

## Cape May County Municipal Utilities Authority

1523 Route 9 North, Cape May Court House, NJ 08210  
Telephone: (609) 465-9026 • Telefax: (609) 465-9025  
www.cmcmua.com

### **REGULAR MEETING AGENDA**

**November 15, 2023 @ 1:30 p.m.**

1. Call to Order
2. Roll Call and Establishment of Quorum
3. Open Public Meeting Statement
4. Pledge of Allegiance
5. Approval of Minutes
  - November 1, 2023 Regular Meeting**
  - November 1, 2023 Executive Session**
6. Comments or Questions from the Public on Agenda Items
7. Announcements/Special Presentations
8. Executive Director's Personnel Report
  - Resignations/Retirements
  - Leaves of Absence and Changes in Leaves of Absence
  - Reassignments/New Hires
9. Board Reports:
  - Wastewater Management Program Report  
- **November 8, 2023**
  - Solid Waste Program Tonnage and Revenue Report  
- **October 2023**
10. Wastewater Management and Solid Waste Management Programs (Combined)
  - Resolution No. 137-23** Resolution Authorizing the Award of Contract MISC-32-23 - 2024 Miscellaneous Services – Buried Piping Systems to CTX Infrastructure (total not-to-exceed amount of \$231,950.00)
  - Resolution No. 138-23** Resolution Authorizing the Award of Contract MISC-33-23 - 2024 Miscellaneous Services – HVAC Work to Multi-Temp Mechanical, Inc. (total not-to-exceed amount of \$186,200.00)

**Resolution No. 139-23** Resolution Authorizing the Award of Contract MISC-34-23 – 2024 Miscellaneous Services – Electrical Work to Scalfo Electric, Inc. (total not-to-exceed amount of \$349,000.00)

11. Wastewater Management Program

**Resolution No. 140-23** Resolution Authorizing the Release of Payment Bond No. 019071789 as Posted by Municipal Maintenance Co., Inc. for Contract WW-EQUIP-02-20 – New Electrical Systems for Various Pump Stations

12. Solid Waste Management

**Resolution No. 141-23** Resolution Authorizing the Award of Contract SLF-35-23 – 2024 Landfill Cap Liner Miscellaneous Repair Services to Atlantic Lining Co., Inc. (total not-to-exceed amount of \$188,000.00)

**Resolution No. 142-23** Resolution Authorizing Shared Services Agreement between the Cape May County Municipal Utilities Authority and the Township of Lower

**Resolution No. 143-23** Resolution Amending Resolution No. 36-22 Enabling the Cape May County Municipal Utilities Authority – Solid Waste Management District Implementing Agency – Recycling Enhancement Act – Direct Recycling Grant to Counties

13. Miscellaneous

14. Approval of Vouchers – November 15, 2023

**Administration**  
**Wastewater Operations**  
**Wastewater Project**  
**Solid Waste Operations**

15. Public Comment

16. New Business

17. Executive Session

18. Adjournment



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## MINUTES OF THE REGULAR MEETING

November 1, 2023

Chairman Betts called the regular meeting of the Cape May County Municipal Utilities Authority to order at 6:30 p.m. at the Authority office in Swainton, N.J.

**PRESENT:**

George W. Betts	Chairman
Richard Rixey	Vice Chairman
William G. Burns	Treasurer (Late Arrival)
Patricia A. Callinan	Corporate Secretary
Carol A. Heenan	Member
Zeth Matalucci	Member (Absent/Excused)
Carol L. Saduk	Member

**ALSO PRESENT:**

Joseph V. Rizzuto	Executive Director
Robert P. Donato	Chief Financial Officer
Thomas J. LaRocco	Chief Engineer
John R. Conturo	Solid Waste Program Manager
Joshua Palombo	Wastewater Program Manager
Kevin J. Whitney	Senior Advisor
Ann M. McDevitt	Recording Secretary
Howard C. Long	Solicitor

"Adequate notice of this meeting, in compliance with the Open Public Meetings Act, has been provided for by e-mail to the *Atlantic City Press* and the *Ocean City Sentinel*; and by e-mail to the Cape May County Board of County Commissioners and Cape May County Clerk, and by posting on the Cape May County Bulletin Board and on the Authority's website, all on or before February 13, 2023."

The Pledge of Allegiance was recited.

**Minutes**

Minutes of the October 18, 2023 Regular Meeting were submitted for approval or correction.

	Motion	Second	Yes	No	Abstain	Absent
Mr. Burns						X
Ms. Callinan					X	
Ms. Heenan			X			
Mr. Matalucci						X
Mr. Rixey		X	X			
Ms. Saduk	X		X			
Mr. Betts			X			

Motion Carried: 4-0-1

**Executive Session Minutes**

Minutes of the October 18, 2023 Executive Session were submitted for approval or correction.

	Motion	Second	Yes	No	Abstain	Absent
Mr. Burns						X
Ms. Callinan					X	
Ms. Heenan			X			
Mr. Matalucci						X
Mr. Rixey		X	X			
Ms. Saduk	X		X			
Mr. Betts			X			

Motion Carried: 4-0-1

**Comments or Questions from the Public on Agenda Items**

None offered.

**Announcements/Special Presentations**

None presented.

**Executive Director's Personnel Report**

Mr. Rizzuto presented the Executive Director's Personnel Report.

**Board Reports**

**Treasurer's Report**

Approval of the Treasurer's Report dated September 30, 2023.

	Motion	Second	Yes	No	Abstain	Absent
Mr. Burns						X
Ms. Callinan		X	X			
Ms. Heenan			X			
Mr. Matalucci						X
Mr. Rixey			X			
Ms. Saduk	X		X			
Mr. Betts			X			

Motion Carried: 5-0-0

**Construction Status Report – October 25, 2023 – Thomas J. LaRocco**

32<sup>nd</sup> Street Pump Station Piping & Pump Upgrades - The purpose of this project is to replace piping, fittings, valves and appurtenances on the dry side of the well to remediate poor material conditions, and to improve the operational flexibility of the station. The installation of three (3) new sets of pumps and motors that were procured independently of this contract shall also be completed. Mobilization of bypass pumping equipment began on October 16<sup>th</sup>. By October 19<sup>th</sup>, the station was in full bypass mode. Demolition and removal of existing piping and pumping equipment in the dry well began on October 23<sup>rd</sup>. It is expected that demolition work will continue until November 5<sup>th</sup>, at which time the installation of new piping components is to begin.

Wildwood/Lower Region Furnish and Install New Centrifugal Blowers – The purpose of this project is to replace three of four existing blowers, and to provide new controls to the three new blowers and the single, existing rebuilt blower. These blowers provide process air to the facility's entire treatment system. Two (2) of the new blowers will have capacities that are less than those of the original units so as to more efficiently accommodate off-season demands. This project was awarded on March 1, 2023. Notice to Proceed was issued, effective March 22, 2023. A preconstruction meeting was held on April 5, 2023. Due to equipment lead time requirements, the Contractor does not expect to begin physical work until January, 2024. Currently, the review of technical submittals and material procurement is ongoing.

Various Regions Disposal of RBCs and Other Miscellaneous Equipment - The purpose of this project is to remove and dispose of various pieces of surplus equipment that are in poor condition in order to provide more working space at the Authority's Ocean City, Wildwood/Lower and Cape May Wastewater Treatment Facilities. Work includes the loading, hauling, unloading and disposal of nineteen (19) RBC shaft assemblies, two (2) storage tanks and, on an "if and where directed" basis, eight (8) storage containers and other miscellaneous treatment equipment. All assigned pay item work has been completed. Tasks recently completed by Garton's as part of the contract's contingency allowance include the installation of a new scum concentrator on the 2<sup>nd</sup> floor of the Wildwood/Lower Sludge Processing Building on October 12<sup>th</sup>, and the direct removal of three RBCs from the Ocean City treatment tank on October 16<sup>th</sup>.

Demolition and Disposal of Various Structures and Equipment at the Sludge Composting Facility - The purpose of this project is to demolish and dispose of structures and equipment at the Sludge Composting Facility that have not been in use since the fire of 2015. The Reactor, Amendment, Operations and Maintenance, Blower, and Storage Buildings, as well as Chemical and Odor Control Facilities with related appurtenances are to be safely removed in accordance with the governing regulations. This project was awarded on September 6, 2023. Notice to Proceed was issued, effective October 10, 2023. A preconstruction meeting was held on October 17, 2023. It is expected that the Contractor will mobilize onsite on November 13, 2023.

**\*\*Note:** Mr. Burns arrived during the above noted discussion (1:36 p.m.).

**Wastewater Management and Solid Waste Management Programs (Combined)**

**Resolution No. 135-23** Resolution Authorizing the Procurement of Furniture, Installation, and Related Services through OMNIA Partners Contract #R191804 with W.B. Mason Co., Inc., approved distributor of The HON Company, LLC.

	Motion	Second	Yes	No	Abstain	Absent
Mr. Burns		X	X			
Ms. Callinan			X			
Ms. Heenan			X			
Mr. Matalucci						X
Mr. Rixey			X			
Ms. Saduk	X		X			
Mr. Betts			X			

Motion Carried: 6-0-0

**Wastewater Management Program**

None presented.

**Solid Waste Management Program**

None presented.

**Miscellaneous**

None presented.

**Approval of Vouchers**

Approval of the Administration Vouchers List dated November 1, 2023.

	Motion	Second	Yes	No	Abstain	Absent
Mr. Burns	X		X			
Ms. Callinan			X			
Ms. Heenan			X			
Mr. Matalucci						X
Mr. Rixey			X			
Ms. Saduk		X	X			
Mr. Betts			X			

Motion Carried: 6-0-0

Approval of the Wastewater Operations Vouchers List dated November 1, 2023.

	Motion	Second	Yes	No	Abstain	Absent
Mr. Burns	X		X			
Ms. Callinan			X			
Ms. Heenan			X			
Mr. Matalucci						X
Mr. Rixey			X			
Ms. Saduk		X	X			
Mr. Betts			X			

Motion Carried: 6-0-0

Approval of the Wastewater Project Vouchers List dated November 1, 2023.

	Motion	Second	Yes	No	Abstain	Absent
Mr. Burns	X		X			
Ms. Callinan			X			
Ms. Heenan			X			
Mr. Matalucci						X
Mr. Rixey			X			
Ms. Saduk		X	X			
Mr. Betts			X			

Motion Carried: 6-0-0

Approval of the Solid Waste Operations Vouchers List dated November 1, 2023.

	Motion	Second	Yes	No	Abstain	Absent
Mr. Burns	X		X			
Ms. Callinan			X			
Ms. Heenan			X			
Mr. Matalucci						X
Mr. Rixey			X			
Ms. Saduk		X	X			
Mr. Betts			X			

Motion Carried: 6-0-0

Approval of the Solid Waste Project Vouchers List dated November 1, 2023.

	Motion	Second	Yes	No	Abstain	Absent
Mr. Burns	X		X			
Ms. Callinan			X			
Ms. Heenan			X			
Mr. Matalucci						X
Mr. Rixey			X			
Ms. Saduk		X	X			
Mr. Betts			X			

Motion Carried: 6-0-0

The total of all five (5) approved Vouchers Lists, dated November 1, 2023 was \$1,498,972.49.

**Public Comment**

None offered.

**Executive Session**

**Resolution No. 136-23** Resolution Authorizing Executive Session from which the Public is Excluded.

	Motion	Second	Yes	No	Abstain	Absent
Mr. Burns	X		X			
Ms. Callinan			X			
Ms. Heenan			X			
Mr. Matalucci						X
Mr. Rixey			X			
Ms. Saduk		X	X			
Mr. Betts			X			

Motion Carried: 6-0-0

At 6:45 p.m., the Regular Meeting retired to Executive Session for the purpose of discussing matters of the Host Community Benefit Agreement between the Township of Upper and the Borough of Woodbine and a general personnel matter.

At 6:50 pm, it was motioned to end the Executive Session and reconvene to the Regular Meeting.

	Motion	Second	Yes	No	Abstain	Absent
Mr. Burns		X	X			
Ms. Callinan			X			
Ms. Heenan			X			
Mr. Matalucci						X
Mr. Rixey			X			
Ms. Saduk	X		X			
Mr. Betts			X			

Motion Carried: 6-0-0

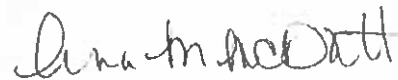
**New Business**

None presented.

**Adjournment**

There being no further business, the Regular Meeting adjourned at 6:50 p.m.

