

RESOLUTION AUTHORIZING THE AWARD OF A CONCESSION PURSUANT TO N.J.A.C. 5:34-9.4 FOR THE PROVISION OF DISCOUNTED INSURANCE OF WATER LINE SERVICES THE MPWC FRANCHISE AREA CUSTOMERS AND AUTHORIZING THE USE OF AN OPEN AND FAIR AWARD RENEWAL COMPETITIVE CONTRACTING

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., permits a contracting unit to authorize the procurement of a for-profit entity to provide “concession” services, which includes the right to sell goods or services on public property or by use of public property; and

WHEREAS, the Commissioners of the MPWC determined that it would be appropriate and in the best interests of its customers to authorize a concession for water line protection services for its franchise customers; and after DCA approval of and full compliance with Competitive Contracting under N.J.S.A. 40A:11-4.1(j) and a full and fair award of such by Resolution 2015-13 ; and

WHEREAS, a concession can save a customer/constituent of the Commission almost a minimum of \$60 per year if they seek the coverage and as much as \$2-6,000 on average for a claim; and no cost to the Commission for the concession except the use of its logo; and

WHEREAS, procurement of a for-profit entity to provide these services needed is consistent with the provisions of competitive contracting used to secure them and the original contract(s) for these services was awarded based upon the most advantageous price and other factors; and

WHEREAS, N.J.A.C.5:34-9.4(d) requires that the governing body pass a resolution authorizing the procurement of a concession, including the method to be used to procure and award the concession, which method had been determined to be the use of competitive contracting and this time is determined to be a Non-Fair and Open award of a 2 year renewal of that same agreement at the prices; and

WHEREAS, the Local Public Contracts Act requires that the governing body pass a resolution authorizing the choice of the Non-Fair and Open Award Process; and requires that the award be made by the Governing Body after notification by the QPA of receipt of all requisite documents; and

WHEREAS, The Commission entertained these as agenda matters and after allowing for public comment prior to a vote and upon a roll call vote in open session took the following action:

THEREFORE BE IT RESOLVED by the Commissioners of the MPWC that the Award of the Concession as a renewal of the Agreement as a 2 year Non- Fair and Open Award is hereby made and the C.O.O. is hereby authorized to execute the agreement with HomeServe to procure a renew the concession for the use of the MPWC logo, consistent with this Resolution and N.J.A.C. 5:34-9.4.

ALSO BE IT FURTHER RESOLVED by the MPWC that the above Resolution and Award was made by a Unanimous vote of the Commissioners assembled in publicly advertised meeting of that date.

I hereby certify the foregoing to be a correct copy of the Resolution adopted by Commission at a meeting of said Commission on January 14, 2021 when said Resolution was passed unanimously by the Commission.



Edward F. Brennan, Commissioner and
Secretary of the Commission