

**BUENA BOROUGH MUNICIPAL UTILITIES AUTHORITY
RESOLUTION NO. R-21-2023**

**AUTHORIZING SCADA SYSTEM UPGRADES
WITHOUT PUBLIC BIDDING THEREFORE AS
AUTHORIZED BY N.J.S.A. 40A:11-5(gg)**

WHEREAS, the Local Public Contracts Law, at N.J.S.A. 40A:11-15(16) defines “water supply facility”, as:

The real property and the plants, structures, interconnections between existing water supply facilities, machinery and equipment and other property, real, personal and mixed, acquired, constructed or operated, or to be acquired, constructed or operated, in whole or in part by or on behalf of a political subdivision of the State or any agency thereof, for the purpose of augmenting the natural water resources of the State and making available an increase supply of water for all uses, or of conserving existing water resources, and any and all appurtenances necessary, useful or convenient for the collecting, impounding, storing, improving, treating, filtering, conserving or transmitting of water and for the preservation and protection of these resources and facilities and providing for the conservation and development of future water supply resources; and

WHEREAS, the Buena Borough Municipal Utilities Authority (“Authority”) operates “water supply facility”, as defined in the Local Public Contracts Law; and

WHEREAS, the Authority has previously investigated the need to upgrade its aging SCADA system components; and

WHEREAS, the result of that inquiry has revealed that the only North American manufacturer that sells the required equipment that is compatible with our existing equipment is Complete Control Services, Inc. located in Egg Harbor City, New Jersey; and

WHEREAS, Complete Control’s SCADA replacement includes materials, onsite/offsite support and delivery and installation; and

WHEREAS, the total cost of the proposal is \$108,952.45; and

WHEREAS, under the Local Public Contract's Law, contracts for the purchase of "component parts" of a "water supply facility" need not publicly bid because they fall within the list of public bidding exceptions that is set forth in N.J.S.A. 40A:11-5; and

WHEREAS, with regard to the public bidding exceptions that are set forth in the Local Public Contracts Law, N.J.S.A. 40A:11-5 provides:

Any contract the amount of which exceeds the bid threshold, may be negotiated and awarded by the governing body without public advertising for bids and bidding therefore and shall be awarded by resolution of the governing body if:

(1) The subject matter thereof consists of:

(gg) A contract for the provision of ... water supply services as defined in [N.J.S.A. 40A:11-15(16)] *or any component part or parts thereof* ... Emphasis added.

WHEREAS, after consultation with the Authority's professionals, including the Authority's Solicitor, this body is of the opinion that the aforementioned specialty and proprietary equipment from Complete Control Services, Inc. are "component parts" of a "water supply facility" and may be procured without public bidding therefore, even if the cost thereof exceeds the bid threshold; and

WHEREAS, absent the ability to procure Complete Control's replacement SCADA system directly from Complete Controls without the need to engage in public bidding therefore, replacement of the system would likely be greatly delayed due to the needless expense of bidding and for a product which only Complete Control provides;

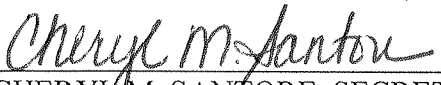
NOW, THEREFORE, BE IT RESOLVED, by the Members of the Buena Borough Utilities Authority in the County of Atlantic and State of New Jersey as follows:

- 1) All of the statements of the preamble are repeated and are incorporated herein by this reference thereto as though the same were set forth at length.
- 2) In the event that all funding needed to proceed with the purchase of the SCADA System upgrade is secured, then procurement of the required associated equipment components and upgrades directly from Complete Control Services, Inc. without public bidding therefore pursuant to N.J.S.A. 40A:11-5(gg) be and hereby is authorized.

BOROUGH OF BUENA MUNICIPAL UTILITIES AUTHORITY

By: 
JOSEPH SANTAGATA, CHAIRMAN

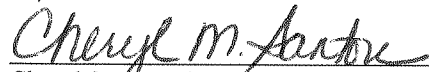
Attest:


CHERYL M. SANTORE, SECRETARY

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	BAKER	DELANO	FORMISANO	JOHNSTON	SANTAGATA	ROMEO	DESTEFANO
MOTION				X			
SECOND						X	
AYES				X	X	X	X
NAY							
ABSENT	X	X	X				
ABSTAIN							

I hereby certify that the foregoing is a true and exact copy of a resolution introduced and adopted by the Borough of Buena Municipal Utilities Authority at a meeting held on June 28, 2023.


Cheryl Santore, Secretary