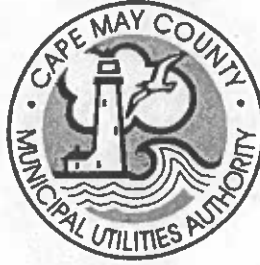
Respectfully submitted,



Ann M. McDevitt  
Recording Secretary



Joseph V. Rizzuto, Executive Director



George W. Betts, Chairman  
Richard Rixey, Vice Chairman  
William G. Burns, Jr.  
Patricia A. Callinan  
Carol A. Heenan  
Zeth Matalucci  
Carol L. Saduk

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### MINUTES OF EXECUTIVE SESSION

November 1, 2023

The Cape May County Municipal Utilities Authority held an Executive Session on Wednesday, November 1, 2023 at 6:45 p.m., at the Authority's Office in Swainton, New Jersey, authorized by Resolution No. 136-23.

#### PRESENT:

George W. Betts	Chairman
Richard Rixey	Vice Chairman
William G. Burns	Treasurer
Patricia A. Callinan	Corporate Secretary
Carol A. Heenan	Member
Zeth Matalucci	Member (Absent/Excused)
Carol L. Saduk	Member

#### ALSO PRESENT:

Joseph V. Rizzuto	Executive Director
Howard C. Long	Solicitor

The following subject, on which no formal action was taken, was discussed:

#### Items of Discussion

A discussion was held for the purpose of discussing matters of the Host Community Benefit Agreement between the Township of Upper and the Borough of Woodbine and general personnel matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ann M. McDevitt".

Ann M. McDevitt  
Recording Secretary

/amm

**RESIGNATIONS/RETIREMENTS**

NAME	PROGRAM/POSITION/FACILITY	EFFECTIVE DATE	RESIGNATION or RETIREMENT
N/A			

**LEAVES OF ABSENCE AND CHANGES IN LEAVES OF ABSENCE**

NAME	PROGRAM/POSITION/FACILITY	FROM/TO	DISABILITY WITH PAY & WITH BENEFITS	FMLA WITH EARNED LEAVE & WITH BENEFITS	FMLA W/O PAY & WITH BENEFITS	FMLA/NJFLA W/O PAY & WITH BENEFITS	NJFLA W/O PAY & WITH BENEFITS	LEAVE W/O PAY & WITH BENEFITS	LEAVE W/O PAY & WITH BENEFITS
N/A		*DENOTES CHANGE							

**REASSIGNMENTS/NEW HIRES**

NAME	FROM PROGRAM/POSITION/FACILITY	TO PROGRAM/POSITION/FACILITY	EFFECTIVE DATE
Jonathan R. Kahnke	Wastewater/Utility Worker/Cape May	Wastewater/Utility Worker III/Cape May	11/6/2023

MEMORANDUM

November 8, 2023

TO: Mr. Joshua Palombo, Wastewater Program Manager

FROM: Emily R. Zidanic, Wastewater Program Engineer *Ez*

RE: Wastewater Program Monthly Report

## **1.0 General**

### **Annual Plant Inspection**

A representative from the New Jersey Department of Environmental Protection (NJDEP) performed inspections of all of the four (4) wastewater treatment facilities, took field samples, as well performed their annual records review during the month of October. All facilities were given a positive report with no noted deficiencies

### **Limble Computer Maintenance Management System**

The CMCMUA has endeavored to find a Computer Maintenance Management System (CMMS) that could provide ease of use and flexibility to; track assets, develop recurring maintenance intervals, log and categorize time spent and begin the shift from a reactionary maintenance program to a planned maintenance program. The most recent program (Limble) was instituted in August of 2022. Since that time the plants have worked diligently to enter all assets in the system and develop the recurring Preventative Maintenance Tasks required of each piece of equipment. Additionally, the maintenance personnel have worked hard to develop an understanding of how to use the system, as well as, how the system helps with managing the field work load.

Below are some basic metrics used to see how the system is developing in terms of field acceptance and workload.

**Planned work orders** (work with a defined schedule)  
 versus  
**Unplanned work orders** (emergencies and repair work)

Facility	Planned work orders	Unplanned work orders
All Regions Average	62%	38%
Ocean City	72%	28%
Seven Mile Middle	57%	43%
Wildwood Lower	40%	60%
Cape May	76 %	24%

**note:** this represents all work orders in the system (open, in progress and complete)

Below is the total number of work orders for each category

All tasks - number of work orders	Completed tasks - number of work orders	Open and in progress - number of work orders
3792	3461	331

Below is the total number of hours logged against an assets in the system

Time recorded against all Assets	Time recorded against Completed tasks	Time recorded against Open and in progress
25,405 hours	22,781 hours	2,624 hours

## 2.0 Operational Data

### 2.1 Municipal Flow Report: October 2023

Billing Party	Million Gallons	% of Total
New Jersey American Water	83.520	29.44%
Middle Township	26.966	9.51%
Rio Grande	9.822	3.46%
Cape May Court House	10.775	3.80%
Avalon Manor	0.621	0.22%
Stone Harbor Blvd	0.886	0.31%
Court House South	4.792	1.69%
Harbor Bay Center	0.070	0.02%
City of North Wildwood	23.993	8.46%
City of Wildwood	25.018	8.82%
City of Cape May	25.228	8.89%
Borough of Wildwood Crest	22.766	8.03%
Borough Avalon	28.089	9.90%
City of Sea Isle City	23.744	8.37%
Borough of Stone Harbor	10.221	3.60%
Borough of West Cape May	3.497	1.23%
Borough of West Wildwood	4.895	1.73%
Board of County Commissioners	2.103	0.74%
Borough of Cape May Point	2.075	0.73%
Lower Township MUA	1.501	0.53%
New Jersey Turnpike Authority	0.034	0.01%

#### Facility AVERAGE Flow in Million Gallons Per Day

Report Month  ▼

Facility	Years <input type="text" value="2"/>		% Change	Difference
	2022	2023		
Ocean City Average - Capacity 8.24	3.46	2.69	-22%	▼
Seven Mile Average - Capacity 7.67	3.60	2.62	-27%	▼
Wildwood Average - Capacity 14.18	3.97	2.84	-29%	▼
Cape May Average - Capacity 3.00	1.14	0.99	-13%	▼

**Facility PEAK Flow in Million Gallons Per Day**

**Report Month** Oct

Facility	Years <input type="button" value="Y"/>		% Change	Difference
	2022	2023		
Ocean City Peak - Capacity 8.24	7.57	3.83	-49%	▼
Seven Mile Peak - Capacity 7.67	12.20	3.27	-73%	▼
Wildwood Peak - Capacity 14.18	18.00	4.33	-76%	▼
Cape May Peak - Capacity 3.00	2.01	1.40	-30%	▼

**2.2 Laboratory Data: October 2023**

	Average TSS mg/L			Average CBOD mg/L		
	Influent	Effluent	% Removal	Influent	Effluent	% Removal
<b>Cape May</b>	272	3	99	337	5	99
<b>Wildwood</b>	133	6	96	175	9	95
<b>Seven Mile</b>	251	5	98	182	6	97
<b>Ocean City</b>	101	5	95	76	5	93

**2.3 Reclaimed Water for Beneficial Reuse (RWBR)**

	Public Access (gallons)
<b>October 2023</b>	0*
<b>October 2022</b>	671,177

\*The system is currently offline for maintenance (See page 15 for more information).



## 2.4 Seven Mile Beach/Middle Wastewater Treatment Facility Septage and Leachate Receiving

	Septage (gallons)	Leachate (gallons)
October 2023	1,514,560	858,000
October 2022	929,300	1,008,000

### 3.0 Projects:

#### 3.1 Capital Improvement Projects

##### SCADA (Supervisory Control And Data Acquisition)

###### Design Contract

Avancon continues to work with the IT Department and Operational Staff to refine the new SCADA system throughout the Seven Mile Beach/Middle Wastewater Treatment Facility. Preparations are being made for the upcoming construction contract for Cape May, Wildwood and Ocean City Facilities.

Contractor: PCMG (Avanceon)  
 Contract Amount: \$3,687,516.42  
 Amount Expended: \$2,991,392.95 (81.3%)

###### Construction Contracts

Contract SM-04-21 Seven Mile Beach/Middle Region Control System SCADA Upgrade is complete. Contract WW-13-23 SCADA OC, WW/L & CM was approved and executed. The notice to proceed for contract WW-13-23 was issued on August 21, 2023 with the contract duration ending on November 18, 2025. The tentative start of construction is the middle to the end of November starting in the Cape May Facility. This contract covers the SCADA upgrade work in the Cape May Region, Ocean City Region and the Wildwood/Lower Region.

Contractor: Scalf Electric  
 Contract Amount: \$4,998,000.00  
 Amount Expended: \$0.00 (0.0%)

##### Rotating Biological Contactor (RBC) Electrical Upgrades at the Wildwood/Lower Wastewater Treatment Facility:

As part of the Wastewater Program's 20 year Capital Renewal and Replacement Plan, Wildwood/Lower Region has begun to ship out Rotating Biological Contactor (RBC) control panels (buckets) for refurbishment to allow monitoring and control through the upcoming Supervisory Control and Data Acquisition (SCADA) system. The contract vendor, United

Electric/Schneider Electric, is in receipt of 64 RBC buckets with a progressive schedule for sending and receiving the control buckets for refurbishment.

Forty (40) refurbished RBC MCC buckets have been received. Progressive weekly shipments of five (5) are expected through November. Additional buckets are being readied for shipment. In total 127 buckets are being refurbished. The return schedule will run through the first half of next year.



**RBC control buckets**

**RBC and RBR Replacement at the Ocean City Wastewater Treatment Facility:**

As part of the Wastewater Program's 20-Year Capital Renewal and Replacement Program, the replacement of Rotating Biological Contactor (RBC) media and shafts as well as the rehabilitation of the Rotating Biological Reactor (RBR) shafts project is being completed during the 2023 and 2024 off season.

Bay #3 is the last remaining RBC Bay to be replaced in Ocean City. The Project Crew (PC) removed the RBC shafts from RBC Bay #3 during the month of October for ultimate disposal. The PC along with OC operations vacuumed and removed all debris from the RBC bay. The aluminum catwalks were then inspected by the Chief Engineer and parts were identified for replacement. Fortunately, not all of the aluminum components were beyond their lifecycle. Repairs to the catwalks will be made prior to receiving the new RBCs. (See the pictures on the following page.)



### OC RBC shaft removal and disposal

**Scum Concentrator Replacement at Seven Mile Beach/Middle and Wildwood/ Lower WTP**  
As part of the Wastewater Program's 20-Year Capital Renewal and Replacement Program, the Authority is replacing the Scum Concentrators at the Seven Mile Beach/Middle and the Wildwood/Lower WTPs. A scum concentrator combines dewatering by gravity separation with a heated day tank for further processing of concentrated scum and grease. This system provides the means to keep grease skimmings pumpable to be transferred for disposal.



**MEMORANDUM**

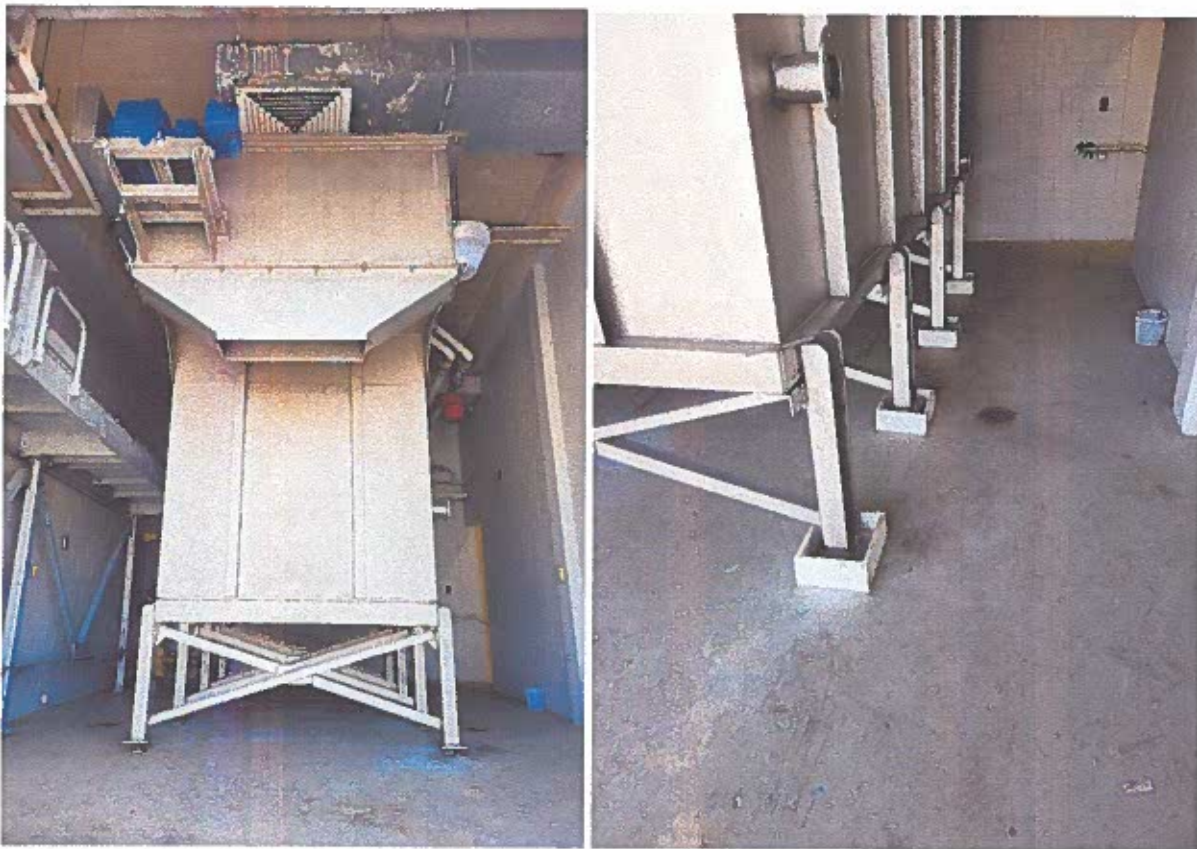
November 8, 2023

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The scum concentrators have been received. Procurement of glass lined ductile iron pipe and CPVC pipe is under way. The scum transfer pumps have been received for both SMM and WW/L.

