

MERCHANTVILLE-PENNSAUKEN WATER COMMISSION

RESOLUTION AUTHORIZING THE AWARD AND EXECUTION OF A WATER MAIN ASSET MANAGEMENT AGREEMENT PURSUANT TO THE WATER SUPPLY PUBLIC-PRIVATE CONTRACTING ACT, N.J.S.A. 58:26-19 et seq. SUBJECT TO THE REQUIRED APPROVAL OF THE STATE AGENCIES

WHEREAS, the MERCHANTVILLE-PENNSAUKEN WATER COMMISSION (hereafter "MPWC" or "Commission") is a governmental regional water authority created in 1926 by Supreme Court and permanently by the subsequent agreement and respective ordinances of each of the municipalities named therein in accordance with NJSA 40:62-108; and

WHEREAS, the MPWC maintains a potable water system which supplies thousands of customers, businesses, and industries with an extensive distribution system of over 220 miles of underground water mains; and the passage of the Water Quality Accountability Act required the replacement of an increased percentage of the water mains each year by every water utility and in excess of the amount the MPWC might necessarily otherwise replace in a year; and

WHEREAS, the MPWC on September 12, 2019 approved a Resolution for a RFQ/RFP competitive procurement process pursuant to N.J.S.A 58:26-19 et seq., (*New Jersey Water Supply Public-Private Contracting Act* referred herein as the "Act"), to obtain proposals from qualified firms to provide engineering, technical, consultative, rehabilitation, re-lining, excavation, construction, and rehabilitation maintenance services for its water main distribution system and for assistance to its Director of Engineering as to such; and thereafter secured approval of the Office of the State Comptroller for its proposed procurement documents; and first began advertising on October 14, 2019; and

WHEREAS, after public advertising commencing first on October 14, 2019 and again on October 16, 2019, as well as continuous advertising via internet and website, the MPWC established a deadline to receive Proposals of Wed., November 26 at 10:30am and the MPWC received a joint proposal from the companies Suez Advanced Water Solutions/USCI, Inc (hereafter jointly Suez) which was timely and responsive; and

WHEREAS, the MPWC evaluation committee following a review of the proposal, and the application of the pre-proposal evaluation criteria, selected SUEZ as qualified and as the sole qualified applicant selected them for the negotiation of a main services agreement; and

WHEREAS, the Evaluation Team and the MPWC Director of Engineering, in-house General Counsel, and Chief Operating Officer and various SUEZ personnel and attorneys had additional meetings, negotiations, and interviews with the respondents. Initially negotiations caused a delay in the February 2019 noticed hearing date. Meanwhile, as the parties continued negotiations, and then the Commission reconsidered its finances in light of its needs and obligations to build treatment plants necessitated by the new Drinking Water Standards having been revised and/or adding previously unregulated contaminants and questions regarding financing of the plants and state support through various funds. Delays were further occasioned by the parties need for discussions and clarifications required of the DEP regarding their

interpretation and enforcement of the WQAA provisions regarding re-lining and/or replacement of water mains, and finally, but not least, the impact of the Covid-19 Pandemic slowed and complicated all processes; and

WHEREAS the MPWC successfully completed negotiations on the agreement (the "Main Asset Services Agreement") and advertised timely for the Public Hearing when on November 10, 2020, it RE-Noticed a 60 Notice of the Public Hearing by service on all the required state Agencies and by published advertisement in newspapers noticing the proposed contract and the public hearing for January 11, 2021. The legal advertisement and website posting described the contract terms and that the contract was available at the Commission and on its website; and

WHEREAS thereafter the MPWC advertised a 14 day Notice as required by the statute beginning on December 28 and again on December 30 for the Public Hearing on the agreement for January 11, 2021, ; and in the meantime, having been advertised and made available by website and for public inspection the draft agreements since December 8, 2020 and made available contacts for questions or for in person public inspections; and at no time did any member of the public appear or comment; and no one sought documents or inspections and

WHEREAS, pursuant to the Act, the MPWC made this Agreement available for inspection via website since December 8, 2020 and physically made hard copies executed by USCI available the four days preceding the conduct of the public hearing and no member of the public commented or appeared at any Hearing; though MPWC Counsel and Court Reporter were available in person to allow inspection and testimony at the MPWC Hearing site, and further no witnesses attended virtually or live nor did any make submission, and none was received during the post-hearing comment period during which the hearing record was held open; and

WHEREAS, in accordance with the Act and having considered all evidence and presentations and conduct regarding the contract of which it has been made aware, the MPWC knowing its approval to be subject to the Approval of the State Agencies resolves as follows:

NOW BE IT THEREFORE BE IT RESOLVED on this the 11th day of February 2021
by the COMMISSION THAT:


1. The Water Main Asset Management Services Agreement is approved with the terms as executed and as presented to the Commission subject to the required processes of the Act and the approvals of the State agencies and any further submission to this Commission as maybe required; and
2. The Chief Operating Officer of the Commission, Michael Saraceni is hereby authorized and directed, when appropriate, upon receipt of such approvals or expiration of the Statutory time period, to execute the Water Main Asset Management Services Agreement with SUEZ Advanced Water Solutions/USCI, Inc., so as to provide Water Main Asset Management Services to the MPWC in accordance with the Act; and

By Resolution and Roll call vote of the Commissioners on February 11, 2021 as follows:

Commissioners:	#YEAs	#NAYs	# ABSTAINs	# Absent
S. Ali	✓			
E. Brennan	✓			
P. Brennan	✓			
G. Piperno	✓			
J. Scavuzzo	✓			

I hereby certify that the above and the attached is a True and Accurate Copy of the Resolution approved in duly advertised and legally conducted public session as stated on the date listed above.

Date: 2/11/2021



Edward F. Brennan, Commissioner and
& Secretary to the Commission

The Official Minutes and Each Commissioner's Roll Call vote are in the official MPWC records maintained by the Chief Operating Officer.