

BERNARDS TOWNSHIP SEWERAGE AUTHORITY
AGENDA
May 10, 2022
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 12, 2022
 - b. Closed Meeting – April 12, 2022
6. Correspondence –
7. Public Comment
8. Action/Discussion Items:
 - a. Resolution #2238 Flett Exchange srecs procurement
 - b. Resolution #2239 BTSA salary chart
 - c. Resolution #2240 Emex electric supply auction
9. Operator's Report
10. Bill List – Resolution - #2241 -
11. Member/Staff Comments -
12. Adjournment



Bernards Township Sewerage Authority Resolution

**RESOLUTION #2238
AWARDING AN EXTRAORDINARY UNSPECIFIABLE SERVICES CONTRACT
FOR SREC BROKERAGE AND CONSULTING SERVICES
TO FLETT EXCHANGE, L.L.C.
COST NOT TO EXCEED \$15,000.00**

WHEREAS, the Bernards Township Sewerage Authority requires brokerage and consulting services for the SREC's (Solar Renewable Energy Certificates) generated by the solar photovoltaic project at the Sewage Treatment Plant; and

WHEREAS, Michael Flett, Managing Member of Flett Exchange, L.L.C. of 95 River Street, Suite 208, Hoboken, New Jersey 07030 has submitted a proposal dated April 8, 2022, outlining their services and fees; and

WHEREAS, section N.J.S.A. 40A:11-5 of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) exempts such extraordinary unspecifiable services from competitive bidding; and

WHEREAS, this contract has been awarded to Flett Exchange, L.L.C. through a process without public advertisement pursuant to N.J.S.A. 19:44A-20.7; and

WHEREAS, the CFO has certified funds are available in 2-01- -803-300 line item appropriation; and

WHEREAS, the purchasing agent has filed a Certificate Declaration for this Extraordinary Unspecifiable Service with the Municipal Clerk; and

NOW THEREFORE BE IT RESOLVED, by the Bernards Township Sewerage Authority that an extraordinary unspecifiable service contract be awarded to Flett Exchange, L.L.C. as follows:


1. The contract will encompass services as outlined as SREC Brokerage and Consulting services in the proposal submitted on April 8, 2022.
2. The contract term is from May 10, 2022, through November 30, 2022 at an amount of 1.5% of the value of a long term bilateral SREC contract (contract price x firm quantity x years), 0% payable at contract signing and the remaining 100% paid upon the first delivery of SREC's.
3. Any modification to this contract shall be requested 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. Either party upon 30 days written notice via certified mail may terminate this contract. If terminated fees not earned by Flett Exchange LLC., will be promptly refunded to Bernards Township Sewerage Authority.
5. 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 this resolution as Exhibit A.
6. This contract shall, for all purposes, be deemed a New Jersey Contract and any provisions of this contract shall be governed and interpreted with the Laws of the State of New Jersey.
7. The contractor shall report directly to the Authority Administrator who will be the chief contact for the Bernards Township Sewerage Authority on this project.

NOW THEREFORE BE IT FURTHER RESOLVED, NOW THEREFORE BE IT FURTHER RESOLVED that notice of this contract award be published in the official Township newspaper, and a copy of the resolution be on file and available for public inspection, in the office of the of the Bernards Township Sewerage Authority Director, 277 South Maple Avenue, Basking Ridge, NJ 07920.

I agree to the terms as stated in the Resolution and by signing this document I,
Michael Flett, Managing Member of Flett Exchange, L.L.C., I am committed to follow all terms of this
award.

Michael Flett, Managing Member of Flett Exchange, L.L.C.

CERTIFICATE DECLARATION FOR EXTRAORDINARY UNSPECIFIABLE SERVICE	
Describe in detail the nature of work:	The consultant will provide brokerage and consulting services for the SREC program.
Describe why the contract meets the provision of the statute:	The services to be provided are unique and based on knowledge of a commodity market that changes daily.
Describe why the service is qualitative in nature requiring the need for expertise, extensive training and proven reputation:	The solar commodity market is volatile and the need for experienced experts in the field with a proven track record is imperative.
Explain why it is not reasonably possible to draft specifications:	The solar commodity market is volatile with many variable contracting options and there are too many unknowns to try to draft a scope of work.
Describe the informal solicitation of quotes:	Flett Exchange has a proven track record and is the most qualified and has procured past srec contracts for BTSA.
	I, Francis J. Decibus, QPA, Purchasing Agent, have reviewed the rules of the DLGS pursuant to N.J.A.C. 5:34-2.1 et seq. and certify that the proposed contract may be considered an extraordinary unspecifiable service in accordance with the requirements thereof.
	Purchasing Agent
Dated:	

CHIEF FINANCIAL OFFICER CERTIFICATION	
I, Sean McCarthy, CFO of the Township of Bernards, hereby certify that adequate funds are available in the amount of \$15,000 for the above referenced purchase. Monies are available in the 2022 Sewerage Authority Budget, Professional Services; the line item appropriation to be charged is 2-01- -803-300.	
	
