Valley
Water Commission

Quote Prepared for: Passaic Valley Water Commission
Customer Address: 1525 Main avenue
City/State/Zip: Clifton, NJ 07011
State/Zip Code: NJ 07631

PSG Major Account Executive: Hyman Fenster
Phone: 973-863-3157
Email: hfenster@psgsupport.com

Proposal:

Discounted State Contract Hardware / Services Proposal For:				Quote #: PVWC001-20240516R2-0927	
Company	Passaic Valley Water Commission			Date:	July 11, 2024
Address	1525 Main Avenue			Valid for:	60 Days
City, State ZIP	Clifton, NJ 07011				
Contact	Eric Coan			Phone	973-634-2266
				Email	eccoan@pvwc.com

Hardware							
Item Number	Description	QTY	MSRP	Discount %	Discount Amt.	Ext Price	Total
Clifton							
185446	Avaya Communications Solution	1	\$0.00	0.00%	\$0.00	\$0.00	\$0.00
412882	Aura R10 Analog New/Add Lic: NU	32	\$40.00	44.00%	-\$17.60	\$22.40	\$716.80
412885	Aura R10 Core Suite New Software Lic: NU;CU;SR	170	\$300.00	44.00%	-\$132.00	\$168.00	\$28,560.00
413050	Session Manager R10 system Lic:DS;NU;SR	2	\$1,300.00	44.00%	-\$572.00	\$728.00	\$1,456.00
405362641	Power Cord USA	2	\$23.00	44.00%	-\$10.12	\$12.88	\$25.76
413105	Appl Enblmnt R10 Basic TSAPI Lic:DS;CU	25	\$40.00	44.00%	-\$17.60	\$22.40	\$560.00
413138	Appl Enblmnt R10 DMCC Basic Lic:DS;CU	50	\$40.00	44.00%	-\$17.60	\$22.40	\$1,120.00
413081	Avaya Aura Media Server R10 system LIC:DS	2	\$250.00	44.00%	-\$110.00	\$140.00	\$280.00
413082	Avaya Aura Media Server R10 DSP Channel Lic:CU	120	\$65.00	44.00%	-\$52.80	\$36.40	\$4,368.00
700394661	MM711 Analog Media Module RHS	2	\$2,400.00	44.00%	-\$1,056.00	\$1,344.00	\$2,688.00
700394703	MM716 Analog Media Module 24 FXS RHS	1	\$4,500.00	44.00%	-\$1,980.00	\$2,520.00	\$2,520.00
700395445	120A CSU Cable 50 Feet RHS	1	\$157.20	44.00%	-\$69.17	\$88.03	\$88.03
700439250	MM710B E1/T1 Media Module	1	\$4,500.00	44.00%	-\$1,980.00	\$2,520.00	\$2,520.00
700506955	G450 MP160 Media Gateway	1	\$15,788.40	44.00%	-\$6,946.90	\$8,841.50	\$8,841.50
700507394	G450 R2 Power Supply	1	\$1,500.00	44.00%	-\$660.00	\$840.00	\$840.00
700513569	J179 IP Phone Global No Power Supply	116	\$500.00	44.00%	-\$220.00	\$280.00	\$32,480.00
Totowa							
405362641	Power Cord USA	2	\$23.00	44.00%	-\$10.12	\$12.88	\$25.76
700394661	MM711 Analog Media Module RHS	2	\$2,400.00	44.00%	-\$1,056.00	\$1,344.00	\$2,688.00
700394703	MM716 Analog Media Module 24 FXS RHS	1	\$4,500.00	44.00%	-\$1,980.00	\$2,520.00	\$2,520.00
700395445	120A CSU Cable 50 Feet RHS	1	\$157.20	44.00%	-\$69.17	\$88.03	\$88.03
700439250	MM710B E1/T1 Media Module	1	\$4,500.00	44.00%	-\$1,980.00	\$2,520.00	\$2,520.00
700506955	G450 MP160 Media Gateway	1	\$15,788.40	44.00%	-\$6,946.90	\$8,841.50	\$8,841.50
700507394	G450 R2 Power Supply	1	\$1,500.00	44.00%	-\$660.00	\$840.00	\$840.00
*** New Avaya CM ***							Grand Total: \$104,587.39

Services							
Item Number	Description	QTY	MSRP	Discount %	Discount Amt.	Ext Price	Total
PSG-PS-ST	Professional Services - 8 AM - 5 PM	236	\$188.00	0.00%	\$0.00	\$188.00	\$44,368.00
PSG-FT-ST	Professional Services - Field Technician - 8 AM - 5 PM	120	\$175.00	0.00%	\$0.00	\$175.00	\$21,000.00
PSG-FT-OH	Professional Services - Field Technician - Out of Hours	40	\$262.50	0.00%	\$0.00	\$262.50	\$10,500.00
PSG-PS-PM	Professional Services - Project Management	60	\$188.00	0.00%	\$0.00	\$188.00	\$11,280.00
							Grand Total: \$87,148.00

