

RESOLUTION OF THE MORRIS COUNTY IMPROVEMENT AUTHORITY

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**TITLE:**

**RESOLUTION AUTHORIZING USE OF A COMPETITIVE CONTRACTING PROCESS PURSUANT TO N.J.S.A. 40A:11-4.3 TO SECURE PROPOSALS FOR OPERATION, MAINTENANCE AND MANAGEMENT SERVICES FOR THE TIOGA SOLAR I (2009A SERIES) PROJECT IMPROVEMENTS**

**WHEREAS**, the Morris County Improvement Authority, County of Morris, New Jersey (the "Authority"), a county improvement authority organized and existing under the laws of the State of New Jersey, provides, among other things, for the provision of renewable solar energy to various local units within the County of Morris through physical solar photovoltaic plant which it owns; and,

**WHEREAS**, in that regard, the Authority owns certain of the aforementioned physical solar photovoltaic plant (the Tioga Phase I portion thereof) as a result of an April 30, 2013 general assignment for the benefit of creditors to Tioga Energy (Assignment for the Benefit of Creditors), LLC ("Tioga Energy ABC"), including its membership interests in Tioga Morris. The Authority has since taken full ownership of the Tioga Solar I (2009A Series) Project Improvements, as of December 1, 2019 in the wake of that assignment (the forgoing program and project, together, the "Project Improvements"); and,

**WHEREAS**, the Authority has determined to enter into an agreement with a successful responder to provide for the operation, maintenance and management of the Project Improvements; and

**WHEREAS**, operation, maintenance and management services constitute an appropriate purpose for which competitive contracting, under the Local Public Contracts Law, may be used; and,

**WHEREAS**, the Authority has complied with the requirements for competitive contracting set forth in *N.J.S.A.* 40A:11-4.1 through 4.5, and now seeks to utilize the same in order to proceed to secure the aforementioned operation, maintenance and management services for the Project Improvements.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Authority, as follows:

**Section 1.** The aforementioned recitals are incorporated herein as though fully set forth at length.

**Section 2.** The Authority hereby authorizes and directs the use of the competitive contracting process in accordance with *N.J.S.A. 40A:11-4.1 et. seq.* of the Local Public Contracts Law by the Authority, for the solicitation of proposals for the operation, maintenance and management of the Project Improvements.

**Section 3.** Pursuant to and in accordance with *N.J.S.A. 40A:11-4.3*, the aforesaid competitive contracting process shall be administered by the Authority's Chairman, who also serves as the Morris County Administrator (hereafter the "County Administrator") in consultation with the Authority's general counsel, and the Morris County Qualified Purchasing Agent ("QPA").

**Section 4.** Pursuant to and in accordance with *N.J.S.A. 40A:11-4.4(a)*, the County Administrator, Authority's general counsel, the QPA, employees and professionals, as necessary, shall seek proposals through the publication and distribution of a Request For Proposals (the "RFP"), in a form to be prepared by general counsel in consultation with the County Administrator and the QPA, on behalf of the Authority for operation, maintenance and management of the Project Improvements, and to report the results of such solicitation and any recommendations to the Authority.

**Section 5.** As part of its approval of the use of the competitive contract process, the Authority requires: 1) that the County Administrator request professionals, including by way of example engineering, solar, financial, and legal experts as necessary, evaluate the RFP responses and make a formal recommendation to the Authority respecting a contract award; and, 2) that the Authority, or an appropriate subcommittee thereof, be given an opportunity to interview RFP respondents, if deemed necessary in connection with the RFP evaluation and selection process.

**Section 6.** A copy of this Resolution shall be available for distribution to the public and for public inspection at the Authority offices.

**Section 7.** Subject to the second sentence of this section, this resolution shall take effect immediately. In accordance with *N.J.S.A. 40:37A-50*, the Secretary of the Authority is hereby authorized and directed to submit to each member of the Board of Chosen Freeholders of the County of Morris, by the end of the fifth business day following this meeting, a copy of the minutes of this meeting. The Secretary is hereby further authorized and directed to obtain from the Clerk of the Board of Chosen Freeholders of the County of Morris a certification from the Clerk of the Board of Chosen Freeholders of the County of Morris stating that the minutes of this meeting have not been vetoed by the Director of the Board of Chosen Freeholders of the County of Morris.

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**MOVED/SECONDED:**

Resolution moved by Commissioner \_\_\_\_\_.

Resolution seconded by Commissioner \_\_\_\_\_.

**VOTE:**

<b>Commissioner</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Bonanni				
Ramirez				
Bauer				
Sandman				
Gallopo				

This Resolution was acted upon at the Regular Meeting of the Authority held on April 15, 2020 at the Authority's principal corporate office in Morristown, New Jersey.

Attested to this 15th day of April, 2020:

By: \_\_\_\_\_  
Secretary of the Authority

**FORM and LEGALITY:**

This Resolution is approved as to form and legality as of April 15, 2020.

By: \_\_\_\_\_  
Matthew D. Jessup, Esq., Member  
McManimon, Scotland & Baumann, LLC  
Counsel to the Authority  
Resolution No. 20-12