During the month of October, the Project Crew (PC) continued construction of the Scum Concentrator projects at WW/L and SMM.

Work at the SMM Region consisted of installing conduit to the primary scum pit and providing electricity to the new pump installation. Additionally, the PC set the scum tank, leveled it and installed grout bases for the support structures.



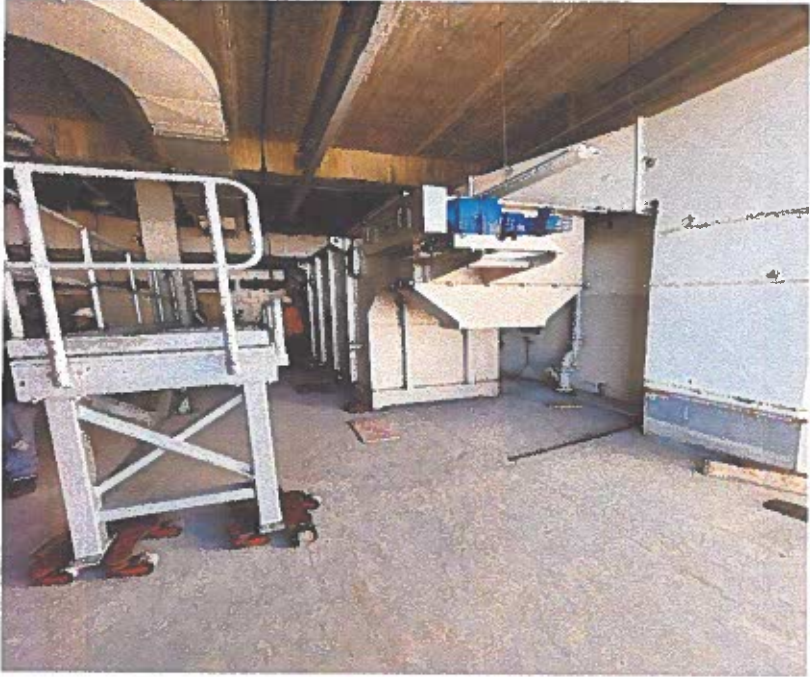
**SMM Scum Concentrator installation**



**SMM Primary Scum Pit electrical installation**

The Project Crew personnel along with Garton's Rigging placed the WW/L scum concentrator into the building and set the unit in place. PC personnel also lifted the pumps in the scum pits for installation. PC personnel constructed and installed the guide rail system for the Scum Concentrator roll off container. This consisted of fabricating the guides from stock steel and anchoring the guides to the floor as well as installing steel to protect the front edge of the building when loading or unloading the dumpsters. (See pictures on the following pages.)





**WW/L Scum Concentrator placement**



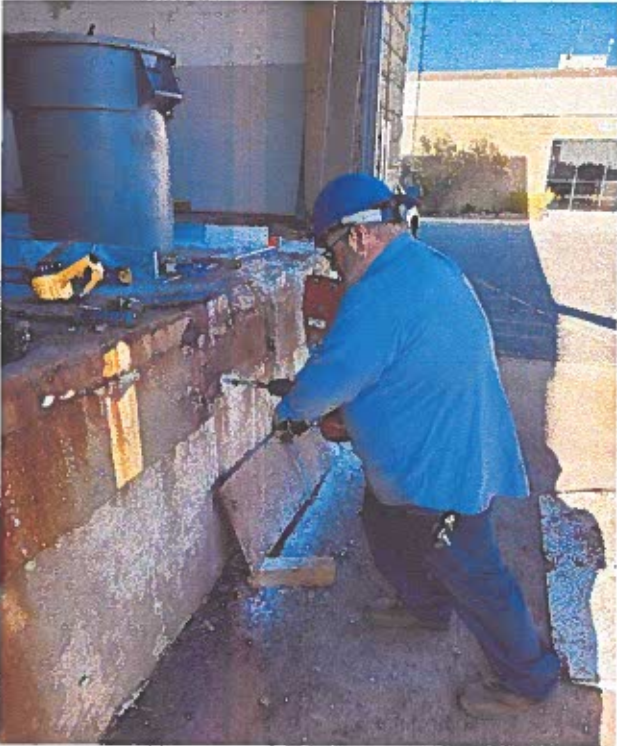


**WW/L scum pump installation**





**WW/L scum chute floor penetration**



**WW/L scum can guide rail installation**



## MEMORANDUM

November 8, 2023

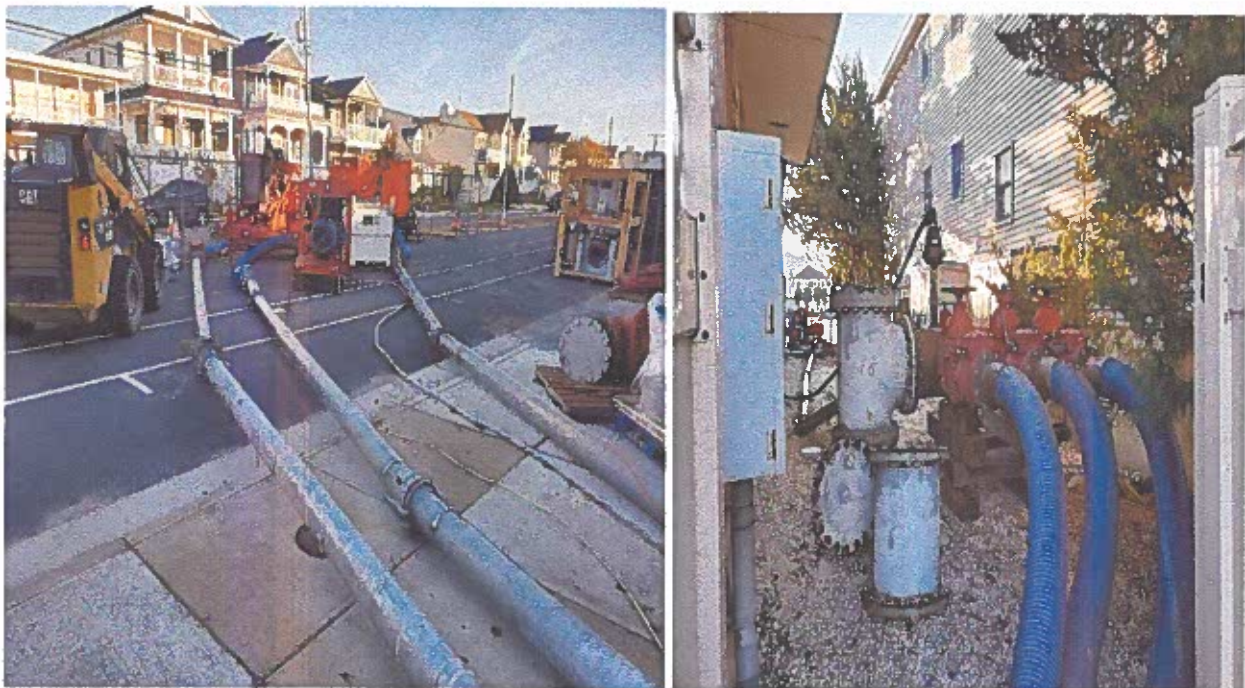
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### **32nd Street Pump Station Upgrades**

As part of the Wastewater Program's 20-Year Capital Renewal and Replacement Program, the 32nd Street Pump Station is being upgraded with new pumps, updated internal pipework as well as Variable Frequency Drives (VFD). The pumps were procured under contract OC-EQUIP-23-20 and the installation of the pumps along with the internal piping upgrades will be completed under contract OC-18-22 beginning October 2023.

On Monday October 16th, Municipal Maintenance was onsite installing bypass equipment in the front and rear manholes of this station. On Thursday October 19th the station was switched over to bypass and the Ocean City staff was onsite to assist in the process. While it is ultimately the responsibility of the contractor to maintain operation of the bypass, the Ocean City staff is constantly monitoring the system, coordinating with the contractor, and fielding questions from the public to ensure its success.

As stated in the November 1, 2023 Construction Status Report, the Contractor has made great strides in a relatively short period of time.

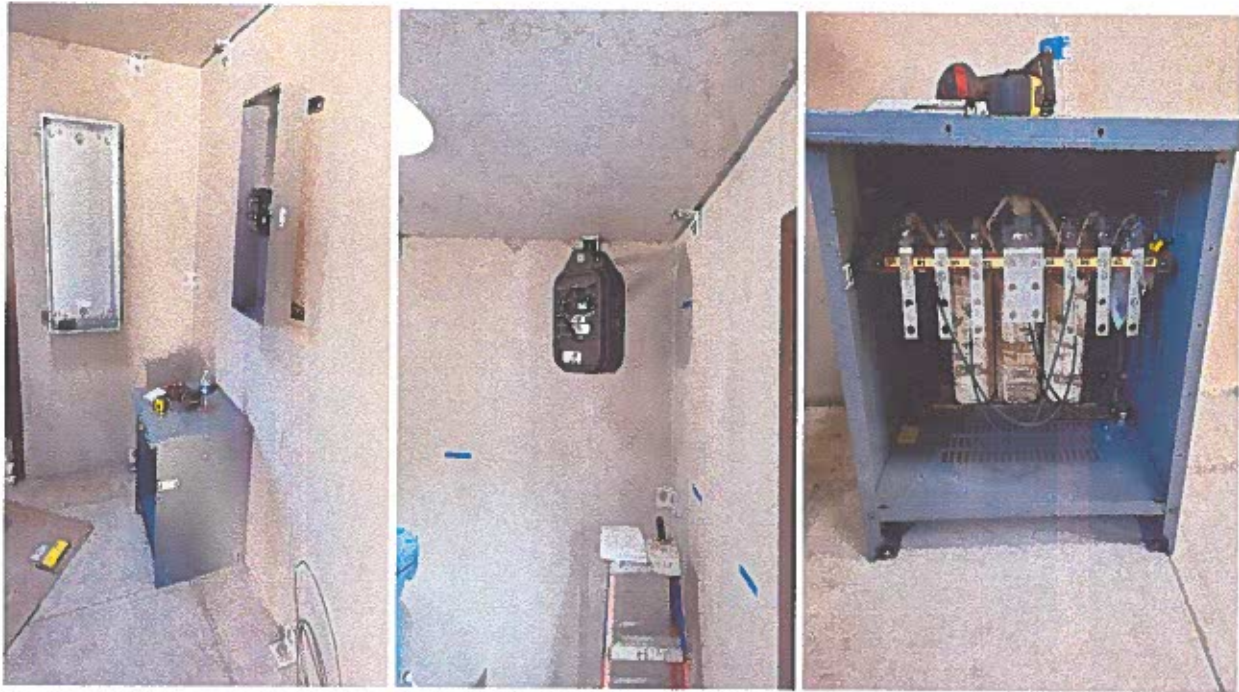


**32nd St bypass operations**

### **Backflow Preventer Building Installation**

As part of the Wastewater Program's 20-Year Capital Renewal and Replacement Program, the Authority is replacing the existing backflow preventers throughout the Seven Mile Region that are at the end of their useful lives. This project is to replace all of these devices with one backflow preventer. This will reduce maintenance costs as well reduce the number of permits needed from four (4) to one (1).

The SMM Plant Electrician with assistance from the Project Crew is installing the interior electrical components for this project. The electricians are installing the main service, transformer, building heater, lighting and monitoring equipment. Once the components are mounted the crew will trench the electrical service and conduct a start-up of the ancillary equipment.