Dated: May 5, 2022	Sean McCarthy, CFO

<u>Certification</u>
I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Sewerage Authority on 05/10/2022.
_____ Thomas Timko, Authority Director



Bernards Township Sewerage Authority Resolution

Resolution #2239 Fixing the Compensation of Employees of the Bernards Township Sewerage Authority

WHEREAS, the Bernards Township Sewerage Authority desires to establish a Salary Resolution for its employees commencing July 1, 2022;

WHEREAS, the Salary Range and Step Program shall be and is hereby fixed and established as follows:

Operator Step Program				
	Hourly	Hourly	Annual	Annual
Step	Rate	Increase	Increase	Salary
1	\$26.00			\$54,080.00
		\$1.43	\$2,974.40	
2	\$27.43			\$57,054.40
		\$1.43	\$2,974.40	
3	\$28.86			\$60,028.80
		\$1.43	\$2,974.40	
4	\$30.29			\$63,003.20
		\$1.43	\$2,974.40	
5	\$31.72			\$65,977.60
		\$1.43	\$2,974.40	
6	\$33.15			\$68,952.00
		\$1.43	\$2,974.40	
7	\$34.58			\$71,926.40
		\$1.43	\$2,974.40	
8	\$36.01			\$74,900.80
Supervisor Salary Range				
Job Title	Hourly Range		Salary Range	
Superintendent	\$42.14	\$53.85	\$87,651.20	\$112,008.00
Assistant Super.	\$40.14	\$48.50	\$83,491.20	\$100,880.00
Lab Supervisor	\$32.00	\$42.31	\$66,560.00	\$88,004.80
Plant Supervisor	\$30.00	\$40.87	\$62,400.00	\$85,009.60
Collections Supervisor	\$30.00	\$40.87	\$62,400.00	\$85,009.60
Collections Foreman	\$28.00	\$38.46	\$58,240.00	\$79,996.80
Treatment Foreman	\$28.00	\$38.46	\$58,240.00	\$79,996.80
Note: Supervisor Salary Range is at time of promotion and does not supersede the Pay for Performance Program.				

WHEREAS, for 2022 and subsequent years, Bernards Township Sewerage Authority Employees will move in the appropriate step, for their role, on their applicable anniversary date, and

WHEREAS, the base salaries listed above do not include the additional license incentives established previously by the Authority and listed here for reference; and

Plant License	Incentive	Collection License	Incentive
S1	\$500	C1	\$500
S2	\$1,000	C2	\$1,000
S3	\$1,500	C3	\$1,500
S4	\$2,000	C4	\$2,000
Note: Employees shall be paid the appropriate stipend for each license they possess. Obtaining a higher license does not supersede the previous, but compounds.			

WHEREAS, in addition, the Authority agrees that any weekend pay will include 4 hours on Saturday at time and one-half and 4 hours on Sunday at double time, if the employee works a full 40 hour week Monday through Friday in accordance with the terms and conditions of the Employee Handbook; and

WHEREAS, the Wastewater Treatment Plant Operators are required to be on call and carry a cell phone in case of emergencies in a rotating status among the Operators, and shall be compensated at a weekly rate of \$100 while working on call (commonly known as “Beeper Pay”); and

WHEREAS, the salary ordinance will be re-evaluated at least once every two years and the structure may be adjusted to reflect changes in the external market; and

NOW THEREFORE BE IT RESOLVED, by the Bernards Township Sewerage Authority that the Salary Resolution set forth herein is hereby made effective as of December 13, 2017.

Dated: May 10, 2022

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Sewerage Authority on 05/10/2022.

Thomas Timko, Authority Director



Bernards Township Sewerage Authority Resolution

BERNARDS TOWNSHIP SEWERAGE AUTHORITY RESOLUTION #2240 AUTHORIZING THE PURCHASE OF ELECTRICITY SUPPLY SERVICES FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE

WHEREAS, the Bernards Township Sewerage Authority has determined to move forward with the EMEX Reverse Auction in order to procure electricity for Sewerage Authority accounts; and

WHEREAS, the Local Government Electronic Procurement Act (P.L. 2018, c. 156) (the “Act”) authorizes the purchase of electricity supply service for public use through the use of an online auction service; and

WHEREAS, the Bernards Township Sewerage Authority will utilize the online auction services of EMEX, LLC, a division of Mantis Innovation, an approved vendor pursuant to the Act; and

WHEREAS, EMEX, LLC, a division of Mantis Innovation, is compensated for all services rendered through the participating supplier that a contract is awarded to; and

WHEREAS, the auction will be conducted pursuant to the Act; and

WHEREAS, if the auction achieves a price for metered electricity of \$0.132/kWh or less for a 12 month term, a price of \$0.114/kWh or less for an 18 month term, or a price of \$0.105/kWh or less for a 24 month term; the Bernards Township Sewerage Authority may award a contract to the winning supplier for metered electricity for the selected term.

NOW, THEREFORE, BE IT RESOLVED that the Authority Director or the Purchasing Agent of the Bernards Township Sewerage Authority is hereby authorized to execute on behalf of the Bernards Township Sewerage Authority any electricity contract proffered by the participating supplier that submits the winning bid in the EMEX Reverse Auction if the auction achieves a price for metered electricity of \$0.132/kWh or less for a 12 month term, a price of \$0.114/kWh or less for an 18 month term, or a price of \$0.105/kWh or less for a 24 month term; the Bernards Township Sewerage Authority may award a contract to the winning supplier for the selected term.

Explanation: EMEX, LLC is a company that runs on-line reverse auctions for electric supply for a large number of public entities both in the State of NJ and elsewhere in the US. This procurement strategy is approved by state law and has been proven to be a successful process. If we see advantageous rates bid that are below the above “trigger prices”, the Sewerage Authority can lock in savings. These rates will not be effective until June of 2022 when the current EMEX contracts ends.

Thomas Timko, Authority Director

Agenda and Date Voted: May 10, 2022

Certification

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Sewerage Authority on 05/10/2022.

Thomas Timko, Authority Director