

**BERNARDS TOWNSHIP SEWERAGE AUTHORITY**

**AGENDA**

**May 9, 2023**

**6:30 PM**

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Open Public Meeting Statement
5. Approval of Minutes
  - a. Regular Meeting – April 11, 2023
6. Correspondence –
7. Public Comment
8. Action/Discussion Items:
  - a. Discussion - Audit FYE 11/30/22 - Man Lee, Nisivoccia
  - b. Resolution #2321 Audit FYE 11/30/22
  - c. Resolution #2322 Audit FYE 11/30/22 group certification
  - d. Resolution #2323 Award I&I Implementation Phase II National Water Main Cleaning Company \$988,063.20
  - e. Resolution #2324 Award Fieldstone Force Main John Garcia \$107,200.00
  - f. Resolution #2325 P2P Aqua Aerobic Systems, Inc, Campbell Foundry Company, JDV Equipment Corp
9. Operator's Report
10. Bill List – Resolution - #2326 -
11. Member/Staff Comments
12. Adjournment

**BERNARDS TOWNSHIP SEWERAGE AUTHORITY**

**Resolution #2321**

Compliance with N.J.S.A. 40A:5A-15  
2022 Annual Report of Audit

**WHEREAS**, N.J.S.A. 40A:5A-15 requires the Authority of every local unit to have made an annual audit of its books, accounts and financial transactions, and

**WHEREAS**, The Annual Report of Audit for the year 2022 has been filed by a Registered Municipal Accountant with the Authority Director pursuant to the requirements of N.J.S.A. 40A:5A-15, and a copy has been received by each member of the Authority, and

**WHEREAS**, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, pursuant to N.J.S.A. 52:27BB-34, and

**WHEREAS**, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5b., requiring that the Authority of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the Authority have reviewed, as a minimum, the sections of the annual audit entitled: General Comments, Recommendations, Auditor's Opinions, and Single Audit Findings; and

**WHEREAS**, the members of the Bernards Township Sewerage Authority have personally reviewed as required by N.J.A.C. 5:30-6-5b. the sections of the annual audit entitled: General Comments, Recommendations, Opinions and Findings, as evidenced by the group affidavit form of the Authority; and

**WHEREAS**, such resolution of certification shall be adopted and executed by the Authority no later than 45 days after the Authority members' receipt of the annual audit pursuant to N.J.A.C. 5:30-6.5(b)2.; and

**NOW, THEREFORE BE IT RESOLVED**, that the Bernards Township Sewerage Authority of the Township of Bernards, states that it has complied with N.J.S.A. 5:30-6.5(b) as set forth therein and above and does submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Agenda and Date Voted: May 9, 2023

**CERTIFICATION**

**I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Sewerage Authority on May 9, 2023.**

\_\_\_\_\_  
**Thomas Timko, Director**

**BERNARDS TOWNSHIP SEWERAGE AUTHORITY**

**RESOLUTION #2322  
GROUP AFFIDAVIT FORM  
CERTIFICATION OF GOVERNING BODY**

STATE OF NEW JERSEY  
COUNTY OF SOMERSET

We, members of the governing body of the Bernards Township Sewerage Authority, County of Somerset, of full age, being duly sworn according to law, upon our oath depose and say:

- 1) We are duly appointed members of the Bernards Township Sewerage Authority.
- 2) In performance of our duties and pursuant to the Local Finance Board Regulations, we have familiarized ourselves with the contents of the Annual Audit filed with the Authority pursuant to NJSA 40A:5A-15 for the year 2022 and specifically the sections entitled General Comments and Recommendations.
- 3) We certify that we have personally reviewed and accept the Annual Audit for FYE 11/30/22.

\_\_\_\_\_  
Chairperson, Kevin Orr

\_\_\_\_\_  
Member, Jennifer Asay

\_\_\_\_\_  
Member, John Crane

\_\_\_\_\_  
Member, Janice Fields

\_\_\_\_\_  
Member, Andrew McNally

Dated: \_\_\_\_\_



## *Bernards Township Sewerage Authority*

### **RESOLUTION #2323**

Award of Bid for the Crown Court, Rebel Hill, East Oak, Stonehouse, Harrison Brook Dr, Annin Rd I&I  
Implementation Project Phase II to National Water Main Cleaning Company  
In the Amount of \$988,063.20