**SMM backflow building electrical installation**

## **3.2 Repair and Maintenance Projects**

### **Truck Maintenance**

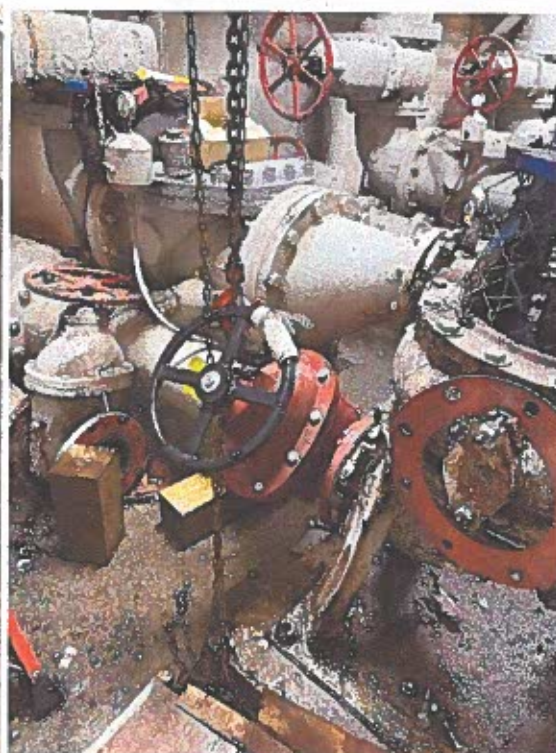
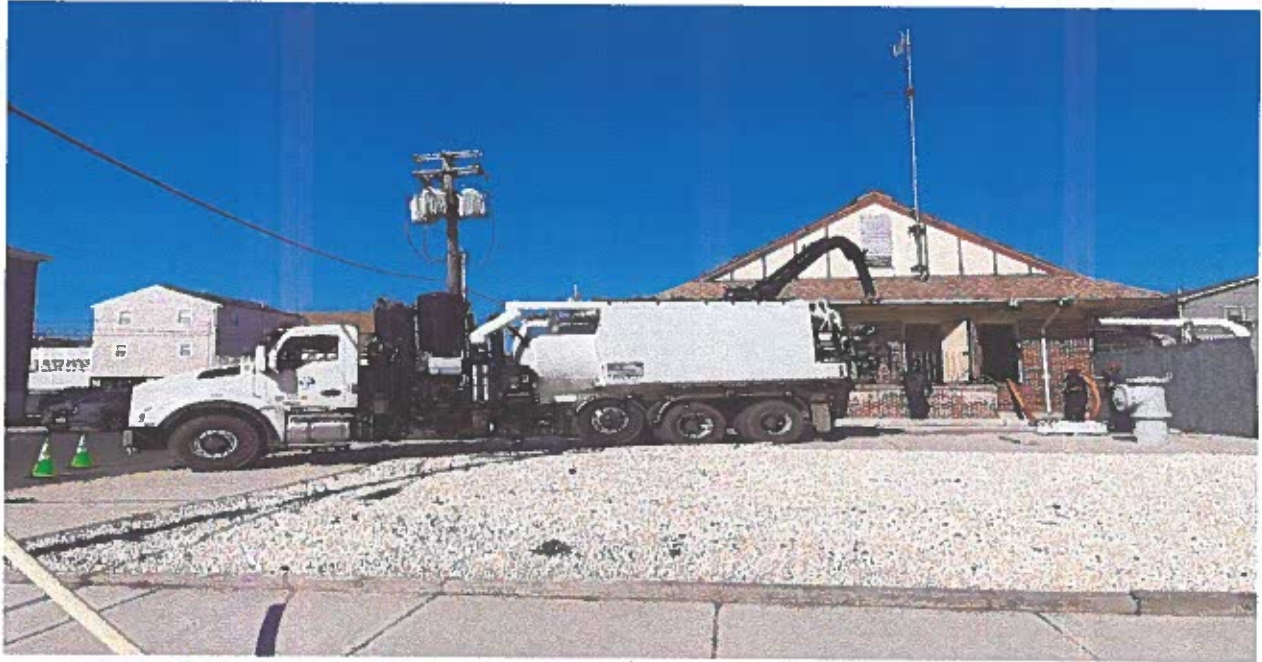
Project Crew continues to conduct routine maintenance and repairs on the sludge transportation vehicles. This month they were tasked with removing old wear strips and replacing them with new ones. The wear strips shield the truck components from the sludge cans when they are being loaded onto the truck.





**OC 3rd Street Seasonal Maintenance**

The Ocean City Operations and Maintenance personnel installed a new suction valve on Pump #1. This valve had failed and the actuator was unable to lift the valve. The crew vacuumed out the station and removed the majority of the sand and scum build up in the wet well. The crew then removed the old valve and installed a new valve in this location. (See pictures below and on the following page.)



**OC 3rd St valve replacement**





**OC 3rd St wet well cleaning**

**Reclaimed Water for Beneficial Reuse (RWBR) Refurbishment**

The Seven Mile Middle operations team is currently in the process of rehabilitating the RWBR system. The project includes the replacement of filter media, spot repairs to the interior of the tanks, repairs to the drains and air distribution system within the tank, repainting the interior of the tank, and repairs to pipe work and instrumentation within the control building. So far, the team has removed the media (about 80 tons), made significant progress with powerwashing and surface preparation in the interior of the tank. The crew has also removed the sample pipe where turbidity and total suspended solids are measured. This pipe will be replaced along with the instrumentation associated with it. (See pictures on the following pages.)





**Powerwashing and surface preparation**

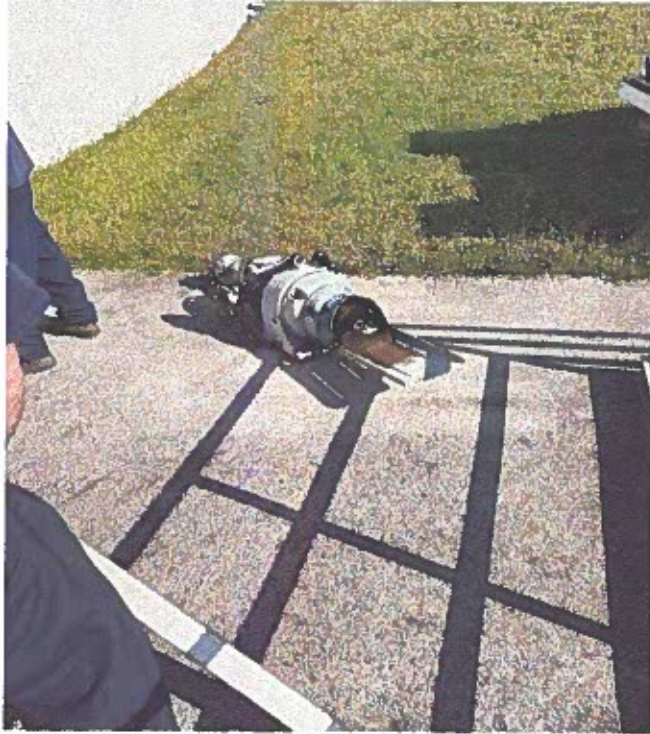


**Sample pipe replacement.**

### **Clarifier Drive Maintenance**

The Seven Mile Middle Maintenance staff performed seasonal maintenance on secondary clarifier #3 and #4. This work included power washing and cleaning of the clarifier tanks, inspection of all flights and chains. The clarifier chain drive gearbox was removed by Plant Mechanic, Ed Houlroyd and Maintenance Worker, Harry Cowan and sent out for machine shop work. After the gearbox is returned, it will be painted and reinstalled so that it is ready for the 2024 summer season. These gearboxes are original to the plant. Parts and materials have become hard to come by, so keeping them on a strict rebuild schedule is imperative to ensure their availability during peak season. This marks four of our eight gearboxes that have had a complete rebuild. The remaining gearboxes are scheduled for in the 2024 and 2025 off-seasons. (See pictures on the following page.)





**SMM clarifier maintenance and drive repair**

**SMM Radio Communication Issues**

Radio communication with the Burleigh and Mayville Pumping Stations have long been an issue due to the existence of trees and long distances between the pump station and the communications tower located at Seven Mile Beach/Middle WTP. During the summer, the Authority had several trees removed at the Burleigh location in an attempt to increase signal strength and reliability.

In an effort to further improve communication issues, the IT department recommended that old communication equipment be removed and the current equipment be raised to the top of the mast. Plant Electrician, Chris Kellaway with assistance from Utility Worker II, Jim Knox were tasked with the job. The pictures below are from both Burleigh and Mayville equipment adjustments were being conducted.

The IT department continues to monitor the signal strength and communication loss events and assist operations as needed.



**Radio antenna adjustments**



**Sludge Thickener Gallery Valve Replacements**

SMM operation and maintenance personnel have continued the valve replacement project. This project started last off season. 12 valves were replaced last off-season and 13 are scheduled to be replaced this year and this will complete the project. During the month of October the isolation valve for Sludge Transfer Pump #1 was replaced as well as a knife gate valve on the West thickener



**Avalon Manor Pump Station Maintenance and Repair**

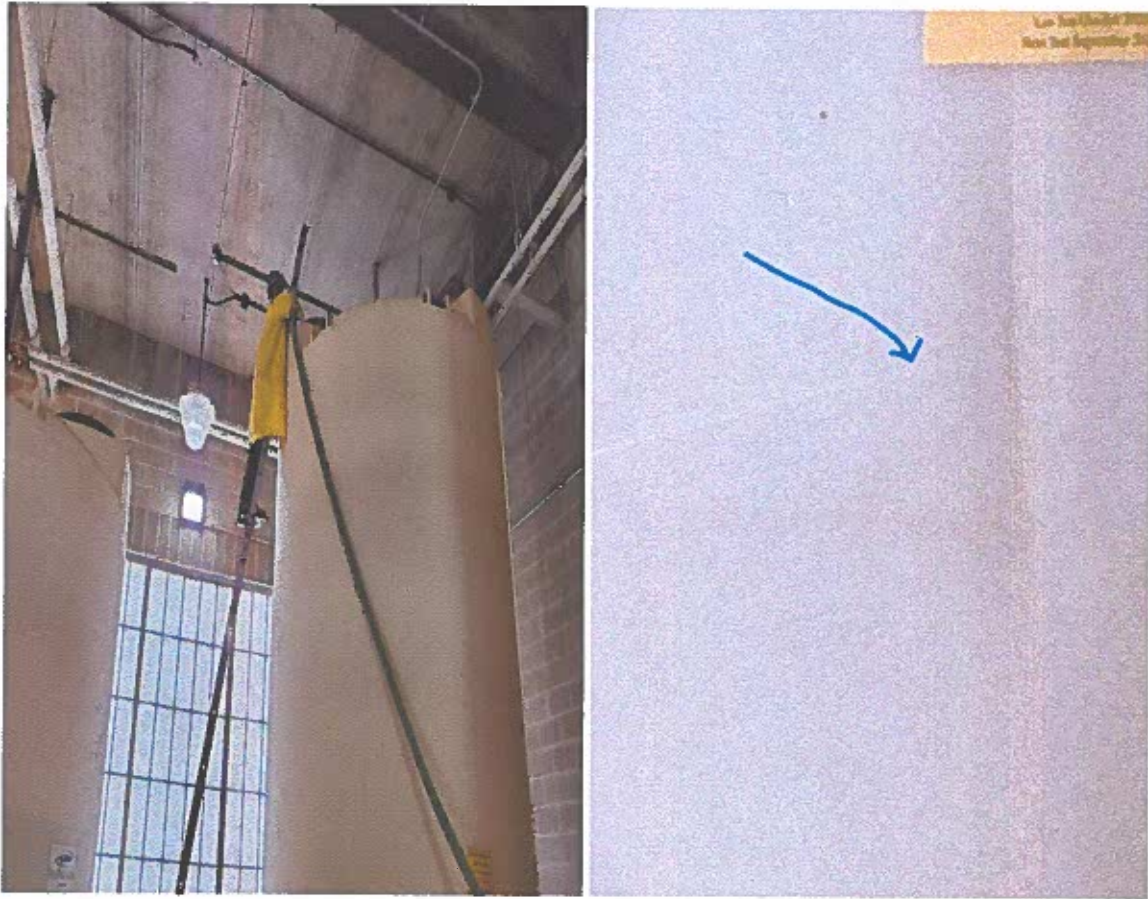
Operations was tasked with cleaning out the wet well at the pump station. Shift Operator, Joe Ciccotelli, Utility Worker II, Jim Knox, & Utility Worker, Chris Burner loaded up the necessary equipment for the job. AJ Simmons and Nick Schepis from the Project Crew aided the crew with the Vac Truck and Crane Truck that were needed. All grit and debris were removed from the wet well and disposed of. During the wet well cleaning it was discovered that a fitting was broken off of the bubbler line. Parts were gathered and after the cleaning was done, a repair was made to the bubbler line. Pictured below is Jim Knox being lowered into the wet well with Joe Ciccotelli, Nick Schepis, and AJ Simmons assisting. Pictured to the right is Chris Burner making the repair to the bubbler line. (See pictures on the following page.)