Maintenance							
Item Number	Description	QTY	MSRP	Discount %	Discount Amt.	Ext Price	Total
352237	SA Prefer Supt Aura R10 Analog 3YR Prep	32	\$17.28	20.00%	-\$3.46	\$13.82	\$442.37
352285	SA Prefer Supt Aura R10 Core Suite 3YR Prep	170	\$136.08	20.00%	-\$27.22	\$108.86	\$18,506.88
351997	SA Prefer Supt AES R10 Basic TSAPI 3YR Prep	25	\$18.00	20.00%	-\$3.60	\$14.40	\$360.00
352057	SA Prefer Supt AES R10 DMCC Basic 3YR Prep	50	\$18.00	20.00%	-\$3.60	\$14.40	\$720.00
352406	SA Prefer Supt Avaya Aura Media SRV R10 DSP CH 3YR Prep	120	\$29.52	20.00%	-\$5.90	\$23.62	\$2,833.92
352412	SA Prefer Supt Avaya Aura Media SRV R10 system 3YR Prep	2	\$113.40	20.00%	-\$22.68	\$90.72	\$181.44
230171	SA PARTS NBD Supt CM Medium Gateway 3YR Prep	2	\$1,657.44	20.00%	-\$331.49	\$1,325.95	\$2,651.90
PSG-HW-GWY-SYPP	PSG Gateway Hardware Coverage (Pre-Paid 3 Years) *	4	\$750.00	0.00%	\$0.00	\$750.00	\$3,000.00
* First year of hardware coverage is covered under warranty							Grand Total: \$28,696.51

Proposal Totals		Hardware: \$104,587.39	
PSG NJ, LLC, NJ State Contract Vendor#: V00028616		Services: \$87,148.00	
All terms are NET 30 unless otherwise agreed upon in writing		Maintenance: \$28,696.51	
All hardware will be invoiced upon delivery to site		Shipping & Handling: \$2,978.68	
2-day shipping is included in this quote. Expedited shipping will be quoted and invoiced separately		NJ Sales Tax (6.625%): EXEMPT	
Contract A80802, Avaya Communications		Grand Total: \$223,410.58	

Confidential

Page 1 of 4

Professional Services Group (PSG)



Quality. Integrity. Trust.
Delivering solutions that WORK.

Professional Services Group (PSG)

1 South Corporate Drive, Riverdale, NJ 07457

(201) 312-6510



**Passaic Valley
Water Commission**

Scope of Work:

PSG to provide implementation services on a new Avaya Communication Manager.

This quote includes the following services:

Clifton – Core CM

- Deploy and Configure Avaya Communication Manager Duplex Release 10.2 on customer provided VMWare. This includes installation and activation of latest service packs and updates.
 - Program Avaya Communication Manager for up to 200 Users (Includes Stations, Features, Trunking, ARS, Route Patterns, IP Network Regions, Restriction Levels, etc...)
- Professional Services - Advanced Programming for Vectoring, Routing, Etc...
- Deploy and Configure Avaya System Manager (SMGR) running latest release of 10.2 on customer provided VMWare. Includes installation and activation of latest Software Updates. Note: SMGR to be used as the Certificate Authority for all Avaya Servers and Adjuncts.
 - Deploy and Configure Avaya Session Manager Server (ASM) running the latest release 10.2 on customer provided VMWare. Includes installation and activation of latest Software Updates, as well as integration to Avaya System Manager
 - Deploy and Configure Avaya AES Server on customer provided VMWare. This includes installation and activation of latest software updates. CM Integration is included in this cost as well as integration support to existing Contact Center.
 - Deploy and Configure Avaya AES Server on customer provided VMWare. This includes installation and activation of latest software updates. CM Integration is included in this cost as well as integration support to new recording solution.
 - Deploy and Configure Avaya Messaging (AM) in an Primary/Secondary Voice Server with single Consolidated server HA configuration. Deploy Single Consolidated Server and Single Primary Voice server on customer provided Windows Servers 2019/2022 at the core location. This includes installation and activation of latest service packs and updates.
 - Configure up to (200) of Voicemail Subscribers.
 - Deploy and Configure Avaya Aura Device Services (AADS) Server on customer provided VMware. Includes installation and activation of latest Software Updates as well as integration to Avaya System Manager. Utility services to be configured for IP Phone HTTP access. Note: LDAP integration is not included and can be implemented at an additional cost.



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Delivering solutions that WORK.