**WHEREAS**, the Bernards Township Sewerage Authority (BTSA) received bids on Thursday, April 27, 2023, for the Crown Court, Rebel Hill, East Oak, Stonehouse, Harrison Brook Dr, Annin Rd I&I Implementation Project Phase II. The bid summary is as follows:

BIDDERS NAME	TOTAL BID AMOUNT
National Water Main Cleaning Company	\$988,063.20
Arold Construction Co., Inc.	\$1,333,295.00
En-Tech Infrastructure	\$1,476,448.00
Spiniello Companies	\$1,596,330.00

**WHEREAS**, it is therefore the combined recommendation of the Authority Director, Authority Superintendent and Purchasing Agent to award the contract to **National Water Main Cleaning Company, 1806 Newark Turnpike, Kearny, NJ 07032** in the amount of \$988,063.20; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available in the 2020 Budget, account number C-01-20-SEW-A01, \$550,000 and 2021 Budget C-01-21-SEW-A01, \$438,063.30; and

**WHEREAS**, this contract has been awarded to **National Water Main Cleaning Company**, through a "fair and open process" pursuant to N.J.S.A. 19:44A-20.4, et seq.

**NOW THEREFORE BE IT RESOLVED**, by the Bernards Township Sewerage Authority, that the bid be awarded to and the Purchasing Agent be authorized to issue a purchase order to: **National Water Main Cleaning Company, 1806 Newark Turnpike, Kearny, NJ 07032**, in the amount of \$988,063.20.

**NOW THEREFORE BE IT FURTHER RESOLVED**, by the Bernards Township Sewerage Authority of the Township of Bernards that in accordance with the bid specifications, the contract between Bernards Township Sewerage Authority ("Owner") and **National Water Main Cleaning Company** ("Contractor") shall contain:

1. Provisions of all labor, material, and equipment necessary to perform all work as indicated on the Drawings and Specified for the Crown Court, Rebel Hill, East Oak, Stonehouse, Harrison Brook Dr, Annin Rd I&I Implementation Project Phase II.
2. This contract shall, for all purposes, be deemed a New Jersey Contract and any provision of this contract shall be governed and interpreted with the Laws of the State of New Jersey.
3. Any modification to this contract shall be in writing, approved by the Bernards Township Sewerage Authority, and signed by both parties and upon obtaining said signatures shall immediately become part of the contract.
4. No payments in excess of the total bid amount will be approved, unless such services/expenditures are negotiated, agreed upon and approved by the Bernards Township Sewerage Authority in advance of service delivery.

5. Billing must be rendered within 30 days of service delivery.
6. As required by law, the parties to this contract agree to incorporate into this contract the mandatory affirmative action language promulgated by the Treasurer pursuant to P.L. 1975, c.127, which is attached to resolution as Exhibit B.
7. The Bernards Township Sewerage Authority may terminate this contract if contractor does not fulfill the services as outlined in the Bid Specification, upon 5 days written notice via certified mail.
8. The work contemplated under the Contract shall be completed within **180** days of the issuance of the Notice to Proceed.
9. The Contractor shall commence the work not later than ten (10) calendar days after the owner has given the Notice to Proceed Date to the Contractor in writing.
10. The completion time period shall include, but not be limited to, the time necessary to prepare shop drawings, to order, process, and deliver all equipment and materials, to obtain necessary permits and approvals, to perform the proper installation contemplated under this Contract and all else necessary and incidental in connection with the performance of this Contract.
11. The Contractor shall report directly to the Owner's construction management consultant, who will be the Bernards Township Sewerage Authority contact for all phases of this project.
12. If the Contractor fails to complete the work within the specified time plus extensions, the Contractor shall be responsible to the Bernards Township Sewerage Authority for liquidated damages in the sum of \$500.00 per day for every day thereafter until the completion and acceptance of the work. Such liquidated damages shall not be considered as a penalty. The Bernards Township Sewerage Authority shall deduct and retain out of any money due or to become due herein to Contract the amount of the liquidated damages.
13. In accordance with bid specifications, if the Contractor, upon notification by the Bernards Township Sewerage Authority, fails to execute the contract prepared by the Authority attorney within 10 days of such notification with the Bernards Township Sewerage Authority, the Authority may rescind the award of the bid to the Contractor and award the contract to another bidder, and shall have the right to proceed against the guaranty accompanying the bid.

I agree to the terms as stated in this Resolution and by signing this document, I am committed to follow all terms of this award.

