

RESOLUTION 14-062

RESOLUTION AUTHORIZING EMERGENCY PROCUREMENT OF BIOXIDE IN CONNECTION WITH THE ODOR AND CORROSION CONTROL SYSTEM OF THE RVRSA

WHEREAS, the Rockaway Valley Regional Sewerage Authority (RVRSA) operates a temporary system leased by the RVRSA from Evoqua Water Technologies LLC located in the Borough of Rockaway, Block 15, Lot 5, along Beaver Brook, with access roads at Stickle Avenue and Beach Street. Bioxide solution is used as part of the Odor and Corrosion Control System. The Odor and Corrosion Control System is an integral component of RVRSA's System and assists in the prevention of corrosion in the trunk line and is used to attain compliance with State nuisance laws and the Air Pollution Control Act, which prohibits emissions into the outdoor atmosphere of air contaminants in such quantities and duration as are, or tend to be, injurious to human health or welfare, animal or plant life or property, or would unreasonably interfere with the enjoyment of life or property; and

WHEREAS, the RVRSA determined that it would be advantageous and cost effective to construct a permanent facility at the site and terminate the lease agreement with Evoqua and commenced the design of a permanent facility to be constructed at the site after the termination of RVRSA's contract with Evoqua; and

WHEREAS, while in the process of developing bid specifications designed to provide for the construction of a permanent Odor and Corrosion Control Facility in the existing location and providing for the purchase of Bioxide, on or about June 11, 2014 the RVRSA Executive Director was notified that the existing Bioxide System may be located in wetlands, according to the NJDEP Wetlands Map for the area; and

WHEREAS, RVRSA immediately undertook to investigate the concern and, after investigation, has determined that the system is not located in wetlands, however, it is located in a transition area adjacent to a wetland and within the flood hazard area, and therefore permits are required from NJDEP, to install a permanent system at the existing location; and

WHEREAS, RVRSA has further determined that no other site is suitable for the location of a permanent facility, although the facility could be relocated to the roof of an existing RVRSA Meter Chamber at that location. In order to construct a facility on the roof of the Meter Chamber, RVRSA must obtain Site Plan and other approvals from Rockaway Borough; and

WHEREAS, RVRSA has commenced the process required to obtain those permits and other approvals needed in order to permanently construct the odor and corrosion control facility, but in the interim, RVRSA must purchase Bioxide and continue its existing lease of the odor and corrosion control equipment to continue the operation of the existing system in order to maintain compliance with the New Jersey Air Pollution Control Act and State nuisance laws and cannot postpone the purchase of Bioxide and the associated equipment until the permits, approvals and permanent facility is constructed; and

WHEREAS, Evoqua has submitted a proposal to the RVRSA, dated July 9, 2014, providing for the extension of the RVRSA's existing lease of the Odor and Corrosion Control Equipment for 8-months or the duration of the emergency, and for supplying

Bioxide to the RVRSA at a cost of \$2.39 per gallon. RVRSA anticipates that it may utilize approximately 7,000-gallons a month for the next 8-months, resulting in a cost of approximately \$133,848.00.

WHEREAS, under the Local Public Contracts Law, N.J.S.A. 40A:11-6, requisitions for procurement of services or goods may be awarded without public advertising for bids and bidding when an emergency affecting the public health, safety or welfare requires the immediate performance of said services; and

WHEREAS, the RVRSA is satisfied that, for the reasons articulated by JoAnn Mondsin, Executive Director, RVRSA in the written request attached hereto and made a part hereof, the proposed emergency procurement is justified and meets the requirements of the Local Public Contracts Law and N.J.A.C. 5:34-6.1; and

WHEREAS, funds are available therefore from line 01-507-030, Trunkline Maintenance and Supplies.

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

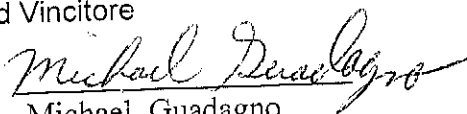
1. The RVRSA declares that an emergency exists due to the immediate need to lease odor and corrosion control equipment from Evoqua Water Technologies LLC, with offices located at 2650 Tallevast Road, Sarasota, FL 34243 and to purchase sufficient supplies of Bioxide to operate the facility during the period of time required to obtain permits and approvals and to construct permanent facilities at the site, which actions are all essential and vital components of the plant's overall ability to continue to comply with law, and as such an emergency is declared requiring immediate procurement of equipment and supply services.
2. The Executive Director is authorized to issue purchase orders for the provision of emergency services for emergency procurement of Odor and Corrosion Control equipment and Bioxide, as described in the Certification attached and countersigned by the B. K. Sandy Thai, Chief Financial Officer with:
 - Evoqua Water Technologies LLC
3. This Resolution shall take effect as provided by law.

I hereby certify that this Resolution was adopted at a regularly scheduled meeting of the Rockaway Valley Regional Sewerage Authority held on July 10, 2014.

On motion of Glenn Corbett
Seconded by Michael Guadagno

and a Roll Call Vote as Follows:

Yeas: (6) Andes, Cegelka, Corbett, Guadagno, Lowell, Secco
Nays: (0) None
Abstain: (0) None
Absent: (4) Recchia, Schaefer, Schorno and Vincitore


Michael Guadagno
Secretary