



UNION COUNTY UTILITIES AUTHORITY

1499 Routes 1 & 9, North, Rahway, New Jersey 07065

(732) 382-9400

FAX (732) 382-5862

RESOLUTION NO.: 85-2014

DATED: October 15, 2014

RESOLUTION OF THE UNION COUNTY UTILITIES AUTHORITY AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT FOR PROFESSIONAL FINANCIAL/MANAGEMENT ADVISORY SERVICES.

APPROVED AS TO FORM:

Deputy ~~Joseph C. Bodek~~ *Lisa M. Dasilva*
Clerk of the Authority

By: *Lisa M. Dasilva*

APPROVED AS TO SUFFICIENCY OF FUNDS

YES NO NONE REQUIRED
UNION COUNTY UTILITIES AUTHORITY

By: *[Signature]*

	PRESENT	ABSENT	AYE	NAY	ABSTAIN	MOTION	SECOND
<i>Badri</i>		1					
<i>Eastman</i>	1		1				1
<i>Jackus</i>	1		1				
<i>Kahn</i>	1		1				
<i>Kennedy, Secretary</i>	1		1			1	
<i>Kulish</i>		1					
<i>People, Treasurer</i>	1		1				
<i>ErDOS, Vice Chairwoman</i>		1					
<i>Huff, Chairman</i>	1		1				
<i>Bonanno, Alternate</i>	1		1				
<i>Lombardo, Alternate</i>		1					

RESOLUTION NO.: 85-2014

DATED: October 15, 2014

**RESOLUTION OF THE UNION COUNTY UTILITIES AUTHORITY
AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES
CONTRACT FOR PROFESSIONAL FINANCIAL/MANAGEMENT ADVISORY
SERVICES.**

WHEREAS, the County of Union, New Jersey has previously adopted, and amended from time to time, the Union County District Solid Waste Management Plan in accordance with the New Jersey Solid Waste Management Act for the purpose of managing the disposal and/or recycling of solid waste generated in Union County; and

WHEREAS, the Union County Board of Chosen Freeholders has designated the Union County Utilities Authority (the "Authority"), in accordance with the Solid Waste Management Act, to serve as the implementing agency for its District Solid Waste Management Plan; and

WHEREAS, the Authority owns the Union County Resource Recovery Facility, a 1540 tons per day waste-to-energy facility, located in the City of Rahway, New Jersey (the "UCRRF") which has been leased to and is operated by Covanta Union, Inc. ("Covanta"), formerly known as Ogden Martin Systems of Union, Inc., as part of a restructuring undertaken by the Authority in 1998 following the decision in Atlantic Coast Demolition and Recycling, Inc. v. Board of Chosen Freeholders of Atlantic County et al., 112 F.3d 652 (3d Cir. 1997), cert. den. 522 U.S. 966 (1997); and

WHEREAS, the Authority and Covanta are parties to an Amended and Restated Waste Disposal Agreement, dated as of February 15, 1998, as amended and restated as of December 15, 2011 (the "Waste Disposal Agreement") and related agreements, which delineates, among other things, the parties rights and responsibilities pertaining to the delivery of solid waste to the UCRRF; and

WHEREAS, in connection with the Waste Disposal Agreement the Authority is called upon to review the records and information made available to it by Covanta to assess and confirm the extent to which Covanta has mitigated or sought to mitigate projected shortfalls in acceptable waste delivered to the UCRRF on behalf of the Authority during a given year; and

WHEREAS, the Authority wishes to utilize an outside professional firm to assist it in reviewing and analyzing the above mentioned records and information made available by Covanta for the delivery of materials to the UCRRF during the time period covering January 1, 2013 through December 31, 2013; and

WHEREAS, based upon the review of a proposal submitted to the Authority by the firm Lerch, Vinci & Higgins, LLP, and as recommended by the Authority's Executive Director and the PPI Committee who have found said firm to be qualified to perform the financial/management professional advisory services required for the purposes described herein and in the attached form of Contract, the Authority desires to enter into a contract with such firm to provide said services.

NOW, THEREFORE, BE IT RESOLVED, by the Union County Utilities Authority, that:

1. The Authority authorizes the Chairman and the Executive Director to execute a Contract with Lerch, Vinci & Higgins, LLP in a form substantially similar to the form of Contract attached hereto, to provide specialized financial/management advisory services in connection with the Authority's contractual rights and obligations under the Waste Disposal Agreement to be provided from October 15, 2014 through to the Authority's annual reorganization meeting currently scheduled in February 11, 2015.
2. The aforementioned services are to be provided to the Authority in an amount not to exceed \$15,000.00.
3. This appointment constitutes an award for professional and consulting services not subject to the public bidding requirements of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., inasmuch as the appointee is authorized and regulated by law to provide the aforementioned services and/or the services are special in nature and require knowledge and training of an advanced type, which said firm possesses.
4. The Authority's Clerk shall publish an appropriate Notice of Award of this contract to the extent required by New Jersey law.
5. This Resolution shall take effect immediately.