Professional Services Group (PSG)

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**Passaic Valley
Water Commission**

- Deploy and Configure Avaya Media Server (AMS) on customer provided VMWare. Includes installation and activation of latest Software Updates as well as integration to Avaya System Manager.
- Deploy and Configure Avaya Diagnostic Server/Secure Access Link (SAL) on customer provided VMware. Installation includes software patching to the latest patch level. Configuration includes adding customer provided registration information into the SAL server for alarming and remote access for all devices being installed within this SOW.
- Configure (1) Avaya G450 Media Gateway with the following Media Modules:
 - (1)MM710
 - (2)MM11
 Note: Includes all firmware updates to the latest version**
- PSG Tech(s) to go onsite to prep site for Avaya IP Phone cutover. Unbox and upgrade firmware on approximately (103) J179 IP Sets. Tech will also prep G450 Media gateway and cabling for analog and trunk connections.
- PSG technician(s) to perform system cutover outside of normal business hours.
- PSG technician(s) to perform first day of business support.

Totowa - Remote ESS CM

- Deploy and Configure Avaya Communication Manager Duplex Release 10.2 on customer provided VMWare. This includes installation and activation of latest service packs and updates.
- Deploy and Configure Avaya Session Manager Server (ASM) running the latest release 10.2 on customer provided VMWare. Includes installation and activation of latest Software Updates as well as integration to Avaya System Manager
- Deploy Secondary Voice Server deployment on customer provided Windows Servers 2019/2022 at the Totowa location. This includes installation and activation of the latest service packs and updates.
- Deploy and Configure Avaya Media Server (AMS) on customer provided VMWare. Includes installation and activation of the latest Software Updates as well as integration to Avaya System Manager.
- Configure (1) Avaya G450 Media Gateway(s) with the following Media Modules:
 - (1)MM710
 - (2)MM11
- Includes all firmware updates to the latest version**



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**Passaic Valley
Water Commission**

- PSG Tech(s) to go onsite to prep site for Avaya IP Phone cutover. Unbox and upgrade firmware on approximately (65) J179 IP Sets. Tech will also prep G450 Media gateway and cabling for analog and trunk connections.
- PSG technician(s) to perform system cutover outside of normal business hours.

Notes:

- Onsite end-User training on phone and messaging usage (up to 3 days onsite).
- Up to 8 hours of remote admin training.
- This project has been quoted with PSG Project Management. PSG Project Manager(s) will oversee entire project and work with the client to ensure timelines and expectations are met.
- This project is being quoted without a site survey being completed. Additional charges may apply for delays which are not the responsibility of PSG. Expedites, re-scheduling of critical dates, return trips, permits, and changes requested by Customer during life of project which directly result in additional costs to PSG will be responsibility of Customer.
- PSG will require VPN access to customer's voice network for configuration services.
- For purposes of this quote all LAN\WAN administration (QoS, VLAN, DHCP, IP Addressing, etc...) will remain the responsibility of the customer.
- This quote does not include any robust cabling. PSG can provide cabling services at an additional cost.
- Servers being implemented in a VMWare environment must meet Avaya specs. PSG will provide OVA files to be implemented. PSG will require customer assistance in accessing VMWare and installing necessary OVA files.
- Pricing is valid for 60 days.
- Payment Terms are 50% due on signing, 25% due on delivery of equipment, and 25% due upon completion of install.
- Cutover shall be deemed to occur when the switching equipment is activated and functioning substantially to provide basic telephone service, except for minor variances in performance of the Equipment which do not materially impair basic telephone service. PSG (and Customer) shall monitor the Equipment for ten (10) days after Cutover and prior to Acceptance. At the conclusion of the ten (10) day monitoring period, PSG will request acceptance by Customer noting any exceptions, and will prepare final invoice for all materials and labor.

**Passaic Valley Water Commission
Enghouse Upgrade**

	Part		Unit	Ext
Qty	Number	Description	Sell Price	Sell Price
1	SURVEY	Enghouse CC Post Call Survey Application	\$ 18,800.00	\$ 18,800.00
5	VOICEAGENT	Enghouse CC Voice Agent License	\$ 998.00	\$ 4,990.00
5	MM-P	Enghouse QMS Screen Recording License	\$ 188.00	\$ 940.00
5	AE-P	Enghouse QMS Agent Evaluation License	\$ 188.00	\$ 940.00
25	MM1EMAIL	CC Single Media Agent (MM1) Email	\$ 499.00	\$ 12,475.00
1	PS0098	Enghouse Process Automation Upgrade	\$ 10,285.71	\$ 10,285.71
1	QMS-UPGRADE	Enghouse QMS Software Upgrade	\$ 9,334.29	\$ 9,334.29
1	SA0010-3	Enghouse CC Software Assurance - Premier	\$ 7,978.30	\$ 7,978.30
1	SAPQMS	Enghouse QMS Software Assurance - Premier	\$ 504.06	\$ 504.06
1	PS0099	CC Professional Services	\$ 44,700.99	\$ 44,700.99
1	SWREINSTATEMENT	CC Software Reinstatement Fee	\$ 25,549.77	\$ 25,549.77
Total Price:				\$ 136,498.12

