

## Resolution 11-056

### ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY RESOLUTION TO AUTHORIZE THE EXECUTION OF AN AMENDMENT TO THE AGREEMENT WITH OMNI ENVIRONMENTAL, LLC FOR THE PERFORMANCE OF AN ANTIDegradation STUDY

**WHEREAS**, there is a need to conduct an Anti-Degradation Study on the Rockaway River to evaluate potential impacts, if any, upon the Rockaway River anticipated to occur due to future wastewater discharges from the Rockaway Valley Regional Sewerage Authority (RVRSA) treatment plant; and

**WHEREAS**, by Resolution 11-007, dated January 13, 2011, the RVRSA authorized the award of a professional services contract to Omni Environmental, LLC of Research Park, 321 Wall Street, Princeton, N.J. 08540, for the performance of said Anti-Degradation Study; and

**WHEREAS**, in an effort to achieve a cost savings with respect to the effort of developing a new model of the receiving stream, i.e. the Rockaway River, a meeting was held with the New Jersey Department of Environmental Protection (NJDEP) on July 26, 2011, wherein it was agreed that it was appropriate to utilize the existing model developed in 2003, provided additional data was collected to verify and calibrate the model. This determination would have resulted in significant additional sampling and analysis at a significant increase in cost, however, NJDEP subsequently agreed that data already collected in 2004 was relevant and appropriate for these purposes and that there was no need to undertake additional sampling, thus avoiding significant additional costs; and

**WHEREAS**, in order to verify the 2003 model, with the data collected in 2004, it is necessary to set up and simulate the river conditions that occurred in 2004, at a cost of \$19,000.00, and

**WHEREAS**, James F. Cosgrove, Jr., P.E. of the firm of Omni Environmental, LLC of Research Park, 321 Wall Street, Princeton, N.J. 08540 has submitted a proposal for such professional services, attached hereto and made a part hereof; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40:11-1 et seq.) authorizes contracts for the provision of "Professional Services", which may be awarded without public advertising and competitive bidding therefore, provided a brief notice of the nature, duration, service and amount of contract is published, and that the Resolution and contract are kept on file and available for public inspection; and

**WHEREAS**, upon the adoption of a Resolution to Amend the 2011 Capital Budget to provide for an additional \$19,000 for the Anti-Degradation Study, RVRSA has an additional \$19,000 available for the performance of the Anti-Degradation Study.

**NOW, THEREFORE, BE IT RESOLVED** by the Rockaway Valley Regional Sewerage Authority as follows:

1. The Rockaway Valley Regional Sewerage Authority recognizes that Omni Environmental Services LLC has an established reputation in the field of engineering matters related to the river study, quality assurance sampling plan, anti-degradation analysis, and that they possess the specialized abilities and resources to provide expert engineering services necessary to meet the Authority's needs.
2. Subject to adoption of an amendment to the 2011 Capital Budget that provides for the availability of \$19,000 for the performance of an Anti-Degradation Study, and upon receipt from the Director of Division of Local Government Services of confirmation that the Amendment of RVRSA 2011 Capital Budget is approved, the Rockaway Valley

Regional Sewerage Authority authorizes an Amendment to the Agreement with Omni Environmental LLC, relevant to the performance of an Anti-Degradation Study, as more fully set forth in the proposal attached hereto and made a part hereof.

3. As these services have been deemed to be outside the scope of the Amendment to the July 30, 1971 Stipulation of Settlement, as approved by the Superior Court of New Jersey, Chancery Division, Morris County, on August 17, 1984, neither the City of Jersey City nor the Jersey City Municipal Utilities Authority shall be responsible for the payment of any fees or charges due under the agreement for the performance of an Anti-Degradation Study hereby awarded to Omni Environmental LLC.
4. This agreement is awarded based on a non-fair and open process and is awarded without competitive bidding as a "Professional Service" under the provisions of the Local Public Contracts Law, N.J.S.A. 40:11-5, because the service is of such a nature that it will not reasonably permit the drawing of specifications or the receipt of competitive bids.
5. A copy of this resolution shall be available for public inspection at the offices of the RVRSA at 99 Green Bank Road, Township of Parsippany-Troy Hills, Morris County, New Jersey.
6. Notice of Contract Award shall be published in the Daily Record as required by law within ten (10) days of its execution.
7. This Resolution shall take effect as approved by law.

