

TOWNSHIP OF UPPER DEERFIELD

RESOLUTION 19-49

**AUTHORIZING EXECUTION OF MODIFIED OPERATING AGREEMENT
BETWEEN WATER REMEDIATION TECHNOLOGY, LLC AND
THE TOWNSHIP OF UPPER DEERFIELD**

WHEREAS, the Township of Upper Deerfield has previously entered into an agreement with Water Remediation Technology, LLC to provide services to the Township of Upper Deerfield in connection with the removal of radium from the Township's water supply systems at its treatment and production wells located at Love Lane and Seabrook; and

WHEREAS, such services are specialized involving the proprietary replacement of filter media, preparation of emergency action plans and compliance with regulatory requirements with respect to the handling of, installation of, removal, transport, and disposal of spent media containing radioactive materials; and

WHEREAS, the Township is in need of services to monitor, install, remove, handle, transport, and dispose of radioactive materials at the Love Lane well and treatment plant and the Seabrook well and treatment plant; and

WHEREAS, such services are extraordinary and unspecifiable, requiring that the contractor be able to meet both federal and state regulatory requirements; and

WHEREAS, the water treatment and radium removal systems installed at the Love Lane Water Treatment Plant and the Seabrook Water Treatment Plant of the Township of Upper Deerfield is a **proprietary system** licensed by Water Remediation Technology, LLC; and

WHEREAS, the fabrication, construction, installation of these systems were publicly bid and bids awarded for the construction of the systems; and

WHEREAS, the Township Committee of the Township of Upper Deerfield is desirous of entering into an agreement to replace media filter, install media filter, remove spent media filter, transport it and dispose of it in accordance with federal and state regulations and requirements; and

WHEREAS, such services require specialized expertise and knowledge of radioactive materials, the handling, transport, and disposal of the same; and

WHEREAS, the contractor is required to have specialized knowledge with respect to a **proprietary system** for the removal of radium from public water supply systems created, marketed, and fabricated by Water Remediation Technology, LLC; and

WHEREAS, services with respect to the monitoring, handling, installation, removal, transport, and disposal of radioactive spent media filter is a service which is highly specialized and peculiar to and specific to the operation of a proprietary water treatment system for the removal of radium manufactured by Water Remediation Technology; and

WHEREAS, the Township Committee of the Township of Upper Deerfield believes that the provision of such services is not only specified but constitutes extraordinary and unspecifiable services which would be exempt from the public bidding requirements of N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the Township Committee of the Township of Upper Deerfield is desirous of entering into an agreement for the monitoring, handling, installation, treatment, removal, transport, and disposal of radioactive spent media from the Love Lane water filtration and treatment plant and the Seabrook water filtration and treatment plant; and

WHEREAS, the Township Committee of the Township of Upper Deerfield has determined that the existing water treatment facilities at the Love Lane water filtration treatment plant and the Seabrook water filtration and treatment plant are in operation and no other provider of such services can capably and responsibly provide such services at this time;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Upper Deerfield that the Township Committee of the Township of Upper Deerfield believes and has concluded that the award of a contract to Water Remediation Technology, LLC as the only qualified contractor to monitor, handle, install, remove, transport and dispose of spent radioactive media filter from both the Love Lane and the Seabrook Water Treatment Plants constitutes extraordinary unspecifiable services due to the proprietary nature of the system, Water Remediation Technology, LLC, specialized and propriety knowledge and information with respect to the operation of the treatment plant, safety requirements pertaining thereto, and its peculiar and specialized expertise in handling and disposing of radioactive materials requires that an award of a contract for services to Water Remediation Technology, LLC is exempt from the provisions of the Local Public Contracts Law in that such services are extraordinary and unspecifiable; and

BE IT FURTHER RESOLVED that a contract Water Remediation Technology, LLC, including basic provisions, Exhibit A attached thereto, be awarded and an agreement entered into between the Township of Upper Deerfield and Water Remediation Technology, LLC as an extraordinary unspecifiable contract exempt from the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

BE IT FURTHER RESOLVED by the Township Committee of the Township of Upper Deerfield that the award of this agreement for services is contingent and conditioned upon a contract being entered into in form satisfactory to the Township Solicitor of the Township of Upper Deerfield; and

BE IT FURTHER RESOLVED that this agreement is further conditioned upon the contractor completing Form CR 271 at least ten days prior to the execution of the contract and a certification of compliance with the provisions of Pay to Play, N.J.S.A. 9:44A-20.5, et seq.

BE IT FURTHER RESOLVED by the Township Committee of the Township of Upper Deerfield that a copy of this Resolution shall remain on file with the Clerk of the Township of Upper Deerfield and available for public inspection and notice of the award of bid printed in the official newspaper of the Township of Upper Deerfield.

Moved By: Bruce Peterson

Seconded By: John O'Neill

VOTING

James P. Crilley
John L. Daddario
John T. O'Neill, Sr.
Bruce T. Peterson
Scott Smith

<u>In Favor</u>	<u>Against</u>	<u>Abstain</u>	<u>Absent</u>
X			
X			
X			
X			
X			

CERTIFICATION

I hereby certify that the foregoing is a true copy of Resolution adopted by the Township Committee of the Township of Upper Deerfield, in the County of Cumberland, at a meeting thereof held January 17, 2019.

Roy J. Spoltore, Township Clerk