### **Sodium Hypochlorite Storage Tank Leak**

On 10/24/23 Senior Operator Adam Scheick noticed something unusual when walking the plant and entering the Chemical Addition Room (Sodium Hypochlorite Room). While the room normally has some chemical odor, Adam right away noticed that the strength of the odor was much higher than normal. He immediately began investigating and quickly found a leak in the 8,500 gallon Sodium Hypochlorite tank. Pictured below is a very hard to see photo of the leak on the tank. Adam quickly realized that while the situation was not critical yet, it could very quickly become a major safety concern if the hole in the tank became worse. Adam notified his supervisors that he would be notifying all employees to stay away from the room as well as isolating the east entrance to the room as well as the walkway nearest the chemical containment in order to keep his co-workers out of harm's way. Adam, Shift Operator, Tom Gavin & Utility Worker IV, Sam Bakley manipulated the valving so that this tank would equalize with our 6,100 gallon Sodium Hypochlorite tank. Within an hour of finding the problem the tanks were equalized and the head pressure had lessened enough on the compromised tank that the leak had stopped. The tank manufacturer was notified of the leak and offered a repair recommendation. A repair to the tank is scheduled for this month. (See pictures on the following page.)



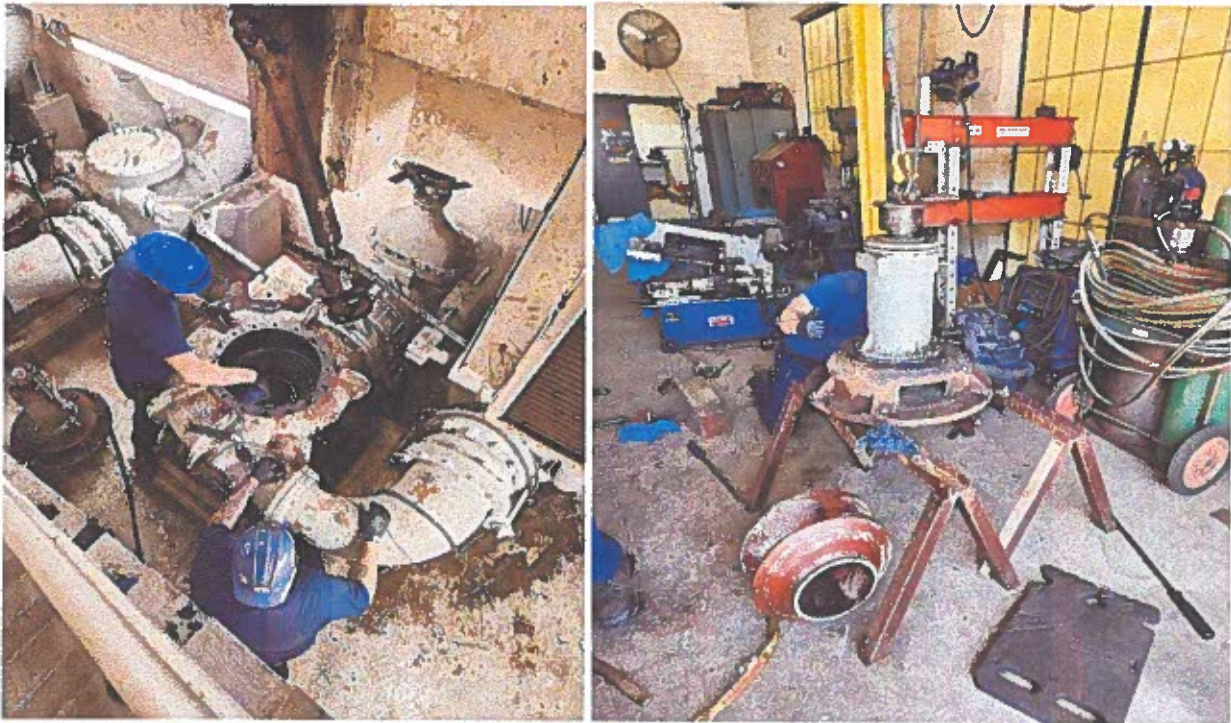


**SMM Sodium Hypochlorite tank leak**

**Rosemary Road Pump Station wear ring replacement**

The WW/L maintenance and operations team were experiencing pump clogs at a rate that was unusual at the Rosemary Pump Station. Upon investigating the issue the team suspected the wear ring in the volute was worn. The crew removed the rotating assembly and replaced the wear ring. This station is scheduled for pump replacements in 2024/25. (See pictures on the following page.)





**Rosemary Road pump maintenance**

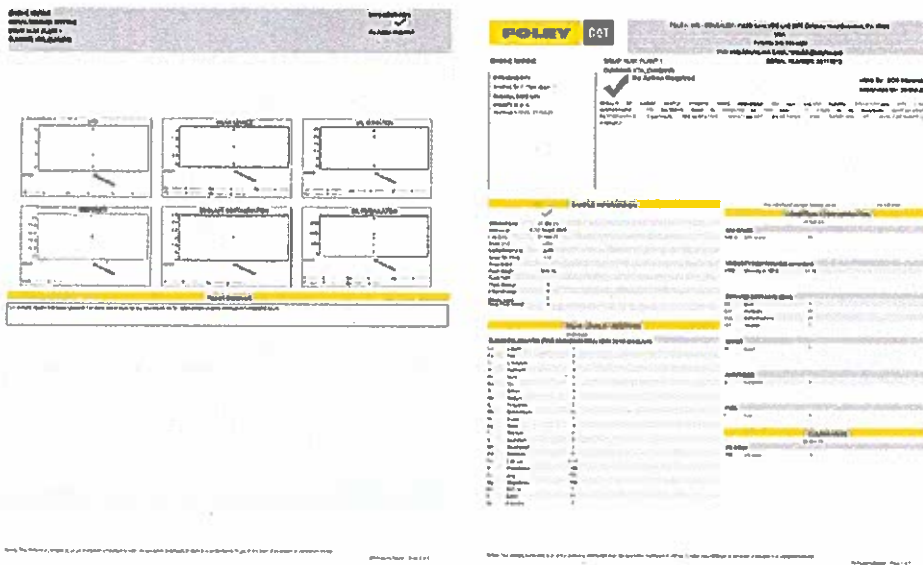
### **WW/L Oil Testing Program**

In an effort to streamline the maintenance activities and reduce costs, the WW/L Mechanic and his team started an oil testing program for the WW/L auxiliary generators. Typically oil changes are required annually or every 500 hours. A generator may contain up to 20 gallons of oil. We have 40 generators throughout the wastewater program. Maximizing the useful life of the oil is



the most responsible way to manage this consumable. Savings are presented in procurement, waste disposal and labor.

Under contract with Foley Cat, the maintenance team collected oil samples from all of the WW/L Region auxiliary generators and sent them out to Foley Cat for testing. All parameters on all eleven (11) generators in Wildwood were "in the green" and did not exceed normal specifications for the oil health and no excessive wear was indicated at this time.



**WW/L Administration sump repair**

WW/L personnel identified a failed discharge pipe within the sump pit of the Administration Building. Operations and maintenance personnel isolated power to the sump pit, vacuumed out the pit, made entry to repair the piping connection and had the system back in operation by the end of the day.



MEMORANDUM

November 8, 2023

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**Cape May Claghorn PS pump rebuild**

The plant mechanic along with staff has removed the rotating assembly from pump #3 and performed a complete rebuild on the components. This task involved removing the equipment from service, dismantling all components, cleaning and refurbishment of the pump and volute casing and installing the new parts.



# Revenue Generating Solid Waste and Recycling Report 2023 Tonnage Through October 2023

Unaudited

Solid Waste Type	COMPARISON TO 2023 BUDGET										COMPARISON TO PREVIOUS YEAR			
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
	Annual Budgeted Tons	October Budgeted Tons	October Actual Tons	Current vs. Budgeted Month Tons	Current vs. Budgeted Month %	Year to Date Budgeted Tons	Year to Date Actual Tons	YTD Actual vs. Budgeted Tons	YTD Actual vs. Budgeted %	2022 Budgeted Tons	October 2023 vs October 2022 Actual Tons	October 2023 vs October 2022 %	YTD 2023 vs YTD 2022 Actual Tons	YTD 2023 vs YTD 2022 %
10 - Municipal	93,000	6,660	6,514	-146	-2.2%	81,852	79,556	-2,296	-2.8%	93,000	624	0.6%	136	0.1%
13 - Dry Bulky	4,300	450	393	-57	-12.7%	3,850	3,850	0	0.3%	4,200	-46	-1.1%	-933	-22.2%
13C - Construction & Demolition	58,500	5,945	8,535	2,590	43.6%	47,794	70,026	22,232	46.5%	58,500	-191	-0.3%	-1,246	-2.1%
23 - Vegetative	550	53	36	-17	-32.1%	532	206	-326	-61.3%	250	6	2.0%	859	340%
25 - Animal and Food Processing	750	73	87	14	19.2%	645	902	257	39.8%	548	-23	-4.2%	-96	-17.5%
27 - Dry Industrial	550	33	63	30	90.9%	478	713	235	49.2%	500	24	4.8%	-18	-3.6%
27A - Asbestos	631	68	57	-11	-16.2%	489	798	309	63.2%	629	-26	-4.1%	71	11.3%
<b>Total</b>	<b>158,281</b>	<b>13,282</b>	<b>15,685</b>	<b>2,403</b>	<b>18.1%</b>	<b>135,629</b>	<b>156,051</b>	<b>20,422</b>	<b>15.1%</b>	<b>157,627</b>	<b>368</b>	<b>2.4%</b>	<b>2,945</b>	<b>1.9%</b>
<b>Recycling Type</b>														
13R - Tires	94	8	4	-4	-50.0%	94	73	-11	-11.7%	94	1	1.1%	-28	-29.8%
13TL - Overlaid Tires	50	3	5	2	66.7%	41	36	-5	-12.2%	50	1	2.0%	-11	-22.0%
23RC - Bed Cleanout	3,600	493	968	475	96.3%	2,427	5,805	3,378	139.2%	2,000	147	7.4%	1,993	99.7%
23H - Brush Branches	3,500	331	437	106	32.0%	2,961	3,144	183	6.2%	3,500	52	1.5%	664	19.0%
23C - Leaves & Grass	3,250	242	251	9	3.7%	2,838	3,857	1,019	35.9%	2,700	2	0.1%	496	18.4%
23S - Stumps	3,250	236	179	-57	-24.2%	2,758	2,291	-467	-16.9%	1,700	-140	-8.2%	-3,753	-221%
<b>Total</b>	<b>13,744</b>	<b>1,313</b>	<b>1,844</b>	<b>531</b>	<b>40.4%</b>	<b>11,109</b>	<b>15,206</b>	<b>4,097</b>	<b>36.9%</b>	<b>10,044</b>	<b>-41</b>	<b>-0.4%</b>	<b>-2,027</b>	<b>-20.2%</b>
<b>Overall Tonnage to Date:</b>	<b>172,025</b>	<b>14,595</b>	<b>17,529</b>	<b>2,934</b>	<b>20.1%</b>	<b>146,738</b>	<b>171,257</b>	<b>24,519</b>	<b>16.7%</b>	<b>167,671</b>	<b>327</b>	<b>1.9%</b>	<b>-4,972</b>	<b>-2.9%</b>