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Salvatore Perri, President  
National Water Main Cleaning Company

**Explanatory Statement**

This resolution awards a contract for Phase II of the Authority's I&I Program to line and repair mains and manholes.

Thomas Timko, Authority Director

**CFO CERTIFICATION**

I, Sean McCarthy, Chief Financial Officer of the Township of Bernards, hereby certify that adequate funds are available for the above referenced purchase in the not to exceed amount of \$988,063.20. Monies are available in the 2020 Sewerage Authority Capital Budget; line account C-01-20-SEW-A01, \$550,000 and 2021 Budget C-01-21-SEW-A01, \$438,063.30.

Date:

Sean McCarthy, Chief Financial Officer

**PURCHASING CERTIFICATION**

I hereby certify that I have prepared this resolution and reviewed it for accuracy.

Francis J. Decibus, QPA, RPPO  
Purchasing Agent

Date:

Agenda and Date Voted: May 9, 2023

**CERTIFICATION**

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Sewerage Authority on 05/09/2023.

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Thomas Timko, Authority Director



## *Bernards Township Sewerage Authority*

### **RESOLUTION #2324**

Award of Bid for the Fieldstone Force Main Investigation to John Garcia Construction Co., Inc.  
In the Amount of \$107,200.00

**WHEREAS**, the Bernards Township Sewerage Authority (BTSA) received bids on Thursday, April 27, 2023, for the Fieldstone Force Main Investigation. The bid summary is as follows:

BIDDERS NAME	TOTAL BID AMOUNT
John Garcia Construction Co., Inc.	\$107,200.00
Montana Construction Corp., Inc.	\$109,569.00
Arold Construction Co., Inc.	\$142,000.00

**WHEREAS**, it is therefore the combined recommendation of the Authority Director, Authority Superintendent and Purchasing Agent to award the contract to **John Garcia Construction Co., Inc., 183 Friar Lane, Clifton, NJ 07013** in the amount of \$107,200.00; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available in the 2014 Budget, account number C-01-14-PMP-B01, \$107,200.00; and

**WHEREAS**, this contract has been awarded to John Garcia Construction Co., Inc, through a "fair and open process" pursuant to N.J.S.A. 19:44A-20.4, et seq.

**NOW THEREFORE BE IT RESOLVED**, by the Bernards Township Sewerage Authority, that the bid be awarded to and the Purchasing Agent be authorized to issue a purchase order to: **John Garcia Construction Co., Inc., 183 Friar Lane, Clifton, NJ 07013**, in the amount of \$107,200.00.

**NOW THEREFORE BE IT FURTHER RESOLVED**, by the Bernards Township Sewerage Authority of the Township of Bernards that in accordance with the bid specifications, the contract between Bernards Township Sewerage Authority ("Owner") and **John Garcia Construction Co., Inc.** ("Contractor") shall contain:

1. Provisions of all labor, material, and equipment necessary to perform all work as indicated on the Drawings and Specified for the Fieldstone Force Main Investigation.
2. This contract shall, for all purposes, be deemed a New Jersey Contract and any provision of this contract shall be governed and interpreted with the Laws of the State of New Jersey.
3. Any modification to this contract shall be in writing, approved by the Bernards Township Sewerage Authority, and signed by both parties and upon obtaining said signatures shall immediately become part of the contract.
4. No payments in excess of the total bid amount will be approved, unless such services/expenditures are negotiated, agreed upon and approved by the Bernards Township Sewerage Authority in advance of service delivery.
5. Billing must be rendered within 30 days of service delivery.
6. As required by law, the parties to this contract agree to incorporate into this contract the mandatory affirmative action language promulgated by the Treasurer pursuant to P.L. 1975, c.127, which is attached to resolution as Exhibit B.

