

**RESOLUTION TO AUTHORIZE AN AMENDMENT TO THE AGREEMENT WITH
KLEINFELDER FOR THE PERFORMANCE OF JERSEY CITY LITIGATION
EXPERT SUPPORT SERVICES**

WHEREAS, there exists a need to engage the services of a professional engineer to perform litigation expert 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, the firm of Kleinfelder, 150 College Road West, Suite 100, Princeton, NJ 08540, submitted a proposal for 2019 Wastewater Engineering Consulting Services, dated December 4, 2018, which proposal is on file at the offices of the Rockaway Valley Regional Sewerage Authority ("RVRSA"); and

WHEREAS, by Resolution 18-125, adopted December 13, 2018, the RVRSA authorized the firm of Kleinfelder, to undertake 2019 Wastewater Engineering Consulting Services including litigation expert support services, in an amount not to exceed \$153,000.00, without prior authorization; and

WHEREAS, the RVRSA desires to authorize the firm of Kleinfelder to undertake additional litigation expert support services, in an amount not to exceed \$16,000.00, in accordance with Kleinfelder proposal dated August 22, 2019, without prior authorization; 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, funds are available for this purpose in Budget Line Item in Professional Services 01-501-020.

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

1. The Rockaway Valley Regional Sewerage Authority recognizes that Kleinfelder has an established reputation in the field of engineering, particularly with respect to matters relevant to municipalities, sewerage authorities and public entities, and possesses the specialized abilities and resources to provide expert witness services necessary to meet the Authority's needs.
2. That the Executive Director is hereby authorized to execute an amendment to the professional services agreement between Kleinfelder and the Rockaway Valley Regional Sewerage Authority, for litigation expert 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, at the rates set forth in the letter proposal from Kleinfelder December 4, 2018, in an amount not to exceed \$16,000.00 without prior authorization, for a new total contract amount of \$172,000.00.

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 12th of September, 2019.

On motion of Glenn Corbett

Second by Michael Guadagno

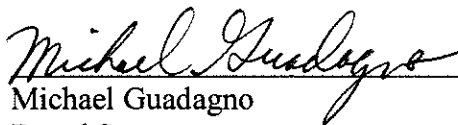
And a roll call vote as follows:

Yeas: (7) Cegelka, Corbett, Guadagno, Isselin, Lowell, Rossi, Schorno

Nays: (0) None

Abstain: (3) Andes, Recchia, Zuppa

Absent: (0) None



Michael Guadagno
Board Secretary



August 22, 2019

VIA EMAIL

JoAnn Mondsini
Executive Director
Rockaway Valley Regional SA
RD #1, 99 Green Bank Road
Boonton, NJ 07005

**RE: JERSEY CITY LITIGATION SUPPORT
BUDGET AMENDMENT**

Dear Ms. Mondsini:

In follow-up to our discussion, the purpose of this letter is to request an amendment to Kleinfelder's 2019 budget for Jersey City Litigation Support Services.

As you know, due to ongoing litigation support, the budget currently remaining is approximately \$900, which is not enough to prepare the expert report requested by RVRSA's attorneys.

The estimated cost to (1) prepare the draft expert report, (2) meet with RVRSA's attorneys to discuss the draft report, and (3) to finalize the expert report, is approximately \$16,000.

I have assumed that any depositions or testimony related to the report will occur in 2020. Therefore, I have not included estimated costs for these activities in the 2019 budget amendment request.

Based on the above, it is requested that our current 2019 budget for litigation support services be increased by \$16,000.

If you have any questions regarding this request, please contact me at 609-454-4555, or by email at TBradley@Kleinfelder.com.

Sincerely,

Timothy D. Bradley, P.E.
Vice President

cc: 2045M