

**R-14-253**  
**RESOLUTION AMENDING R-14-181**  
**RESOLUTION DECLARING AN EMERGENCT CONDITION AND AUTHORIZING**  
**REPAIRS AT THE SOUTH BAY AVENUE PUMP STATION**

WHEREAS, on September 17, 2014 the Borough adopted Resolution R-14-181 the Borough Engineer has certified that an emergency condition exists within the South Bay Avenue Pump Station due to a malfunction which resulted in the Engineer's decision to repair/replace the unit on an expedited basis and;

WHEREAS, this certification of Request for an Emergency Purchase is attached to the original of this resolution, a copy of which is on file in the Office of the Borough Clerk; and

WHEREAS, the Borough Engineer has deemed it necessary to invoke the provisions of N.J.S.A. 40A:11-6 to obtain the expeditious abatement of the above dangerous condition in a legal and timely manner and the Borough Purchasing Agent, and the Borough Administrator concurred that an emergency contract outside public bidding procedures was necessary to ensure the public health, safety and welfare of our employees as well as the citizens of Highlands; and

WHEREAS, Pumping Services submitted a proposal for said work to be performed at the South Bay Avenue Pumping Station, for the sum of \$38,845.00, as per their proposal attached to the original of this resolution, a copy of which is on file in the Office of the Borough Clerk; and

WHEREAS, the Borough is in need of amending the repair work at the South Bay Ave Pump Station which will result in an increase in the contract amount from \$38,845.00 to \$60,897.09

WHEREAS, the Borough Administrator has verbally advised Pumping Services to prepare for work on this project with the concurrence of the Purchasing Agent and Borough Administrator; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this work in Account 4-01-26-290-100-020  
in the sum of \$60,897.09,

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Patrick DeBlasio, Chief Financial Officer

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Highlands that the issuance and payment of an Emergency Purchase Order to Pumping Services for this verbal commitment, in the Total Amount of \$60,897.09 is hereby authorized and ratified at the completion of the task.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
CARD	x		x			
KANE			x			
REDMOND						x
RYAN			x			
NOLAN		x	x			
ON CONSENT AGENDA			YES	x	NO	

**DATE: December 10, 2014**

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**Carolyn Cummins, Borough Clerk**

I hereby certify this to be a true copy of Resolution R-14-253 adopted by the Governing Body of the Borough of Highlands on December 10, 2014.

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 Borough Clerk/Deputy Clerk

## **EMERGENCY PROCUREMENT REPORT**

### **Public Exigencies Pursuant To N.J.S.A. 19:44A-20.12**

#### **Procedure**

An Emergency Procurement Report is required when municipalities, counties, and their instrumentalities and agencies<sup>1</sup> (public agency) experience an emergency that warrants the immediate delivery of goods or services and in doing so, are unable to comply with the “Pay-to-Play” provisions of N.J.S.A. 19:44A-20.4 et seq. N.J.S.A. 19:44A-20.12 provides in pertinent part that:

“Nothing contained in this act shall be construed as prohibiting the awarding of a contract when the public exigency requires the immediate delivery of goods or performance of emergency services as determined by the State Treasurer.”

The State Treasurer<sup>2</sup> has determined that approval under this provision is automatically granted when:

1. A public agency finds the public’s health, safety or welfare requires the immediate delivery of goods or the performance of services.
2. The award of any such contracts is made pursuant to the provisions of N.J.S.A. 40A:11-6 and N.J.A.C. 5:34-6.1 et seq., or for county colleges, N.J.S.A. 18A:64A-25.6.
3. Contracts are issued in response to a formal declaration of an emergency by the Governor.

#### **Emergency Report Required**

The Treasurer also requires that when a contracting agency uses these provisions, the agency’s purchasing agent or other appropriate personnel shall file with Director of the Division of Local Government Services an “Emergency Procurement Report,” within 30 days of the date the contract was issued. Contracts relating to a formal declaration of an emergency by the Governor are exempt from the reporting provision.

Certain information is necessary to address situations in which an exigency/emergency affecting the public’s health, safety or welfare requires the immediate delivery of goods or the performance of services.

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<sup>1</sup> This language has been interpreted by the State to include among others, local authorities, fire districts, and county colleges.

<sup>2</sup> The State Treasurer’s directive can be seen at [www.nj.gov/dca/lgs/p2p](http://www.nj.gov/dca/lgs/p2p)