

RESOLUTION AUTHORIZING EXECUTIVE SESSION

WHEREAS, this Authority is authorized, pursuant to N.J.S.A. 10:4-12 to exclude the public from that portion of this meeting for purposes of discussing specific matters as permitted by N.J.S.A. 10:4-12; and,

WHEREAS, this Authority intends to discuss certain matters which are deemed confidential pursuant to N.J.S.A. 10:4-12, in Executive Session:

WHEREAS, at this time the Authority cannot determine the time when the discussion to be held in Executive Session will be made public but will disclose the minutes of the Executive Session when the need for confidentiality no longer exists.

NOW, THEREFORE, be it resolved by the Sussex County Municipal Utilities Authority that this meeting shall be adjourned to an Executive Session (closed session) and the public will be excluded in order that the Authority may discuss the items listed below, and upon reconvening this public meeting the Chairman will announce, if possible, the time when and the circumstances under which the discussion conducted in Executive Session will be disclosed to the public. This resolution is authorized and allowed by and pursuant to N.J.S.A. 10:4-13.

- (1) Any matter which, by express provision of federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of subsection a. of this section.

The general nature of the subject to be discussed per N.J.S.A. 10:4-13(a):

- (2) Any matter in which the release of information would impair a right to receive funds from the Government of the United States.

The general nature of the subject to be discussed per N.J.S.A. 10:4-13(a):

- (3) Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.

The general nature of the subject to be discussed per N.J.S.A. 10:4-13(a):

- (4) Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.

The general nature of the subject to be discussed per N.J.S.A. 10:4-13(a):

- (5) Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.

The general nature of the subject to be discussed per N.J.S.A. 10:4-13(a):

- (6) Any tactics and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection. Any investigations of violations or possible violations of the law.

The general nature of the subject to be discussed per N.J.S.A. 10:4-13(a):

- (7) Any pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein in which the public body is, or may become a party.

The general nature of the subject to be discussed per N.J.S.A. 10:4-13(a):

Landfill Gas to Energy Contract Matters, Leachate Pump Station/Force Main
Contract #446

(8) Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.

The general nature of the subject to be discussed per N.J.S.A. 10:4-13(a):

(9) Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting.

The general nature of the subject to be discussed per N.J.S.A. 10:4-13(a):

Personnel Item

(10) Any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act or omission for which the responding party bears responsibility.

The general nature of the subject to be discussed per N.J.S.A. 10:4-13(a):

NOW, THEREFORE, be it further resolved by the Sussex County Municipal Utilities Authority that pursuant to N.J.S.A. 10:4-13(b) the time when and the circumstances under which the discussion conducted in closed session of the public body can be disclosed to the public is when the need for confidentiality no longer exists.

Certified as a true copy of the
Resolution adopted by the Authority
at their Regular Authority Meeting held
on Wednesday, July 15, 2020.



Andrea Cocula, Secretary

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**RESOLUTION RE: CONDITIONALLY AWARDING LEACHATE PUMP STATION
AND FORCE MAIN PROJECT FOR CONTRACT #446 TO
TOMCO CONSTRUCTION, INC.**

WHEREAS, the Sussex County Municipal Utilities Authority (SCMUA) desires to construct the Leachate Pump Station and Force Main to convey leachate from the SCMUA Solid Waste Facility to the SCMUA Franklin Regional Pump Station and ultimately to the SCMUA Upper Walkkill Pollution Control Facility to serve the solid waste management and disposal needs for the residents and businesses of Sussex County; and

WHEREAS, the SCMUA subsequently did plan, permit and design the Project pursuant to the Sussex County Solid Waste Management Plan, and the requirements of various Federal, State and Local agencies and authorities; and

WHEREAS, this Project is anticipated to be funded by the New Jersey Infrastructure Bank (NJIB) funding program through NJDEP; and

WHEREAS, pursuant to the NJIB Authorization, the SCMUA duly advertised for, and on July 14, 2020 received competitive construction bids for the Project in conformance with N.J. Local Public Contracts Law (N.J.S.A. 40A:11 et seq); and

WHEREAS, a total of five (5) bidders submitted bids for Contract #446 comprising the Leachate Pump Station and Force Main Project; and

WHEREAS, the apparent low bidder for Contract #446 is determined to be Tomco Construction, Inc. with a Total Bid including Supplemental Item No. 1 and Supplemental Item No. 2 in the amount of \$5,498,098.00; and

WHEREAS, SCMUA staff, consulting engineer, legal counsel, and NJDEP/NJIB are in the process of reviewing said bid package for the purposes of evaluating award thereof to Tomco Construction, Inc.; and

WHEREAS, due to the urgency and need for this project to ensure the continued and proper management of solid waste for Sussex County residents and businesses, it is recommended that the contract be conditionally awarded subject to ongoing said reviews, evaluations, and approvals; and

WHEREAS, NJDEP/NJIB Authorization to Award is required to preserve funding eligibility for this project; and

WHEREAS, the Treasurer has certified that there are existing sufficient funds for this contract award.

NOW THEREFORE BE IT RESOLVED, by the Commissioners of the Sussex County Municipal Utilities Authority, that:

1. Contract #446 of the SCMUA Leachate Pump Station and Force Main Project is hereby awarded to Tomco Construction, Inc. in the amount of \$5,498,098.00 as conditioned/contingent upon #3, below.
2. The SCMUA Chairman and Secretary are authorized to execute Contract #446 for the Leachate Pump Station and Force Main Project on behalf of the SCMUA, as contingent upon #3, below.
3. The award of SCMUA Contract #446 is contingent upon the review and concurrence of SCMUA staff, consulting engineer, legal counsel, and NJDEP/NJIB.
4. SCMUA Executive Director and staff are authorized to proceed with any necessary project and contract activities associated with Leachate Pump Station and Force Main Construction, including submittal of the Bid Award Package and supporting documents to NJDEP/NJIB.
5. Copies of this Award Resolution shall be provided to NJDEP/NJIB and Tomco Construction, Inc.
6. This resolution shall be effective as provided for under applicable NJ State Statutes.

Certified as a true copy of the Resolution
adopted by the Authority at their Regular
Meeting held on Wednesday, July 15, 2020.



Andrea Cocula, Secretary