- Notes:**
1. This quote includes upgrades to the current GA version for each platform on new Customer provided virtual servers. There is a dependency between EICC and the QMS solutions, both solutions need to be upgraded at the same time.
 2. There is a dialogic board currently in the system and will remain to support the out-dial application.
The existing dialogic board will be removed from the existing server and installed in the new server.
If PVWC prefers to replace the existing dialogic board instead of re-using it, it will need to be sourced by PVWC.
This board is used for answering machine detection for the out bound dialer.
 3. Enghouse Interactive will deploy Post Call Survey.
 4. Enghouse Interactive will upgrade the Quality Management Solution (QMS) to the latest release.
 5. Update licensing to include 5 additional Inbound Voice, 5 QMS Screen Recording and Agent Evaluation uplift from Call Recording only.
 6. Enghouse Interactive will deploy email queuing (1 queue) and post email survey.
 7. Customer is responsible for all applicable sales and use taxes.
 8. This quote is valid for 30 days.

Passaic Valley Water Commission
Enghouse Maintenance

	Part		Unit	Ext
Qty	Number	Description	Sell Price	Sell Price
1	SA0010-3	Enghouse CC Software Assurance - Premier	\$ 40,084.56	\$ 40,084.56
1	SAPQMS	Enghouse QMS Software Assurance - Premier	\$ 5,003.26	\$ 5,003.26
Total Price:				\$ 45,087.82

Note: This quote includes Enghouse mainenance for 1 year period, 8/1/24 - 7/31/25 if upgrade ordered by 7/31/24.

PASSAIC VALLEY WATER COMMISSION

EXHIBIT B

Passaic Valley Water Commission Inter – Office Memorandum

To: L. Bresemann

From: L. Ducheine

cc: J. Mueller

Date: May 29, 2024

Re: Recommendation to approve the Professional Services Group proposal for an Avaya Call Management System.

The department of Information Technology recommends the Commission approves the proposal from Professional Services Group for an Avaya Communication Manager (ACM) system. The vendor will provide implementation and maintenance services for the new ACM.

The services provided by this contract includes:

New Avaya Communication System	\$223,410.59
Enghouse upgrade	\$136,498.12
Enghouse	\$45,087.82
Total	\$404,996.53

We are looking forward to deploying industrial standard, American product and technology on-premise technology at PVWC. The Information Technology department recommends approval of this solution, in response to the previous vendor's deliberately late disclosure, after we issued the P.O., that they will not support the solution we just purchased from them; as of 2026.

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: Procure Avaya Call Management System
Under New Jersey State Contract
#V00028616 from Professional Services Grp

Amount of Project or Contract: \$404,996.53

1. Acct: #- 001-0901-419-95-02 - Capital/Prepaid Service

Specific Appropriation to which expenditures will be charged:
Capital Budget 2024/2025

Other comments: New Jersey State Contract #V00028616

Date of Certification: July 24, 2024

Amount Certified: \$404,996.53

Yitzchak Weiss
Comptroller and Chief Financial Officer

YW:lb

RESOLUTION # 24-091

RESOLUTION OF PASSAIC VALLEY WATER COMMISSION

RESOLUTION FOR BUDGET AMENDMENT, CHANGE ORDER NO. 2 FOR CONTRACT NO. 22-B-16 ENTITLED "REPLACEMENT OF HYDRANTS"

DATE OF ADOPTION: JULY 24, 2024

Introduced by Commissioner: **JOSEPH KOLODZIEJ**

Seconded by Commissioner: **RUBY N. COTTON**

WHEREAS, PVWC awarded Contract No. 22-B-16 entitled "Replacement of Hydrants" (the "Contract") to Roman E & G Corporation (Roman), of Newark, New Jersey at PVWC's Commission Meeting on December 16, 2021, awarding a two-year extension commencing December 18, 2021 and expiring on July 27, 2022; all in accordance with N.J.S.A. 40A:11-15; and in an amount not to exceed \$9,681,030.00; and

WHEREAS, Change Order No. 1 was approved to perform all hydrant and valve inspections in advance of the hydrant replacement work increasing the total adjusted Contract Price by an additional \$554,430.00 which brought the total adjusted Contract Price up to \$10,235,460.00 with no change to the expiration date; and

WHEREAS, it is also recommended that PVWC issues Change Order No. 2 to perform additional hydrant replacements for out of service hydrants from the most recent hydrant inspections conducted by the fire departments in Spring of 2024 and shall include performing all outstanding and new restoration work and traffic control associated with hydrant replacement activities and increases the Contract Price with an additional increase of \$1,300,000.00 (19.1% total increase) which brings the total adjusted Contract Price up to \$11,535,460.00; and

WHEREAS, it is also recommended that PVWC provides the Contractor with a time extension to the existing contract from July 26, 2024 to December 31, 2024 to provide Contractor additional time to complete all remaining work; and

WHEREAS, the Director of Engineering has determined costs associated with ongoing recovery efforts to be reasonable and has recommended additional costs related thereto, be approved, as described in the memorandum and attached hereto and made a part hereof as **Exhibit A**; and

WHEREAS, PVWC's Chief Financial Officer has certified, with respect hereto, that funds are currently available for said purpose and a copy of the said certification is attached hereto and made a part hereof as **Exhibit B**.

