

MERCHANTVILLE-PENNSAUKEN WATER COMMISSION

RESOLUTION AUTHORIZING THE THIRD FORMATIVE AMENDMENT AND ITS EXECUTION TO THE WATER MAIN ASSET MANAGEMENT AND MAINTENANCE SERVICES AGREEMENT WITH ADVANCED WATER SOLUTIONS/USC, INC.

WHEREAS the MERCHANTVILLE-PENNSAUKEN WATER COMMISSION ("MPWC" or "Commission") is a governmental regional municipal water authority created in accordance with NJSA 40:62-108 which owns extensive potable water supply and distribution systems made up of over 231 miles of water mains which undertook 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 long term professional assistance and analytical advice regarding main lining replacement and maintenance services to comply with the mandates of the WQAA; and

WHEREAS the MPWC completed negotiations on the agreement (the "Water Main Asset Management and Maintenance Services Agreement"), held Public Hearing and statutory comment period, in accordance with the Acts, the MPWC submitted the Agreement to: The Local Finance Board of the DLGS ("Division") receiving their approval on April 14, 2021; and to the Board of Public Utilities ("Board") receiving their approval on April 27, 2021; and no objection having been received from any state agency; and receiving Office of State Comptroller Pre-Contract and Post-Contract (OSC#20-129) approval; and

WHEREAS the Suez Advanced Water Solutions and USCI, Inc. executed the agreement on November 6, 2020, and the MPWC on February 13, 2021, and May 13, 2021; and the agreement anticipated and required the parties to after the first year to analyze data and information, confer and set priorities, and determine the cost/fees within the mandatory maximum annual escalator from which they have mutually agreed and to determine the accompanying exact scope of work within the contract volumes; and

THEREFORE, BE IT RESOLVED by this Commission on this day that it agrees to the attached Third Formative Amendment to the Contract:

Second Year Annual Contract: design, schedule, and Price of One Million Two Hundred Thirty Thousand and- 00/100 Dollars (**\$1,230,000.00**); and to the


Third Year Annual Contract: design, schedule, and Price of One Million Two Hundred Ninety-One Thousand Five Hundred and- 00/100 (**\$1,291,500.00**); and

BE IT FURTHER RESOLVED AND ENACTED, by the Commission that having received the statutorily required approval of the State Agencies, or receiving no comment within the time from those notified, and having determined all statutory criteria having been met and the Commissioners having determined it is in the best interest of the Commission, the franchise and the customers to enter into this agreement and this process and amendment having been the anticipated conduct and having performed within the approved parameters and below the maximum costs and fees the Amendment is approved this Day and therefore the President and Secretary are authorized to execute this attached Third Formative Amendment to the Agreement in place between the parties under the Public-Private Water Supply Contract Act .

I hereby certify the foregoing to be a true and correct copy of the Resolution adopted by the Commission in public meeting of said Commission on March 10, 2022, and said Resolution passed by a unanimous vote of the members of Commission present at the meeting and executed by the President and Secretary in the presence of all Commissioners.

MERCHANTVILLE-PENNSAUKEN WATER COMMISSION

SEAL


Frank Warwick, Commissioner and Secretary of the Commission

The Official Minutes and record of vote are maintained in the official records of the Commission by the Chief Operating Officer.