I hereby certify that this Resolution was adopted at a special meeting of the Rockaway Valley Regional Sewerage Authority on August 4, 2011

On motion of Hector Schorno

Second by Glenn Corbett

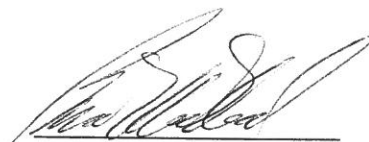
And a roll call vote as follows:

Yeas: (6) Cegelka, Corbett, MacNeal, Schaefer, Schorno, Secco

Nays: (0) None

Abstain: (0) None

Absent: (4) Guadagno, Klingener, Lowell, Schulman



Bruce MacNeal  
Secretary



August 1, 2011

VIA EMAIL AND U.S. MAIL

Mr. Edward K. P. Ho, P.E.  
Executive Director  
Rockaway Valley Regional SA  
RD #1  
99 Green Bank Road  
Boonton, NJ 07005

**RE: PROPOSAL – MODEL VALIDATION FOR ANTI-DEGRADATION STUDY**

Dear Mr. Ho:

I have prepared this letter to request authorization for an added task being required by the New Jersey Department of Environmental Protection (NJDEP) for the Anti-Degradation Study. You may recall the Anti-Degradation Study is being completed to demonstrate that an expanded discharge flow will not degrade water quality in the Rockaway River (a condition of the Morris County Wastewater Management Plan). Omni Environmental LLC (Omni) prepared a work plan that summarized the sampling that is being completed and analysis/modeling that will be completed, which was approved by NJDEP in June. Sampling began in July and is ongoing. In an effort to save the cost of developing a new model of the Rockaway River, Omni recommended that the model we previously developed in 2003 would be appropriate to use for this study. As a condition of the work plan approval, Omni was required to review the details of that model with NJDEP. I met with NJDEP on July 26<sup>th</sup> to discuss this matter and was able to convince NJDEP that it is appropriate to utilize the existing model; however, NJDEP requires that additional data be used to verify the accuracy of the model. This would have required additional sampling to be completed in the Rockaway River this summer at a significant cost. Fortunately, I was able to identify data we collected for RVRSA in 2004 that NJDEP has agreed would be appropriate to utilize to verify the model, saving the Authority the significant expense of added sampling.

In order to verify the model with the 2004 data, Omni will need to set up the model to simulate the conditions that occurred in 2004. I am seeking your authorization for this added work in order to complete the Anti-Degradation Study so that the Morris County Wastewater Management Plan can be amended for a higher flow and the Authority can be in a position to accept new connections in the future. I estimate the cost for the model verification to be approximately \$19,000. This added budget request would raise the total estimated budget for the Anti-Degradation Study from \$121,000 to \$140,000. As with the other work already approved by RVRSA, we propose to complete this added work on a time-plus-expenses basis and would not exceed the estimated total budget of \$140,000 without your prior authorization. All work

Mr. Edward K. P. Ho, P.E.  
August 1, 2011  
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would be completed in accordance with our previously agreed upon Hourly Rates and Contract Terms and Conditions.

If you would like us to proceed with this project, please indicate acceptance of this proposal by endorsing this letter in the space indicated below, and returning a copy to Omni. We are prepared to begin work immediately upon your authorization to proceed and look forward to continuing to work with you on this endeavor. Please do not hesitate to contact me via telephone at 609-924-8821 (ext. 111) or via email at [JCosgrove@Omni-Env.com](mailto:JCosgrove@Omni-Env.com).

Sincerely,

A handwritten signature in black ink that reads "James F. Cosgrove, Jr." with a stylized flourish at the end.

James F. Cosgrove, Jr., P.E.  
Principal

Agreed to and Accepted by:

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_