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

1. That PVWC hereby authorizes a time extension and Change Order No. 2 to the terms as set forth hereinabove; and

2. That appropriate officers of the Commission are hereby authorized and directed to execute this Contract extension as set forth hereinabove and implement the terms of this extended Contract in accordance with this Resolution and the submissions provided in connection herewith, and the Secretary of PVWC to attest to this Contract extension and such other officers, employees and officials of PVWC are hereby authorized to perform such acts and execute such documents as are necessary to implement the terms and intentions of this Resolution; and
3. That this matter shall be advertised as required by New Jersey law, in accordance with an appropriate form of notice, and a copy of this Resolution shall be placed on file and made available for public inspection at the office of the Administrative Secretary of Passaic Valley Water Commission.

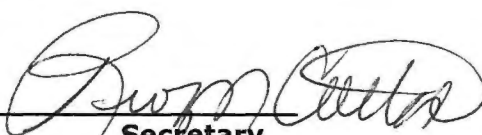
RECORD OF COMMISSION VOTE ON FINAL PASSAGE

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

Adopted at a meeting of Passaic Valley Water Commission.



President Pro-Tem
RIGO SANCHEZ

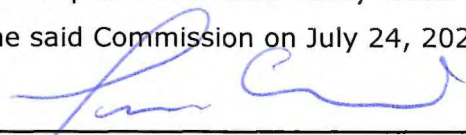


Secretary
RUBY N. COTTON

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 July 24, 2024.



LOUIS AMODIO
Administrative Secretary

EXHIBIT A

**PASSAIC VALLEY WATER COMMISSION
INTEROFFICE MEMORANDUM**

Date: July 16, 2024

To: J. Mueller

From: P. Porcaro

cc: C. Vozzella, L. Bresemann, A. Wells, M. Marotta, Y. Weiss

Re: Resolution No. 24-091: Budget Amendment, Change Order No. 2 for Contract No. 22-B-16 entitled "Replacement of Hydrants"

Contract 22-B-16 entitled "Replacement of Hydrants" was awarded to Roman E & G Corporation (Roman), of Newark, New Jersey at PVWC's July 27, 2022 Commission Meeting (Resolution No. 22-080) with a not to exceed amount of \$9,681,030.00 and will expire on July 26, 2024.

Change Order No. 1 is to perform all hydrant and valve inspections in advance of the hydrant replacement work increased the Contract Price by an additional \$554,430.00 with a total not to exceed amount of \$10,235,460.00 with no change to the expiration date.

Proposed Change Order No. 2 is to perform additional hydrant replacements for out of service hydrants from the most recent hydrant inspections conducted by the fire departments in Spring of 2024. Additionally, work shall include performing all outstanding and new restoration work and traffic control associated with hydrant replacement activities.

Proposed Change Order No. 2 increases the Contract Price by an additional \$1,300,000.00 (19.1% total increase) which brings the total adjusted Contract Price to \$11,535,460.00 to be billed to Account No. 001-3002-424.72-07, Purchased-Services / Hydrant Repairs.

Additionally, it is recommended that PVWC provides the Contractor with a time extension to the existing contract from July 26, 2024 (Resolution No. 22-080) to December 31, 2024.

EXHIBIT B

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: Contract No. 22-B-16 – Change Order #2
“Replacement of Hydrants”
Roman E & G Corp. of Newark.

Amount of Project or Contract:

New NTE \$11,535,460.00

1. Acct: # 001-3002-424-72-07
Purchases- Services/Hydrant Repairs
2. Specific Appropriation to which expenditures will be charged:
Budget/2024

Other comments: Change Order #2 – Increase of \$1,300,000. For a Total Contract
Amount of \$11,535,460.00

Date of Certification: July 24, 2024

Amount Certified: \$11,535,460.00

Yitzchak Weiss
Comptroller and Chief Financial Officer

YW:lb

RESOLUTION NO.: 24-092
RESOLUTION OF PASSAIC VALLEY WATER COMMISSION

**AWARD OF CONTRACT 24-B-5—WATER STORAGE
IMPROVEMENTS PHASE 1, LEVINE WATER TANKS**

DATE OF ADOPTION: July 24, 2024

Approved as to form and legality by Law Department on basis of facts set forth by the Executive Director, Purchasing, Engineering and Finance Departments.

