

**RESOLUTION TO AUTHORIZE EXECUTION OF CONTRACT NO. OM-4 BY AND BETWEEN PEQUANNOCK RIVER BASIN REGIONAL SEWERAGE AUTHORITY AND ADS LLC**

WHEREAS, Contract No. OM-3 by and between the Pequannock River Basin Regional Sewerage Authority (the "Authority") and ADS Environmental Services for the operation and maintenance of its flow monitoring system has expired; and

WHEREAS, the proposal of ADS LLC, dated September 16, 2009, is attached as Exhibit A to Contract No. OM-4, to provide access to the ADS web-based IntelliServe system to provide the Authority with automatic data acquisition for ADS flow monitors and ADS rain gauges that are currently installed in the Authority's collection system as well as temporary flow monitoring services and for such other work as set forth in the proposal; and

WHEREAS, the work to be provided by ADS is for the provision or performance of proprietary goods or services in accordance with N.J.S.A. 40A:11-5(1)(dd); and

WHEREAS, the goods or services to be provided are specialized in nature because they are patented by ADS and are necessary for the conduct of the affairs of the Authority because the Authority has a substantial capital investment in the existing ADS flow metering equipment which utilizes ADS' proprietary analytical software and the for the reasons set forth in the Certification of Daniel D. Kelly, P.E., dated September 16, 2009, on file at the offices of the Authority, which is incorporated by reference as if fully set forth herein; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., permits negotiation and award of contracts without public advertising for bids and bidding for goods or services for the support or maintenance of proprietary computer hardware and software in accordance with N.J.S.A. 40A:11-5(1)(dd).

NOW, THEREFORE, BE IT RESOLVED by the Pequannock River Basin Regional Sewerage Authority in the Counties of Morris and Passaic and State of New Jersey on this 16th day of September, 2009, as follows:

1. The Chairman is authorized and directed to execute Contract OM-4 with ADS LLC in an amount not to exceed \$9,472.00 for the two month monitoring period set forth in the proposal of ADS LLC, attached as Exhibit A to Contract No. OM-4.
2. A copy of this Resolution shall be published in accordance with law.
3. This Resolution shall take effect immediately.

#### CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Pequannock River Basin Regional Sewerage Authority at a duly convened public meeting held on September 16, 2009.

By: \_\_\_\_\_  
Edwin Howard, Secretary