

RESOLUTION 100-24

RESOLUTION APPROVING A SERVICE AGREEMENT WITH FOLEY POWER SYSTEMS FOR GENERATORS LOCATED ON MELVA LANE AND ABERDEEN ROAD THROUGH THE EDUCATIONAL SERVICES COMMISSION OF NEW JERSEY CO-OP ESCNJ 22/23-46 FOR THE PERIOD COVERING OCTOBER 16, 2024, THROUGH OCTOBER 15, 2025, IN THE AMOUNT OF \$17,369.71

WHEREAS, Pursuant to Resolution 03-24 the Monroe Municipal Utilities Authority authorized joining the Educational Services Commission of New Jersey purchasing co-op, and

WHEREAS, the Authority has a need for a service agreement with Foley Power Systems for generators located on Melva Lane and Aberdeen Road.

Description/Model:

XQ800-EPG
C6.6-EPG
3456-EPG
ATS-1000 AMP-ASCO
800 AMPZENITH

WHEREAS, said generator service is covered under the Educational Services of New Jersey purchasing co-op under contract ESCNJ 22/23-46; and

WHEREAS, funds are available in the full amount for service and same have been certified by the Certifying Financial Officer.

01-w-614-03 \$ 6,947.89
01-s-614-03 \$10,421.82

WHEREAS, the Certifying Financial Officer has certified that funds will be appropriated when the budget for the subsequent year is approved.

WHEREAS, after reviewing the potential contract, the Authority intends to award a contract for generator service at Melva Lane and Aberdeen Road through the Educational Services Commission of New Jersey contract number #22/23-46.

WHEREAS, pursuant to the requirements of Public Law 2010 Chapter 139 and the Local Public Contracts Law the Authority verifies the following in reference to the Educational Services Commission of New Jersey contract number #22/23-46 for a service agreement on generators.

1. That the use of the cooperative purchasing agreement shall result in cost savings after all factors, including charges for service, material, and delivery, has been considered by one of the following:
 - A. Comparing current State contract pricing, available to other government entities, to that of the proposed national cooperative.
 - B. Comparing pricing for comparable goods or services under the contracting unit's current contracts or contracts available to it (i.e. New Jersey government base cooperative purchasing programs) to that of the proposed national cooperative.
 - C. Comparing recently procured comparable contracts entered into by other public entities to that of the proposed national cooperative.
2. The national cooperative contract was awarded through a "competitive bidding process" that included open competition, or competition among those qualified or pre-qualified, submission of bids, and award pursuant to a "lowest responsible", "most advantageous to the public entity, price and

other factors considered", or other similar standard employed by a public entity. This excludes contract awards based on unadvertised, "invitation only", negotiated, local preference, or sole source procurement practices.

3. The "competitive bidding process" that was used by the original contract awarding agency complies with N.J.S.A. 19:44A-20.4 and 20.5 (pay-to-play laws) and at a minimum, the original contract awarding agency did the following:
 - A. Publicly advertised in newspapers or on the Internet website maintained by the public entity in enough time to give notice in advance of the contract.
 - B. Awarded under a process that provides for public solicitation of proposals or qualifications.
 - C. Awarded and disclosed under criteria established in writing by the public entity prior to the solicitation of proposals or qualifications; and
 - D. Publicly opened and announced when awarded.
4. The contract being awarded must have been awarded by a contacting unit as defined in c.139 and was not awarded by a non-profit or private organization, even if a member of the cooperative. Stated differently, the original contract awarding agency meets the definition of a "contracting unit" as defined by New Jersey purchasing statutes.
5. The original bid was advertised as a national cooperative contract (or a regional contract that includes New Jersey in its region)- not as strictly a local contract that was made "national" or "regional" after the receipt of bids.
6. The vendor will comply with the following New Jersey laws by submitting the following required forms to the Authority, as if the contracts were originally awarded by the Authority:
 - A. New Jersey Business Registration Certificate for the contractor and all sub-contractors (i.e., copy of certificate)
 - B. Statement of Corporate Ownership (an original form prepared for the contracting agency awarding the contract)
 - C. Public Contract EEO Compliance (Employee Information Report form or proof of participation in a federally approved affirmative action program)A non-collusion affidavit (only if required by a local unit), and.

NOW, THEREFORE, BE IT RESOLVED by the Monroe Municipal Utilities Authority this resolution approving the service agreement with Foley Power Systems for generators on Melva Lane and Aberdeen Road ESCNJ contract number 22/23-46 be adopted.

IT IS HEREBY CERTIFIED THAT THIS IS A TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING HELD ON OCTOBER 16, 2024.

Chairman

Assistant Secretary

Denise Nellis
Certifying Financial Officer