Introduced by Commissioner: **JOSEPH KOLODZIEJ**

Seconded by Commissioner: **RUBY N. COTTON**

WHEREAS, on May 21, 2024, the Passaic Valley Water Commission ("PVWC") received five (5) bids for Contract 24-B-5—Water Storage Improvements Phase 1, Levine Water Tanks ("Project"); and

WHEREAS, the apparent low bidder was Anselmi & DeCicco, Inc. ("Anselmi") with a bid of \$40,255,770; and

WHEREAS, the apparent second low bidder was J. Fletcher Creamer & Son, Inc. ("Creamer") with a bid of \$41,819,780; and

WHEREAS, the apparent third-lowest bidder, Carbro Constructors Corp. ("Carbro"), with a bid of \$44,732,529, claimed that Carbro won the bid because the bids submitted by Anselmi and Creamer had material, non-waivable, and non-curable defects; and

WHEREAS, the three apparent lowest bidders—Anselmi, Creamer, and Carbro—each submitted at least one written letter or e-mail to the PVWC arguing why the contract should be awarded to them, and all three bidders believed that the bid challenge could be decided based on the submissions and did not require a hearing; and

WHEREAS, after considering all of the arguments made by Anselmi, Creamer, and Carbro, and after consultation with the New Jersey Department of Environmental Protection ("NJDEP") and with

counsel for the PVWC, the officers of the PVWC determined the following:

1. Anselmi's Bid should be disqualified for containing at least one material, non-waivable, and non-curable defect; and
2. Creamer's Bid should be accepted and the contract should be awarded to Creamer as the "lowest responsible bidder", despite having at least one and possibly two defects in its bid, because those defects should be deemed waivable or curable under the Local Public Contracts Law, N.J.S.A. § 40A:11-1 et seq. ("LPCL").

WHEREAS, the LPCL provides for the award of the contract upon receipt of bids and a determination of which bidder is the "lowest responsible bidder"; and

WHEREAS, the PVWC has confirmed that Creamer agrees to keep its Bid offer open for acceptance by the PVWC; and

WHEREAS, the PVWC notified iBank by letter dated July 22, 2024 articulating the legal basis for awarding the Contract to Creamer and seeking iBank's comments and/or consent to same, a copy of which is attached hereto as **Exhibit A**; and

WHEREAS, PVWC's Chief Financial Officer has certified, with respect hereto, that funds are currently available for said purpose and a copy of the said certification is attached hereto as **Exhibit B** and made a part hereof; and

WHEREAS, the Commissioners of PVWC have considered the recommendations of PVWC's Executive Director, Chief Financial Officer, Director of Engineering, and Director of Purchasing (and PVWC's General Counsel as to form and legality) and have determined that it is appropriate and in the best interest of PVWC, its users and constituent municipalities, to adopt same as its act;

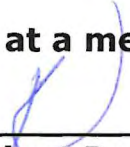
NOW, THEREFORE, BE IT RESOLVED, by Passaic Valley Water Commission, in the County of Passaic, New Jersey that:

1. Contract 24-B-5 entitled "Water Storage Improvements Phase 1, Levine Water Tanks" in the total amount of \$41,819,780 be awarded to J. Fletcher Creamer & Son, Inc., subject to approval by the NJDEP.
2. The appropriate officials and employees of PVWC be and are hereby directed to proceed with all necessary acts for issuing Contract 24-B-5 to J. Fletcher Creamer & Son, Inc. and to perform such acts and execute such documents as are necessary to implement the terms and conditions of said Contract as well as the intentions of this Resolution as set forth hereinabove.

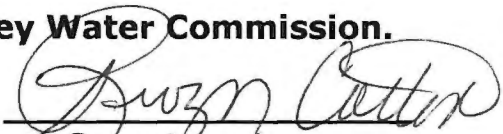
RECORD OF COMMISSION VOTE ON FINAL PASSAGE

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

Adopted at a meeting of Passaic Valley Water Commission.



President Pro-Tem
RIGO SANCHEZ



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 July 24, 2024.



