

RESOLUTION OF THE MORRIS COUNTY IMPROVEMENT AUTHORITY

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**TITLE:**

**RESOLUTION OF THE MORRIS COUNTY IMPROVEMENT AUTHORITY AUTHORIZING THE AWARD AND EXECUTION OF A CONTRACT FOR RENEWABLE ENERGY CONSULTANT SERVICES**

**WHEREAS**, the Morris County Improvement Authority (including any successors and assigns, the "Authority") has been duly created by resolution duly adopted by the Board of Chosen Freeholders of the County of Morris (the "County") in the State of New Jersey (the "State") as a public body corporate and politic of the State pursuant to and in accordance with the county improvement authorities law, constituting Chapter 183 of the Pamphlet Laws of 1960 of the State, and the acts amendatory thereof and supplemental thereto (the "Act"), and other applicable law; and

**WHEREAS**, the Authority is authorized pursuant to the Local Public Contracts Law N.J.S.A. 40:11A-1 *et seq.* (the "Public Contracts Law") to enter into contracts as deemed necessary for the efficient operation of the Authority; and

**WHEREAS**, the Authority, in combination with and for the County, created the Morris County Renewable Energy Program (the "Renewable Energy Program") which developed photovoltaic energy systems for certain local government buildings, parking canopy and other structures, and lands owned or controlled by local governments within and including the County (the "Renewable Energy Projects"); and

**WHEREAS**, the Authority desires to engage the services of a renewable energy consultant to act as an advisor to the Authority in relation to the Renewable Energy Program, for services including, but not limited to, (i) monitoring, reviewing and advising on the operations, management and budget of the Renewable Energy Projects; (ii) consulting on current and future New Jersey solar renewable energy credits ("SRECs") pricing; and (iii) evaluating and making recommendations to the Authority on timing of the SREC sales (collectively, the "Services"); and

**WHEREAS**, pursuant to N.J.S.A. 19:44A-20.1 *et seq.*, an authority may not award contracts with a value in excess of \$17,500.00 to a business entity which has made reportable contributions in excess of \$300.00, in the aggregate, to the member municipality's political parties or to any candidate's committee of any person serving in an elective public office of the member municipality when such contract was awarded, unless said business entity is awarded a contract under a "fair and open process"; and

**WHEREAS**, in response to a request for proposals (the "RFP") issued by the Authority on August 29, 2019 in accordance with the procedures of a fair and open

process established by N.J.S.A. 19:44A-20.5, the Authority received three (3) proposals (each, a "Proposal") from: Greener By Design, LLC, Gabel Associates Inc. and Becht Engineering BT, Inc. (each, a "Respondent"), which Proposals are on file with the Authority; and

**WHEREAS**, it is the finding of the Authority, after careful consideration of the Proposal, that the Proposal submitted by Gabel Associates Inc. (the "Selected Respondent") meets the Authority's needs for the Services; and

**WHEREAS**, the Authority desires to appoint the Selected Respondent to provide the Services for a period of one (1) year, unless extended as permitted by law, at rates as described in the Selected Respondent's Proposal; and

**WHEREAS**, the Authority desires to authorize the Chairperson of the Authority to execute a contract with the Selected Respondent for the Services; and

**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 awards the contract to perform the Services to the Selected Respondent for a term not to exceed one (1) year, unless extended as permitted by law at rates as described in the Proposal of the Selected Respondent (the "Contract").

**Section 3.** The Chairperson is hereby authorized and directed to execute the Contract with the Selected Respondent.

**Section 4.** 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 Freeholders, 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 Freeholders a certification from the Clerk stating that the minutes of this meeting have not been vetoed by the Director of the Board of Freeholders.

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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>
Gallopo				
Bauer				
Ramirez				
Sandman				
Bonanni				

This Resolution was acted upon at the Regular Meeting of the Authority held on October 16, 2019 at the Authority's principal corporate office in Morristown, New Jersey.

Attested to this \_\_\_ day of October, 2019

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

**FORM and LEGALITY:**

This Resolution is approved as to form and legality as of October 16, 2019.

By: \_\_\_\_\_  
Matthew D. Jessup, Member, McManimon, Scotland & Baumann, LLC  
Counsel to the Authority  
Resolution No. 19-32