7. The Bernards Township Sewerage Authority may terminate this contract if contractor does not fulfill the services as outlined in the Bid Specification, upon 5 days written notice via certified mail.
8. The work contemplated under the Contract shall be completed within **60** days of the issuance of the Notice to Proceed.
9. The Contractor shall commence the work not later than ten (10) calendar days after the owner has given the Notice to Proceed Date to the Contractor in writing.
10. The completion time period shall include, but not be limited to, the time necessary to prepare shop drawings, to order, process, and deliver all equipment and materials, to obtain necessary permits and approvals, to perform the proper installation contemplated under this Contract and all else necessary and incidental in connection with the performance of this Contract.
11. The Contractor shall report directly to the Owner's construction management consultant, who will be the Bernards Township Sewerage Authority contact for all phases of this project.
12. If the Contractor fails to complete the work within the specified time plus extensions, the Contractor shall be responsible to the Bernards Township Sewerage Authority for liquidated damages in the sum of \$500.00 per day for every day thereafter until the completion and acceptance of the work. Such liquidated damages shall not be considered as a penalty. The Bernards Township Sewerage Authority shall deduct and retain out of any money due or to become due herein to Contract the amount of the liquidated damages.
13. In accordance with bid specifications, if the Contractor, upon notification by the Bernards Township Sewerage Authority, fails to execute the contract prepared by the Authority attorney within 10 days of such notification with the Bernards Township Sewerage Authority, the Authority may rescind the award of the bid to the Contractor and award the contract to another bidder, and shall have the right to proceed against the guaranty accompanying the bid.

I agree to the terms as stated in this Resolution and by signing this document, I am committed to follow all terms of this award.

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John Garcia, President  
John Garcia Construction Co. Inc.

**Explanatory Statement**

This resolution awards a contract for work to the Fieldstone Pump Station force main which is tuberculated. The work involves excavating a section of the main to determine the extent of heavy cleaning needed and then performing the cleaning and identifying any other repairs.

Thomas Timko, Authority Director

**CFO CERTIFICATION**

I, Sean McCarthy, Chief Financial Officer of the Township of Bernards, hereby certify that adequate funds are available for the above referenced purchase in the not to exceed amount of \$107,200.00. Monies are available in the 2014 Sewerage Authority Capital Budget; line account # C-01-14-PMP-B01, \$107,200.00.

Date:

Sean McCarthy, Chief Financial Officer



**PURCHASING CERTIFICATION**

I hereby certify that I have prepared this resolution and reviewed it for accuracy.

Francis J. Decibus, QPA, RPPO  
Purchasing Agent

Date:

Agenda and Date Voted: May 9, 2023

**CERTIFICATION**

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Sewerage Authority on 05/09/2023.

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Thomas Timko, Authority Director



# Bernards Township Sewerage Authority

## Resolution #2325

Bernards Township Sewerage Authority

Award of Purchase Order(s) for

Aqua Aerobic Systems, Inc, Campbell Foundry Company, JDV Equipment Corp

**WHEREAS**, the Township Committee of Bernards has adopted Ordinance # 1854 "Known as Pay to Play" and P. L. 2004, Chapter 19; and

**WHEREAS**, pursuant to the ordinance window contracts determined to exceed \$ 17,500.00 and within the bid threshold of \$ 44,000.00 requires Authority approval; and

**WHEREAS**, the purchasing agent has determined that the value of the expenditures with the vendor(s) listed below will exceed \$17,500.00 in purchases;

Vendor	Not to Exceed	Vendor	Not to Exceed
Aqua Aerobic Systems, Inc (floating aerators)	\$44,000.00	Campbell Foundry Company (manhole frames)	\$44,000.00
JDV Equipment Corp (grit system repairs)	\$44,000.00		

**WHEREAS**, in anticipation of the listed expenditure, a Business Entity Disclosure Certification has been secured in compliance with N.J.S.A.19:44A 20-4 et seq., and that the principals of the said companies, have not made any reportable contributions to a political or candidate committee in the Township of Bernards in the previous one year, and that the contract will prohibit the principals of said companies from making ANY contributions through the term of the contract pursuant to Bernards Township Ordinance # 1854 adopted on February 28, 2006, that would prohibit any business entity or professional that procures goods, services or contracts from the Township without the formal bid process from making "any" contribution whatsoever in the prior calendar year; and

**NOW THEREFORE BE IT RESOLVED** by the Bernards Township Sewerage Authority of the Township of Bernards, Somerset County, New Jersey that the Purchasing Agent is hereby authorized to issue purchase orders to the vendor listed above to maintain continuity and facilitate the ordering process through November 30, 2023.

Agenda and Date Voted: May 9, 2023

### PURCHASING CERTIFICATION

I hereby certify that I have prepared this resolution and reviewed it for accuracy.

  
For Purchasing Agent

Date: May 1, 2023

Francis J. Decibus, QPA, RPPO  
Purchasing Agent

### CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Sewerage Authority on 09/09/2023.

Thomas Timko, Authority Director