LOUIS AMODIO
Administrative Secretary

EXHIBIT A



PASSAIC VALLEY WATER COMMISSION
1525 MAIN AVENUE • P.O. BOX 230
CLIFTON, NEW JERSEY 07011 • (973) 340-4300
CLIFTON FAX # (973) 340-4321

Executive Director
James Mueller

COMMISSIONERS
Jeffrey Levine, President, Paterson
Rigoberto Sanchez, Vice President, Passaic
Joseph Kolodziej, Treasurer, Clifton
Ruby N. Cotton, Secretary, Paterson
Carmen DePadua, Commissioner, Paterson
Gerald Friend, Commissioner, Clifton
Ronald Van Rensalier, Commissioner, Passaic

July 22, 2024

Via Upload to H2Loans
Danielle Green
Environmental Engineer
Bureau of Construction, Payments and Administration
NJDEP | iBank

Re: Passaic Valley Water Commission (“PVWC”)
Water Storage Improvements Phase 1—Levine Water Tanks
State Loan Project No.: 1605002-014
PVWC Contract No.: 24-B-05
Recommendation of Award to J. Fletcher Creamer & Son, Inc. in the amount of \$41,819,780

Dear Ms. Green,

Please accept this letter from the Passaic Valley Water Commission (“PVWC”) providing our legal basis for the recommendation to award¹ the above-referenced contract to J. Fletcher Creamer & Son, Inc. (“Creamer”), in the amount of \$41,819,780 as the “lowest responsible bidder.”

On May 21, 2024, PVWC received and publicly opened bids for the above-referenced solicitation. The results were as follows:

1.	Anselmi & DeCicco, Inc. (“Anselmi”)	\$40,255,770
2.	J. Fletcher Creamer & Son, Inc. (“Creamer”)	\$41,819,780
3.	Carbro Constructors Corp. (“Carbro”)	\$44,732,529
4.	Railroad Construction Company (“Railroad”)	\$49,123,608
5.	Rencor, Inc. (“Rencor”)	\$50,565,551

On May 22, 2024, Carbro submitted a letter to PVWC challenging the bid results, seeking to disqualify the two lowest bids for alleged material, non-waivable, and non-curable defects, and to have the Contract awarded to Carbro. Carbro identified the following alleged:

¹ This recommendation is pending the approval of the Commissioners of the PVWC.

A. [As to both Anselmi and Creamer] Their bids failed to identify as a subcontractor an archaeologist that was registered under the Public Works Contractor Registration Act, N.J.S.A. § 34:11-56.48 *et. seq.* (“PWCRA”).

B. [As to Anselmi] Anselmi’s cost proposal for L1—Mobilization exceeded the maximum permitted under the solicitation.

C. [As to Creamer] Creamer did not use the bid bond form required by and attached to the bidding documents, but instead used its own form with language that deviated from the required form.

The three lowest bidders submitted their respective positions to PVWC defending their bid submissions. When given the option to hold a hearing or have the matter decided on the submissions, all three bidders chose the latter, therefore, no hearing was held. As you may recall, PVWC consulted with iBank and DEP on June 27, 2024, to determine whether the agencies preferred to take part in deciding the issues raised by the bid challenge. We were advised that the agencies would rely on PVWC’s judgment on this matter.

Therefore, after considering all of the arguments made by Anselmi, Creamer, and Carbro, and consulting with counsel, PVWC found the following:

The submission of the apparent low bidder, Anselmi, contained a fatal defect that required disqualification. Anselmi’s cost proposal for “L1—Mobilization” exceeded the maximum permitted under the solicitation. The maximum allowable lump sum price for mobilization was 2.5% of the bidder’s total bid price (*see* Specifications at 01 29 00 – 5, § 1.07(B)(1)). Anselmi provided a mobilization figure of \$3,950,000.00, which was over 9% of the Total Bid Price. This defect was determined to be material by two outside legal firms, and PVWC’s general counsel. PVWC considered Anselmi’s arguments that the mobilization defect was either waivable or curable; however, PVWC and outside legal counsel did not find these arguments legally persuasive.

Having disqualified Anselmi, PVWC considered whether Creamer’s bid contained defects that required disqualification as well. PVWC determined that it should not be disqualified as the defects in its bid were minor and either waivable or curable under the Local Public Contracts Law, N.J.S.A. § 40A:11-1 *et seq.* (“LPCL”). The justification is outlined below:

I. The PWCRA-Registered Archaeologist Issue. The first alleged defect in Creamer’s bid is Creamer’s failure to identify as a subcontractor an archaeologist that was registered under the (“PWCRA”). The justifications for waiver of this defect include but are not limited to the following:

1. No archaeologist or archaeology practice is required to register under the PWCRA.
 - a. Trades are required to register under the PWCRA, not professionals. *See generally* N.J.S.A. § 34:11-56.51a (providing an exception to the registration rule for certain subcontractors); N.J.S.A. § 34:11-56.26(5) (defining “public work”).
 - b. This list of wages and crafts/trades, as applicable to Passaic County, is available on the New Jersey Department of Labor and Workforce Development (“DOL”) website at

<https://lwdwebpt.dol.state.nj.us/archivewages/150122207-passaic-5-29-24.pdf>.

Archaeologist is not one of them.