x Solid Waste Admin/RC (Apr/Monthly Tonnage Report)12023

# Revenue Through October 2023

Unaudited

COMPARISON TO 2023 BUDGET

COMPARISON TO PREVIOUS YEAR

Solid Waste Type	1 Annual Budgeted Revenue	2 October Budgeted Revenue	3 October Actual Revenue	4 Current vs. Budgeted Month		5 Current vs. Budgeted Month		6 Year to Date Budgeted Revenue	7 Year to Date Actual Revenue	8 YTD Actual vs. Budgeted Revenue	9 YTD Actual vs. Budgeted %	10 2022 Budgeted Revenue	11 October 2023 vs October 2022 Revenue	12 October 2023 vs October 2022 %	13 YTD 2023 vs YTD 2022 Revenue	14 YTD 2023 vs YTD 2022 %
				Revenue	%	Revenue	%									
10 - Municipal	\$7,385,080	\$543,190	\$531,282	\$-11,908	-2.2%	\$6,675,849	\$6,488,587	\$-187,262	-2.8%	\$60,318	12.8%	\$7,436,290	\$60,318	12.8%	\$138,164	2.2%
13 - Dry Bulky	\$350,708	\$36,702	\$32,053	\$-4,649	-12.7%	\$313,109	\$314,006	\$897	0.3%	\$-3,049	-8.7%	\$335,832	\$-3,049	-8.7%	\$-568,443	-17.9%
13C - Construction & Demolition	\$5,545,215	\$563,527	\$809,033	\$245,506	43.6%	\$4,530,393	\$6,637,765	\$2,107,371	46.5%	\$1,107,371	24.4%	\$5,344,560	\$11,826	1.5%	\$126,355	1.9%
23 - Vegetative	\$40,858	\$4,323	\$2,936	\$-1,387	-31.1%	\$43,390	\$16,801	\$-26,589	-61.3%	\$-26,589	-61.3%	\$19,990	\$-26,589	-133.3%	\$-668,356	-3343.3%
25 - Animal and Food Processing	\$61,170	\$5,954	\$7,096	\$1,142	19.2%	\$52,606	\$73,567	\$20,961	39.8%	\$20,961	39.8%	\$43,818	\$-1,700	-3.9%	\$-56,233	-12.8%
27 - Dry Industrial	\$43,538	\$2,612	\$4,987	\$2,375	90.9%	\$37,838	\$56,441	\$18,603	49.2%	\$18,603	49.2%	\$38,150	\$2,011	5.3%	\$666	1.7%
27A - Asbestos	\$87,867	\$9,469	\$7,937	\$-1,532	-16.2%	\$88,093	\$111,122	\$43,028	63.2%	\$43,028	63.2%	\$84,424	\$-3,203	-3.8%	\$13,544	15.9%
<b>Total</b>	<b>\$13,718,436</b>	<b>\$1,165,776</b>	<b>\$1,395,324</b>	<b>\$229,548</b>	<b>19.7%</b>	<b>\$11,721,279</b>	<b>\$13,698,289</b>	<b>\$1,977,010</b>	<b>16.9%</b>	<b>\$1,977,010</b>	<b>16.9%</b>	<b>\$13,303,054</b>	<b>\$66,740</b>	<b>5.0%</b>	<b>\$185,697</b>	<b>1.0%</b>
<b>Recycling Type</b>																
135R - Tires	\$35,250	\$3,000	\$1,500	\$-1,500	-50.0%	\$31,500	\$27,375	\$-4,125	-13.1%	\$-4,125	-13.1%	\$35,250	\$-3,750	-10.6%	\$-10,500	-29.8%
137L - Overstated Tires	\$21,250	\$1,275	\$2,125	\$850	66.7%	\$17,425	\$15,300	\$-2,125	-12.2%	\$-2,125	-12.2%	\$21,250	\$425	2.0%	\$-54,675	-256.4%
238C - Bed Cleanout	\$136,600	\$18,734	\$36,784	\$18,050	96.3%	\$92,216	\$220,590	\$128,364	139.2%	\$128,364	139.2%	\$74,000	\$6,407	8.7%	\$28,546	38.6%
23H - Brush, Branches	\$13,000	\$12,978	\$16,606	\$4,028	31.0%	\$112,518	\$119,472	\$6,954	6.2%	\$6,954	6.2%	\$129,500	\$1,487	1.1%	\$-11,424	-8.8%
23C - Leaves & Grass	\$45,500	\$1,388	\$3,514	\$2,126	37.7%	\$39,732	\$53,998	\$14,266	35.9%	\$14,266	35.9%	\$35,100	\$2,777	7.9%	\$9,525	27.4%
23S - Stumps	\$123,500	\$8,968	\$6,802	\$-2,166	-24.2%	\$104,804	\$97,058	\$-7,746	-7.4%	\$-7,746	-7.4%	\$25,500	\$2,017	7.9%	\$-3,602	-14.1%
<b>Total</b>	<b>\$495,500</b>	<b>\$47,943</b>	<b>\$67,831</b>	<b>\$19,888</b>	<b>40.4%</b>	<b>\$398,206</b>	<b>\$523,793</b>	<b>\$125,588</b>	<b>31.5%</b>	<b>\$125,588</b>	<b>31.5%</b>	<b>\$320,600</b>	<b>\$8,016</b>	<b>2.5%</b>	<b>\$48,870</b>	<b>10.3%</b>

## Overall Revenue to Date:

Waste and Recycling \$14,213,736 \$1,213,719 \$1,462,655 \$248,936 20.5% \$12,119,484 \$14,222,082 \$2,102,598 17.3%

\$13,623,654 \$74,754 5.4% \$184,567 1.3%

x: Solid Waste Admin\JRC\_164\Monthly Turnage Report\1023



# Cape May County Municipal Utilities Authority

## RESOLUTION NO. 137-23

### RESOLUTION AUTHORIZING THE AWARD OF CONTRACT MISC-32-23 – 2024 MISCELLANEOUS SERVICES – BURIED PIPING SYSTEMS TO CTX INFRASTRUCTURE

**WHEREAS**, the Cape May County Municipal Utilities Authority ("CMCMUA"/"Authority") had published an Advertisement for Bids for MISC-32-23 - 2024 Miscellaneous Services – Buried Piping Services ("Contract") and furnished detailed Bid Specifications for said Contract to potential Bidders; and,

**WHEREAS**, the Authority received four (4) Bids in accordance with the Advertisement for Bids for the Contract and publicly opened said Bids on October 26, 2023; and,

**WHEREAS**, the Authority's Purchasing Agent and Chief Engineer have reviewed the Bids submitted and have determined that CTX Infrastructure is the lowest responsible Bidder having submitted a responsive Bid in accordance with the Advertisement for Bids and Bid Specifications for said Contract; and,

**WHEREAS**, the CMCMUA's General Legal Counsel has reviewed the Bid submitted for said Contract by CTX Infrastructure and has opined, after researching the applicable law, that CTX Infrastructure's Bid complies with the Bid Specifications of said Contract; and,

**WHEREAS**, the CMCMUA's Wastewater Program Manager, Solid Waste Program Manager, Chief Financial Officer and Executive Director have concurred with said determination; and,

**WHEREAS**, the Cape May County Municipal Utilities Authority has therefore determined that CTX Infrastructure, P.O. Box 793, Hammonton, NJ 08037 is the lowest responsible Bidder, having submitted a responsive Bid in accordance with the Advertisement for Bids and Bid Specifications for said Contract for a total not-to-exceed amount of \$231,950.00; and,

**WHEREAS**, the Authority's Chief Financial Officer will certify that funds are available prior to authorizing each Purchase Order for said services.

**NOW, THEREFORE, BE IT RESOLVED** by the Cape May County Municipal Utilities Authority, a body corporate and politic, as follows:

1. The provisions of the WHEREAS clauses set forth above are incorporated herein by reference and made a part hereof.
2. CTX Infrastructure is hereby awarded a Contract, in substantially the same form as now on file with the Authority's Office Manager, at the Unit Prices specified in their Bid Proposal for Contract MISC-32-23 – 2024 Miscellaneous Services – Buried Piping Systems.
3. The Authority's Executive Director, or Chief Engineer, is authorized to have work performed in accordance with the Contract at the stated Unit prices, on an as-needed basis, up to a total not-to-exceed amount of \$231,950.00, subject to Year 2024 Budget appropriations.

4. The term of this Contract is January 1, 2024 through December 31, 2024.
5. The Authority's Executive Director, or Deputy Director, is hereby authorized and directed to execute the said Contract.

**BE IT FURTHER RESOLVED** in accordance with N.J.A.C. 5:30-5.5(b)2, no amount for 2024 Miscellaneous Services – Buried Piping Systems under Contract MISC-32-23 shall be chargeable or certified until such time as they are actually ordered or otherwise called for. Prior to authorizing any work under this Contract, a certification of available funds shall be made by the Authority's Chief Financial Officer upon receipt of a properly executed Purchase Order and said certification shall be attached to the file copy of the Purchase Order. Total expenditures under this contract shall not exceed \$231,950.00.

	Motion	Second	Yes	No	Abstain	Absent
Mr. Burns						
Ms. Callinan						
Ms. Heenan						
Mr. Matalucci						
Mr. Rixey						
Ms. Saduk						
Mr. Betts						

I hereby certify the foregoing to be a true and correct copy of Resolution No. 137-23 adopted by the Cape May County Municipal Utilities Authority at its Regular Meeting on the 15<sup>th</sup> day of November 2023.

\_\_\_\_\_  
Assistant Corporate Secretary

**CAPE MAY COUNTY MUNICIPAL UTILITIES AUTHORITY  
CONTRACT FACT SHEET**

**PROJECT INFORMATION**

**Project Name:** 2024 Miscellaneous Services – Buried Piping Systems

**Purpose and Scope of Contract:** The purpose of this contract is for the provision of labor, equipment and materials to complete miscellaneous tasks throughout all CCMUA facilities that involve piping and appurtenances on an "as needed" basis.

**PROCUREMENT INFORMATION**

**Contract Type:**  Procurement (Goods and Services)  Professional Services  
 Construction  Non-Professional Services

**Contract Number:** MISC-32-23 **Term of Contract:** January 1, 2024 through December 31, 2024 **Option to Renew:**  No  Yes:

**Bid Guarantee:**  No  Yes **Consent of Surety:**  No  Yes

**Liquidated Damages:**  No  Yes: ,Basis:

**Engineer's Estimate:** \$250,000.00

**Advertisement Date:** September 19, 2023 **Opening Date:** October 26, 2023

**Contract Award Basis:**  Lowest Responsible Bidder  Best Value  Cooperative Pricing System  
 Highest Ranking Score  Negotiated

**Recommendation:**  Award  
 Exercise 1 year option to renew under original Contract Terms and Conditions, Option Dates:  
Options to Renew remaining:  
 Reject, Basis:

**CONTRACTOR/VENDOR INFORMATION**

**Contractor/Vendor:** CTX Infrastructure

**Address:** P.O. Box 793  
Hammonton, NJ 08037

**BUDGET INFORMATION**

**Program:**  Wastewater  Solid Waste  Administration

**Funding:**

Operating Budget  Capital  SW Building & Site Maintenance  SW Equipment Fund

**Contract Value, Not-To-Exceed:** \$231,950.00

**Contract Spending Previous Contract Year to Date:** WW: \$85,905.56; SW: \$109,959.40; AD: \$0

  
Kevin W. McGahey, Purchasing Agent 11-08-2023  
Date

  
John Conturo, SW Program Manager 11/8/23  
Date

  
Joshua Palombo, WW Program Manager 10/8/23  
Date

  
Robert P. Donato, Chief Financial Officer 11/8/2023  
Date

  
Thomas J. LaRocco, P.E., Chief Engineer 10/31/23  
Date

  
Joseph V. Rizzuto, Executive Director 11/7/23  
Date

ENGINEER'S		OPENING DATE		ARTHUR R. HENRY, INC.		CREST CONSTRUCTION GROUP, LLC		WEST BAY CONSTRUCTION, INC.		CTX INFRASTRUCTURE	
\$250,000.00		THURSDAY, OCTOBER 26, 2023 @ 2:00 P.M.									
		CONTRACT NUMBER AND TITLE									
		MISC-32-23 2024 MISCELLANEOUS SERVICES - BURIED PIPING SYSTEMS									
ITEM	DESCRIPTION	MIN. BID	QTY	UNIT PRICE	EXT. PRICE	UNIT PRICE	EXT. PRICE	UNIT PRICE	EXT. PRICE	UNIT PRICE	EXT. PRICE
1	PICK-UP TRUCK - HOURLY RATE W/PROFIT & OVERHEAD	8	100	20.00	2,000.00	20.00	2,000.00	8.00	800.00	50.00	5,000.00
2	DUMP TRUCK, 5 - 10 CY WITHOUT DRIVER - HOURLY RATE W/PROFIT & OVERHEAD	24	100	50.00	5,000.00	30.00	3,000.00	24.00	2,400.00	50.00	5,000.00
3	WHEELED BACKHOE/LOADER, TO 1CY WITHOUT OPERATOR - HOURLY RATE W/PROFIT & OVERHEAD	30	100	70.00	7,000.00	50.00	5,000.00	30.00	3,000.00	200.00	20,000.00
4	EXCAVATOR 1-1 1/2 CY WITHOUT OPERATOR HOURLY RATE W/PROFIT & OVERHEAD	45	100	48.00	4,800.00	70.00	7,000.00	45.00	4,500.00	45.00	4,500.00
5	EXCAVATOR, 2.3 CY WITHOUT OPERATOR - HOURLY RATE W/PROFIT & OVERHEAD	55	100	68.00	6,800.00	80.00	8,000.00	55.00	5,500.00	80.00	8,000.00
6	FRONT END LOADER, 2 1/2 CY WITHOUT OPERATOR - HOURLY RATE W/PROFIT & OVERHEAD	40	100	68.00	6,800.00	60.00	6,000.00	40.00	4,000.00	40.00	4,000.00
7	AIR COMPRESSOR, 185 CFM - HOURLY RATE W/PROFIT & OVERHEAD	15	100	25.00	2,500.00	15.00	1,500.00	15.00	1,500.00	15.00	1,500.00
8	TRAILER MOUNTED ARROW BOARD WITH POWER - DAILY RATE W/PROFIT & OVERHEAD	75	20	120.00	2,400.00	75.00	1,500.00	75.00	1,500.00	75.00	1,500.00
9	NIGHT TIME WORK LIGHTING WITH POWER - HOURLY RATE W/PROFIT & OVERHEAD	1	100	12.50	1,250.00	5.00	500.00	1.00	100.00	1.00	100.00
10	TRENCH PROTECTION (i.e. TRENCH BOX, PLATES OR SHEETING) AS REQUIRED - HOURLY RATE W/PROFIT & OVERHEAD	15	100	25.00	2,500.00	20.00	2,000.00	15.00	1,500.00	15.00	1,500.00
11	DEWATERING - HOURLY RATE W/PROFIT & OVERHEAD	20	100	32.00	3,200.00	50.00	5,000.00	100.00	10,000.00	20.00	2,000.00
12	CUTTING EQUIPMENT FOR CIP, DIP, SSVCP, RCP, PVC, HDPE, AND PEP - HOURLY RATE W/PROFIT & OVERHEAD	10	100	14.00	1,400.00	10.00	1,000.00	10.00	1,000.00	10.00	1,000.00
13	PIPE FOREMAN - HOURLY RATE W/PROFIT & OVERHEAD	--	100	145.00	14,500.00	150.00	15,000.00	100.00	10,000.00	182.00	18,200.00
14	LABORERS/FLAGMAN - HOURLY RATE W/PROFIT & OVERHEAD	--	200	140.00	28,000.00	145.00	29,000.00	340.00	68,000.00	140.00	28,000.00
15	DRIVER FOR ITEM #2 - HOURLY RATE W/PROFIT & OVERHEAD	--	100	135.00	13,500.00	145.00	14,500.00	100.00	10,000.00	140.00	14,000.00
16	EQUIPMENT OPERATOR FOR ITEMS #3, 4, 5 OR 6 - HOURLY RATE W/PROFIT & OVERHEAD	--	100	145.00	14,500.00	155.00	15,500.00	1.00	100.00	182.00	18,200.00
17	LUMP SUM LABOR/MATERIAL ALLOWANCE (\$110,000.00)		1	110,000.00	110,000.00	110,000.00	110,000.00	110,000.00	110,000.00	110,000.00	110,000.00
18	MOBILIZATION/DEMOBILIZATION - LUMP SUM AMOUNT PER EACH SPECIFIC JOB W/PROFIT & OVERHEAD - MAXIMUM BID: \$600.00		10	600.00	6,000.00	600.00	6,000.00	600.00	6,000.00	600.00	6,000.00
	TOTAL AMOUNT BID			\$	231,950.00	\$	232,500.00	\$	239,900.00	\$	248,500.00
	**MIN. LABOR BIDS ARE PREVAILING WAGE RATES										
ITEM	DESCRIPTION	REQUIRED	PROVIDED	PROVIDED	PROVIDED	PROVIDED	PROVIDED	PROVIDED	PROVIDED	PROVIDED	PROVIDED
	BIDDER'S CHECKLIST	x	yes	yes	yes	yes	yes	yes	yes	yes	yes
	STATEMENT OF OWNERSHIP DISCLOSURE	x	yes	yes	yes	yes	yes	yes	yes	yes	yes
	NON-COLLUSION AFFIDAVIT	x	yes	yes	yes	yes	yes	yes	yes	yes	yes
	PROPOSAL FORM(S)	x	yes	yes	yes	yes	yes	yes	yes	yes	yes
	ADDENDA ACKNOWLEDGEMENT	x	yes	yes	yes	yes	yes	yes	yes	yes	yes
	BID GUARANTEE	x	yes	bond - valid search	provider	yes	bond - valid search	provider	yes	bond - valid search	provider
	BIDDER'S EXPERIENCES/REFERENCES	x	yes	yes	yes	yes	yes	yes	yes	yes	yes
	ADDITIONAL BIDDER'S QUALIFICATIONS	x	yes	yes	yes	yes	yes	yes	yes	yes	yes
	MANDATORY DESIGNATION OF SUBCONTRACTORS AND/OR BIDDER'S OWN WORKFORCE	x	yes	yes	yes	yes	yes	yes	yes	yes	yes
	CHECKLIST DOCUMENT A			yes	yes	yes	yes	yes	yes	yes	yes
	N.J. BUSINESS REGISTRATION CERTIFICATE			yes	yes	yes	yes	yes	yes	yes	yes
	DISCLOSURE OF INVESTMENT ACTIVITIES IN IRAN			yes	clear search	yes	clear search	yes	clear search	yes	clear search
	IRS FORM W-9			yes	yes	yes	yes	yes	yes	yes	yes
	PUBLIC WORKS CONTRACTOR REGISTRATION CERTIFICATE			yes	valid - clear search	yes	valid - clear search	yes	valid - clear search	yes	valid - clear search
	FEDERAL NON-DEBARMENT CERTIFICATION			yes	clear search	yes	clear search	yes	clear search	yes	clear search
	CHECKLIST DOCUMENT B			no	no	no	no	no	no	no	no
	MANDATORY AFFIRMATIVE ACTION			no	no	no	no	no	no	no	no
	INSURANCE CERTIFICATE(S)			no	no	no	no	no	no	no	no
				yes	yes	yes	yes	yes	yes	yes	yes
				yes	15-Aug-2026	yes	15-Aug-2026	yes	15-Aug-2026	yes	15-Aug-2026
				yes	proof	yes	proof	yes	proof	yes	proof

# WADE, LONG, WOOD & LONG, LLC

Howard C. Long, Jr. †  
Daniel H. Long †±◇  
Christopher F. Long †◇

John D. Wade †  
OF COUNSEL  
Leonard J. Wood, Jr. †  
OF COUNSEL

John A. Moustakas †◇

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± Admitted to Washington DC Bar  
◇ Admitted to PA Bar

November 1, 2023

Joseph V. Rizzuto, Executive Director  
CAPE MAY COUNTY MUNICIPAL  
UTILITIES AUTHORITY  
P.O. Box 610  
Cape May Court House, NJ 08210

**RE: 2024 Miscellaneous Services – Buried Piping Systems**  
**MISC-32-23**

Dear Mr. Rizzuto:

## I. INTRODUCTION

I have reviewed the documents provided regarding the bid submissions with respect to the contract MISC-32-23, 2024 Miscellaneous Services – Buried Piping Systems on behalf of the Cape May County Municipal Utilities Authority (“CMCMUA” and/or “Authority”). The CMCMUA received four (4) bids for this Contract. The bids were received on Thursday, October 26, 2023, at 2:00 p.m. as follows:

<u>Vendor</u>	<u>Total Amount Bid</u>
1. CTX Infrastructure	\$231,950.00
2. West Bay Construction, Inc.	\$232,500.00
3. Crest Construction Group, LLC	\$239,900.00
4. Arthur R. Henry, Inc.	\$248,500.00
<u>Engineer’s Estimate</u>	<u>\$250,000.00</u>

## II. FACTUAL ANALYSIS

The bid specifications sought bids for a contractor to furnish all necessary labor, supervision, equipment, tools and/or materials required to perform the following construction services: removal, replacement, supply, and/or installation of various diameters of CIP, DIP, RCP, PEP, HDPE, SS, and PVC pipe; removal, replacement and installation of manholes and manhole riser sections; coring of manhole riser sections, raising and lowering of manhole frames and covers; installation of permanent watertight bulkheads; earthwork including excavation, dewatering and backfill; site work (clearing, grubbing, grading,

**RE: 2024 Miscellaneous Services – Buried Piping Systems**  
**MISC-32-23**

drainage structures, paving, curbing, sidewalks, etc.) and other miscellaneous work for the time period January 1, 2024 through December 31, 2024. See Bid Specifications Section IV(1.0), Technical Specifications, General. The specifications make clear that the hours specified are based on the Authority's best estimates, are not final and may increase or decrease based upon the actual work required under the contract. See Bid Specifications, Section IV(3.0), Technical Specifications, Quantities Estimated.

The apparent low bid was submitted by CTX Infrastructure ("CTX"). Upon review of the bid submitted by CTX, it was uncovered that the bidder did not submit Affirmative Action Information or Insurance Information within their original bid package. However, the bid specifications provide that the Affirmative Action Information and Insurance Information must be submitted prior to the contract being executed. See Bid Specifications, Section II(XI), General Instruction to Bidders, Mandatory Affirmative Action Certification; See Bid Specifications, Section III, Specific Instructions to Bidders, Insurance Requirements. As such, there are no defects in the bid submitted by CTX from a legal perspective.

The bid was further reviewed from a technical perspective by Mr. Thomas LaRocco, Chief Engineer on behalf of the Authority, Mr. Joshua Palombo, Wastewater Program Manager on behalf of the Authority, and Mr. John Conturo, Solid Waste Program Manager on behalf of the Authority. Following their review, Mr. LaRocco, Mr. Palombo, and Mr. Conturo opined that the bid submitted by CTX complied with the technical specifications and thereafter recommended the award of the contract to CTX.

### **III. LEGAL ANALYSIS**

The Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. regulates bidding on Contracts of public entities in New Jersey. In general, the practice of public bidding is universally recognized and deeply imbedded in the public policy of the State of New Jersey. N.E.R.I. Corp. v. New Jersey Highway Authority, 147 N.J. 223, 236 (1996). There is a prima facie presumption that power and discretion of governmental action in awarding bids on public Contracts has been properly exercised. Colonnelli Bros., Inc. v. Village of Ridgefield Park, 284 N.J. Super. 538, 541 (App.Div.1995).

Public bidding statutes are to be construed with sole reference to the public good and rigidly adhered to by courts. Hall Const. Co., Inc. v. New Jersey Sports & Exposition Authority, 295 N.J. Super. 629, 634 (App.Div.1996). Furthermore, public bidding statutes exist for the good of taxpayers, not bidders, and they must always be construed for the public good and to guard against favoritism, improvidence, extravagance, and corruption. Sevell v. New Jersey Highway Authority, 329 N.J. Super. 580, 584 (App.Div.2000).

Every Contract awarded by the contracting agent for the provision or performance of any goods or services, the cost of which in the aggregate exceeds the bid threshold, shall be awarded only by Resolution of the governing body of the contracting unit to the lowest responsible bidder after public advertising for bids and bidding therefore. N.J.S.A. 40A:11-4. "*Lowest responsible bidder or vendor*" means the bidder or vendor: (a) whose response to a request for bids offers the lowest price and is responsive; and (b) who is responsible. N.J.S.A. 40A:11-2. The lowest responsible bidder on a public Contract must not only be deemed responsible but must submit the lowest bid which conforms to the Contract specifications. Matter

**RE: 2024 Miscellaneous Services – Buried Piping Systems**  
**MISC-32-23**

of Protest of Award of On-Line Games Production & Operation Services Contract, Bid No. 95-X-20175, 279 N.J.Super. 566, 590 (App.Div.1995).

It is firmly established in New Jersey that material conditions contained in bidding specifications may not be waived. Terminal Const. Corp. v. Atlantic Cty. Sewerage Auth., 67 N.J. 403, 409 (1975). A contracting body is generally without discretion to accept a defective bid. Meadowbrook Carting Co. v. Borough of Island Heights, 138 N.J. 307, 314 (1994). However, while material conditions contained in bidding specifications may not be waived, this rule does not apply to minor or inconsequential conditions. Public contracting units may resolve problems arising from such conditions in a sensible or practical way. Terminal Const. Corp., 67 N.J. at 409-11. Materiality of a particular specification is to be determined as a matter of law. Hanover Tp. v. Inter. Fidelity Ins. Co., 122 N.J.Super. 544, 548 (App.Div.1973).

There are two (2) criteria for determining whether a specific non-compliance constitutes a substantial and, hence, non-waivable irregularity: (1) Whether the effect of a waiver would be to deprive the public body of its assurance that the Contract will be entered into, performed, and guaranteed according to its specific requirements; and (2) Whether it is of such a nature that its waiver would adversely affect competitive bidding by placing a bidder in a position of advantage over the other bidders or by otherwise undermining the necessary common standard of competition. Township of River Vale v. R.J. Longo Constr. Co., 127 N.J.Super. 207, 222 (Law.Div.1974).

The court has provided further guidance as to materiality where an error is “patent and the true intent of the bidder obvious”. In such a situation, the Appellate Division has held that such an error may be disregarded by the public agency. The Court held that certain non-compliance (i.e. obvious error) with the bid specifications may be deemed not material and therefore waivable by the public entity. Spina v. Borough of Fairview, 304 N.J. Super. 425, (App. Div. 1997).

