

RESOLUTION RE: AUTHORIZING EXECUTION OF A BUDGET AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH ARM GROUP TO PROVIDE CONSTRUCTION ADMINISTRATION AND ON-SITE INSPECTION SERVICES RELATIVE TO THE LIFE EXTENSION/INFRASTRUCTURE RELOCATION PROJECT #551

WHEREAS, the Authority previously authorized ARM Group for Engineering Design and Bidding Services on May 20, 2020 for \$1,096,341.71, and Construction Administration and Onsite Inspection Services on November 4, 2020 for \$1,497,518.15 for the Landfill Life Stage 2 Expansion/Infrastructure Relocation Project; and

WHEREAS, the Authority received a Budget Amendment Request from ARM Group for Construction Administration and Onsite Inspection Services on April 12, 2023 for \$208,622.49; and

WHEREAS, the Budget Amendment includes several items that exceeded ARM Group's original assumptions included within the Construction Administration and Onsite Inspection Services proposal previously approved by the Authority on November 4, 2020; and

WHEREAS, the Budget amendment is attached hereto and includes overages in the following Tasks: (1) ARM Inspection and Construction Administration Services, (2) Geosynthetic Laboratory Testing, (4) Leak Location Survey, (5) As-Built Drawings, (6) Design Team Support, (9) Project Schedule, (10) Cap Analysis, and (11) Cap Design; and

WHEREAS, SCMUA Staff and SCMUA's Construction Review Committee have reviewed said budget amendment and find \$153,803.03 to be agreeable for the requested Budget Amendment and an additional \$40,00.00 for Final Cap Design for a total of \$193,803.03; and

WHEREAS, the SCMUA Treasurer has certified sufficient funds are available for Budget Amendment approval; and

WHEREAS, the Budget Amendment final approval is contingent on New Jersey Infrastructure Bank (NJIB) review and approval.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the SCMUA that the Executive Director or Chief Engineer is hereby authorized and directed to approve the above referenced budget amendment to Contract No. 551 contingent upon NJIB approval, which reflects the work outlined above and attached, for a total increase in Contract Price of \$193,803.03 thereby changing the Contract Price from \$1,497,581.15 to \$1,691,384.18.

AND BE IT FURTHER RESOLVED that this SCMUA resolution and copies of the aforementioned Budget Amendment for Contract No. 551 shall be provided to the NJIB for final authorization.

AND BE IT FURTHER RESOLVED that this resolution shall be effective in accordance with applicable law.

Certified as a true copy of the Resolution
adopted by the Authority at their Regular Authority Meeting
held on Wednesday, August 2, 2023


Andrea Cocula, Secretary

*\\fs01\Common\Common\Contract No. 551 - Landfill EXPANSION\Construction\Change Orders\ARM Engineering\Engineering
Amendment Resolution*

RESOLUTION RE: AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH ARM GROUP TO PROVIDE ADDITIONAL CONSTRUCTION ADMINISTRATION AND ON-SITE INSPECTION SERVICES RELATIVE TO THE NORTHERN SLOPE PERMANENT CAPPING SYSTEM CHANGE ORDER PORTION OF THE LIFE EXTENSION/INFRASTRUCTURE RELOCATION PROJECT #551

WHEREAS, SCMUA received authorization from the NJDEP on September 23, 2022 to include the installation of the permanent capping system along the northern slope as an eligible NJIB financed change order to the original Landfill Life Stage 2 Expansion/Infrastructure Relocation Project; and

WHEREAS, SCMUA received approval for the final capping design for the northern slope from the NJDEP Division of Solid Waste on May 4, 2023; and

WHEREAS, SCMUA has a need for construction administration and onsite inspection services incidental to the proposed installation of the permanent capping system; and

WHEREAS, SCMUA duly noticed and solicited a Request for Qualifications/Request for Proposals (RFQ/RFP) for solid waste consulting engineering services utilizing a "Fair and Open" Process pursuant to N.J.S.A. 19:44 – 20.4 et seq.; and

WHEREAS, FY2023 wastewater consulting engineering services proposals were received by January 12, 2023 at 12:00 PM; and

WHEREAS, ARM Group of 1129 West Governor Road, Hershey, PA 17033, responded to said RFQ/RFP with a Proposal dated January 12, 2023 that included relevant experience and their 2023 Rate Schedule; and

WHEREAS, SCMUA reviewed the RFQ/RFP proposals and thereby awarded a contract for general solid waste consulting engineering services to ARM for FY2023; and

WHEREAS, the Authority previously authorized ARM Group for Engineering Design and Bidding Services on May 20, 2020 for \$1,096,341.71, and Construction Administration and Onsite Inspection Services on November 4, 2020 for \$1,497,518.15 for the Landfill Life Stage 2 Expansion/Infrastructure Relocation Project; and

WHEREAS, the Authority is further desirous of retaining ARM Group for necessary construction administration and onsite inspection services relative to the installation of the permanent capping system; and

WHEREAS, ARM Group has submitted a cost proposal and scope of work including construction administration and onsite inspection services dated May 17, 2023 for a total cost of not-to-exceed \$461,855.00; and

WHEREAS, ARM Group has individuals possessing the requisite licensure, knowledge and skills with which to perform the services encompassed by the proposed Agreement; and

WHEREAS, the local public contracts law requires that the Resolution authorizing the Agreement for Professional Services and the Agreement itself must be available for public inspection; and

WHEREAS, the Treasurer has certified that there are sufficient funds in the amount of \$461,855.00; and

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

1. That the Board of Commissioners approve, via this Resolution, a Professional Services Agreement with ARM Group contingent upon review and approval of NJDEP/NJIB.
2. That one (1) copy of this Resolution, together with the agreement itself, shall be made available electronically for public inspection upon request.
3. That ARM Group is hereby authorized to proceed with the Work Scope Tasks contingent upon completion of the NJDEP/NJIB reviews referenced herein and as directed by SCMUA.
4. That said Resolution and ARM Proposal is to be submitted to NJDEP/NJIB for review and approval.
5. 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 Authority Meeting
held on Wednesday, August 2, 2023


Andrea Cocula, Secretary

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):

U.W. Nitrate Litigation, Vernon Township/Vernon Township MUA

(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 Items

(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, August 2, 2023.


Andrea Cocula, Secretary