2. Of the five bids received, four of them (excluding the Challenger, Carbro), named a proposed archaeology subcontractor that was not registered under the PWCRA.
 - a. Those proposed archaeologists were Richard Grubb and Associates, Inc., Hunter Research Inc. (named by two bidders), and Acme Heritage Consultants LLC.
3. The only reasonable meaning of “registered archaeologist” is an archaeologist that is registered with the Register of Professional Archaeologists, a nationally-renown professional organization (<https://rpanet.org>).
 - a. All of the archaeologists or archaeology firms listed in ¶ 2a above are registered with this organization.
4. It is believed that a construction entity that has among its various departments an archaeology practice (*e.g.*, WSP USA, Inc.—Carbro’s proposed “archaeologist”), might be able to apply for and register under the PWCRA, but that does not make the entire entity, or the archaeology section thereof, a “registered archaeologist” under the PWCRA.
5. Any “defect” here was not the result of an error or omission by Creamer or failure by Creamer to construe the true intent of PVWC’s bid instructions.
 - a. Although the specifications failed to define the meaning of “a qualified Registered Archaeologist (RA)” under specification 02 41 00 – 9, there is certainly no indication anywhere in the bidding documents that the term “Registered Archaeologist” was intended to mean a PWCRA-registered archaeologist.
6. The difference in cost between retaining an archeologist from a PWCRA-registered construction entity versus an archaeologist without this registration is probably negligible and would not have given Creamer an advantage in bidding over Carbro.
 - a. *E.g.*, Although Carbro argues that Anselmi and Creamer were able to submit their bids “at a significant discount,” the bid submissions themselves show otherwise. The bids do not specify the exact amount allocated to the designated archaeologist subcontractor (which is combined with other contract work under Item L5), however, they indicate under Item U22 the rate at which the archaeologist subcontractor will be paid for any additional work required, with Anselmi providing \$175 per hour (\$2,800 for 16 hours), Creamer providing \$160 per hour (\$2,560 for 16 hours), and Carbro providing \$300 per hour (\$4,800 for 16 hours).
 - b. The differences between the costs allocated by each bidder to their designated archaeologist are inconsequential in comparison to the \$2.9 million disparity between the bid amounts of Creamer and the Challenger, Carbro.
 - c. Specification 02 41 00 – 9, §3.09 covering all of the work to be performed by the Registered Archaeologist is minor in scope and would not entail millions of dollars in labor costs.

II. The AIA Bid Bond Issue. The second alleged defect in Creamer’s bid is Creamer’s failure to use the bid bond form required by and attached to the Solicitation as Attachment “L”, instead using an

AIA bid bond with certain language that deviated from the required form. The AIA bid bond includes certain language (“not to exceed”) and excludes certain language (“insurance clause”) that make it different from Attachment “L”. The justifications for waiver of this defect include but are not limited to the following:

1. Although the included “not to exceed” language in Creamer’s AIA bid bond contradicts PVWC’s form of bid bond at Attachment “L”, the problematic language will be deemed stricken from the bond under a separate provision in the AIA bond referred to as a “savings clause” such that this aspect of the defect automatically ceases to pose any potential problem.
 - a. There is an unpublished case on point with this conclusion. *Suburban Disposal, Inc. v. City of Paterson*, 2024 WL 1360849 (App. Div. Apr. 1, 2024).
2. Although Creamer’s AIA bid bond fails to include the “insurance clause”, there is no insurance production requirement as a pre-condition to signing the contract, meaning that the “insurance clause” is superfluous, and its omission is of no consequence.
 - a. The General Conditions for this Contract provide that evidence of insurance is to be provided “[b]efore any Work at the site is started”, and not “as conditions precedent to the Owner’s execution of the Contract....”. See General Conditions §§ 2.6 and 5.4 at GC-7, GC-18.
3. The differences between Creamer’s AIA bid bond and PVWC’s form of bid bond are inconsequential to the essential substance and purpose of the bid bond requirement. Thus, under the circumstances, Creamer’s AIA bid bond did not “attempt[] to modify, alter or otherwise change the specifications, and/or contract terms” as prohibited by the bid instructions.

If you have any questions or concerns, please do not hesitate to contact me at 973-340-4344 or ybrisman@pvwc.com.

Thank you for your time and attention to this matter.

Very truly yours,

Yaacov Brisman

Yaacov Brisman
General Counsel

EXHIBIT B

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: Contract No. 24-B-05
 “Water Storage Improvements Phase 1 –
 Levine Water Tanks”
 J. Fletcher Creamer & Son, Inc.

Amount of Project or Contract:

1. Acct: # 001-0901-419-95-24
CAPITAL/Reservoir Covers
2. Specific Appropriation to which expenditures will be charged:
CAPITAL/2024-2026

Other comments: Two (2) Year Contract Commencing July 2024

Date of Certification: July 24, 2024

Amount Certified: \$41,819,780.00

Yitzchak Weiss
Comptroller and Chief Financial Officer

YW:1b