

ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY

RESOLUTION TO AUTHORIZE THE EXECUTION OF AN AMENDMENT TO THE AGREEMENT WITH OMNI ENVIRONMENTAL, LLC FOR THE PERFORMANCE OF LITIGATION SUPPORT SERVICES

WHEREAS, there is a need to engage professional engineering services to perform litigation support services in the matter of Jersey City Municipal Utilities Authority, et. al. v. Town of Dover et. al., Docket No. MRS-L-1313-10; 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, dated December 16, 2011, attached hereto and made a part hereof; and

WHEREAS, the Rockaway Valley Regional Sewerage Authority (RVRSA) adopted Resolution 12-009 dated January 6, 2012 that awarded to Omni Environmental LLC the litigation support services described in the proposal dated December 16, 2011 on a reimbursable basis not to exceed \$30,000.00 and

WHEREAS, Omni has advised the RVRSA by emails dated June 6, 2012 and July 4, 2012 that additional compensation of up to \$20,000 will be necessary to complete the preparation of Expert reports; and

WHEREAS, the necessary additional funds of \$20,000 are available for the purpose of 514.10 litigation

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

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 water quality, wastewater facility issues and ecological impacts, and that they possess the specialized abilities and resources to provide expert engineering services necessary to meet the Authority's needs.
2. That the Executive Director is hereby authorized to execute a amendment to the professional services agreement between Omni Environmental Services LLC and the Rockaway Valley Regional Sewerage Authority, for litigation support services in the matter entitled Jersey City Municipal Utilities Authority, et. al. v. Town of Dover et. al., Docket No. MRS-L-1313-10, for an additional amount not to exceed \$20,000 without further authorization, at the rates set forth in the letter proposal from James F. Cosgrove, Jr., P.E., dated December 16, 2011. The total contract not to exceed amount is increased from \$30,000 to \$50,000.

3. 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.
4. Notice of the within action shall be provided in accordance with N.J.S.A. 40A:11-5(1)(a)(i) and 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.
5. This Resolution shall take effect immediately.

I hereby certify that this Resolution was adopted at a meeting of the Rockaway Valley Regional Sewerage Authority on July 12, 2012

On motion of Bruce MacMeal

Second by Glenn Corbett

And a roll call vote as follows:

Yeas: (6) Cegelka, Corbett, Guadagno, Lowell, MacNeal, Secco,

Nays: (0) None

Abstain: (1) Vincitore

Absent: (3) Klingner, Schaefer, and Schorno



Bruce W. MacNeal
Board Secretary