As a matter of law, the Local Public Contract Law requires certain items to be included as material aspects of every bid. The statute reads:

“When required by the bid plans and specifications, the following requirements shall be considered mandatory items to be submitted at the time specified by the contracting unit for the receipt of the bids; the failure to submit any one of the mandatory items shall be deemed a fatal defect that shall render the bid proposal unresponsive and that cannot be cured by the governing body:

- a. A guarantee to accompany the bid pursuant to section 21 of P.L.1971, c.198 (C.40A:11-21);
- b. A certificate from a surety company pursuant to section 22 of P.L.1971, c.198 (C.40A:11-22);
- c. A statement of corporate ownership pursuant to section 1 of P.L.1977, c.33 (C.52:25-24.2);

**RE: 2024 Miscellaneous Services – Buried Piping Systems**  
**MISC-32-23**

- d. A listing of subcontractors pursuant to section 16 of P.L.1971, c.198 (C.40A:11-16);
- e. A document provided by the contracting agent in the bid plans, specifications, or bid proposal documents for the bidder to acknowledge the bidder's receipt of any notice or revisions or addenda to the advertisement or bid documents;"

N.J.S.A. 40A:11-23.2.

Finally, a local contracting unit is permitted to reject all bids within a part under certain conditions. N.J.S.A. 40A:11-13.2, provides in pertinent part:

"A local contracting unit can reject all bids for any of the following reasons:

- a. The lowest bid substantially exceeds the cost estimates for the goods or services;
- b. The lowest bid substantially exceeds the contracting unit's appropriation for the goods or services;
- c. The governing body of the contracting unit decides to abandon the project for provision or performance of the goods or services;
- d. The contracting unit wants to substantially revise the specifications for the goods or services;
- e. The purposes or provisions or both of P.L.1971, c. 198 (C.40A:11-1 et seq.) are being violated;
- f. The governing body of the contracting unit decides to use the State authorized contract pursuant to section 12 of P.L.1971, c. 198 (C.40A:11-12).

N.J.S.A. 40A:11-13.2.

As outlined above, there are no apparent defects within the bid submitted by CTX. To the extent a defect may be uncovered, it is my legal opinion that any such defect is minor in nature and may be waived by the Authority pursuant to the Court's holdings in River Vale and Spina.

**IV. CTX INFRASTRUCTURE'S BID**

My review consisted of an examination of the following documents submitted by CTX that the Authority has provided:

1. Bidder's Checklist;
2. Statement of Ownership Disclosure Form;
3. Non-Collusion Affidavit;
4. Proposal;
5. Acknowledgment of Receipt of Addenda;



**RE: 2024 Miscellaneous Services – Buried Piping Systems**  
**MISC-32-23**

6. Bid Bond;
7. Consent of Surety;
8. Surety Disclosure Statement and Certification;
9. Surety Financial Information;
10. Power of Attorney;
11. Bidder's Experience/References;
12. Additional Bidder's Qualifications;
13. Mandatory Designation of Subcontractors and/or Bidder's Own Workforce;
14. New Jersey Business Registration Certificate;
15. Disclosure of Investment Activities in Iran Form;
16. IRS Form W-9;
17. Public Works Contractor Registration Act Certificate;
18. Lowest Bidder Prevailing Wage Certification;
19. Certification of Non-Debarment for Federal Government Contracts.

The bid submitted by CTX is in the appropriate form.

**V. CONCLUSION**

After researching the applicable law, reviewing the Contract specifications and documents, and conferring with staff, it is my legal opinion that the Contract for MISC-32-23, 2024 Miscellaneous Services – Buried Piping Systems on behalf of the Authority be awarded to CTX. Please note that CTX must supply Affirmative Action Information and Insurance Information prior to the execution of an agreement. It is recommended that a Resolution be placed on the Agenda for an upcoming meeting awarding said Contract subject to staff concurrence and the availability of funds.

If you have any questions or require any further clarification, please do not hesitate to contact me.

Very truly yours,  
WADE, LONG, WOOD & LONG, L.L.C.

*Christopher F. Long*

Christopher F. Long, Esquire

cc: Thomas LaRocco, Chief Engineer  
Robert Donato, Chief Financial Officer  
John Conturo, Solid Waste Program Manager  
Joshua Palombo, Wastewater Program Manager  
Annie M. McDevitt, Office Manager  
Kevin McGahey, QPA, Purchasing Agent

# Cape May County Municipal Utilities Authority

## RESOLUTION NO. 138-23

### **RESOLUTION AUTHORIZING THE AWARD OF CONTRACT MISC-33-23 – 2024 MISCELLANEOUS SERVICES – HVAC WORK TO MULTI-TEMP MECHANICAL, INC.**

**WHEREAS**, the Cape May County Municipal Utilities Authority ("CMCMUA"/"Authority") had published an Advertisement for Bids for Contract MISC-33-23 - 2024 Miscellaneous Services – HVAC Work ("Contract") and furnished detailed Bid Specifications for said Contract to potential Bidders; and,

**WHEREAS**, the Authority received two (2) Bids in accordance with the Advertisement for Bids for the Contract and publicly opened said Bids on October 24, 2023; and,

**WHEREAS**, the CMCMUA's Purchasing Agent and Chief Engineer have reviewed the Bids submitted and have determined that Multi-Temp Mechanical, Inc. is the lowest responsible Bidder having submitted a responsive Bid in accordance with the Advertisement for Bids and Bid Specifications for said Contract; and,

**WHEREAS**, the CMCMUA's General Legal Counsel has reviewed the Bid submitted by Multi-Temp Mechanical, Inc. and has opined, after researching the applicable law, that their Bid complied with the Bid Specifications of said Contract; and,

**WHEREAS**, the CMCMUA's Wastewater Program Manager, Solid Waste Program Manager, Chief Financial Officer, and Executive Director have concurred with said determination; and,

**WHEREAS**, the Cape May County Municipal Utilities Authority has therefore determined that Multi-Temp Mechanical, Inc., 1000 Delsea Drive, Suite B-1, Westville, NJ 08093 is the lowest responsible Bidder, having submitted a responsive Bid in accordance with the Advertisement for Bids and Bid Specifications for said Contract for a total not-to-exceed amount of \$186,200.00; and,

**WHEREAS**, the CMCMUA's Chief Financial Officer will certify that funds are available prior to authorizing each Purchase Order for said services.

**NOW, THEREFORE, BE IT RESOLVED** by the Cape May County Municipal Utilities Authority, a body corporate and politic, as follows:

1. The provisions of the WHEREAS clauses set forth above are incorporated herein by reference and made a part hereof.
2. A Contract to supply the HVAC Work referenced above in substantially the same form as now on file with the Authority's Office Manager is hereby awarded to Multi-Temp Mechanical, Inc. at the Unit Prices specified in their Bid Proposal for Contract MISC-33-23 – 2024 Miscellaneous Services – HVAC Work.
3. The Authority's Executive Director, or Chief Engineer, is authorized to have HVAC Work performed at the stated Unit Prices, on an as-needed basis, up to a total not-to-exceed amount of \$186,200.00, subject to Year 2024 Budget appropriations.
4. The term of this Contract is January 1, 2024 through December 31, 2024.

5. The Authority's Executive Director, or Deputy Director, is hereby authorized and directed to execute the said Contract.

**BE IT FURTHER RESOLVED** in accordance with N.J.A.C. 5:30-5.5(b)2, no amount for 2024 Miscellaneous Services – HVAC Work under Contract MISC-33-23 shall be chargeable or certified until such time as they are actually ordered or otherwise called for. Prior to authorizing any work under this Contract, a certification of available funds shall be made by the Authority's Chief Financial Officer upon receipt of a properly executed Purchase Order and said certification shall be attached to the file copy of the Purchase Order. Total expenditures under this contract shall not exceed \$186,200.00.

	Motion	Second	Yes	No	Abstain	Absent
Mr. Burns						
Ms. Callinan						
Ms. Heenan						
Mr. Matalucci						
Mr. Rixey						
Ms. Saduk						
Mr. Betts						

I hereby certify the foregoing to be a true and correct copy of Resolution No. 138-23 adopted by the Cape May County Municipal Utilities Authority at its Regular Meeting on the 15<sup>th</sup> day of November 2023.

\_\_\_\_\_  
Assistant Corporate Secretary

# CAPE MAY COUNTY MUNICIPAL UTILITIES AUTHORITY

## CONTRACT FACT SHEET

### PROJECT INFORMATION

**Project Name:** 2024 Miscellaneous Services – HVAC Work

**Purpose and Scope of Contract:** The purpose of this contract is for the provision of labor, equipment and materials to complete miscellaneous tasks throughout all CMCMUA facilities that involve HVAC work on an "as needed" basis.

### PROCUREMENT INFORMATION

**Contract Type:**  Procurement (Goods and Services)  Professional Services  
 Construction  Non-Professional Services

**Contract Number:** MISC-33-23 **Term of Contract:** January 1, 2024 through December 31, 2024 **Option to Renew:**  No  Yes

**Bid Guarantee:**  No  Yes **Consent of Surety:**  No  Yes

**Liquidated Damages:**  No  Yes: ,Basis:

**Engineer's Estimate:** \$200,000.00

**Advertisement Date:** September 26, 2023 **Opening Date:** October 24, 2023

**Contract Award Basis:**  Lowest Responsible Bidder  Best Value  Cooperative Pricing System  
 Highest Ranking Score  Negotiated

**Recommendation:**  Award  
 Exercise 1 year option to renew under original Contract Terms and Conditions, Option Dates:  
Options to Renew remaining:  
 Reject, Basis:

### CONTRACTOR/VENDOR INFORMATION

**Contractor/Vendor:** Multi-Temp Mechanical, Inc.

**Address:** 1000 Delsea Drive  
Suite B-1  
Westville, NJ 08093

### BUDGET INFORMATION

**Program:**  Wastewater  Solid Waste  Administration

**Funding:**

Operating Budget  Capital  SW Building & Site Maintenance  SW Equipment Fund

**Contract Value, Not-To-Exceed:** \$186,200.00

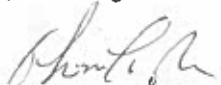
**Contract Spending Previous Contract Year to Date:** WW: \$34,476.88; SW: \$24,716.64; AD: \$2,642.46

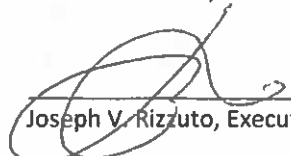
  
\_\_\_\_\_  
Kevin W. McGahey, Purchasing Agent Date 11-08-2023

  
\_\_\_\_\_  
John Conturo, SW Program Manager Date 11/8/23

  
\_\_\_\_\_  
Joshua Palombo, WW Program Manager Date 11/8/23

  
\_\_\_\_\_  
Robert P. Donato, Chief Financial Officer Date 11/8/23

  
\_\_\_\_\_  
Thomas J. LaRocco, P.E., Chief Engineer Date 11/8/23

  
\_\_\_\_\_  
Joseph V. Rizzuto, Executive Director Date 11/7/23



ENGINEER'S ESTIMATE		OPENING DATE	Multi-Temp Mechanical, Inc.		McCloskey Mechanical Contractors, Inc.	
\$200,000.00		TUESDAY, OCTOBER 24, 2023 @ 2:00 P.M.	UNIT PRICE	EXT. PRICE	UNIT PRICE	EXT. PRICE
CONTRACT NUMBER AND TITLE						
MISC-33-23 - 2024 MISCELLANEOUS SERVICES - HVAC WORK						
ITEM	DESCRIPTION	QUANTITY	UNIT PRICE	EXT. PRICE	UNIT PRICE	EXT. PRICE
1	HOURLY CHARGE - BOILER WORK - BOILER MECHANIC'S HELPER - REGULAR HOURS W/PROFIT & OVERHEAD	100	37.00	3,700.00	75.00	7,500.00
2	HOURLY CHARGE - BOILER WORK - BOILER MECHANIC REGULAR HOURS - W/PROFIT & OVERHEAD	100	94.00	9,400.00	95.00	9,500.00
3	HOURLY CHARGE - SHEET METAL FIELD WORK - SHEET METAL MECHANIC'S HELPER - REGULAR HOURS W/PROFIT & OVERHEAD	100	46.00	4,600.00	75.00	7,500.00
4	HOURLY CHARGE - SHEET METAL FIELD WORK - SHEET METAL MECHANIC - REGULAR HOURS W/PROFIT & OVERHEAD	100	82.00	8,200.00	95.00	9,500.00
5	HOURLY SHOP CHARGES - SHEET METAL SHOP WORK - MECHANIC - REGULAR HOURS W/PROFIT AND OVERHEAD	100	82.00	8,200.00	95.00	9,500.00
6	HOURLY CHARGE - AIR CONDITIONING/HEAT PUMP/ REFRIGERATION - MECHANIC'S HELPER - REGULAR HOURS W/PROFIT & OVERHEAD	300	37.00	11,100.00	75.00	22,500.00
7	HOURLY CHARGE - AIR CONDITIONING/HEAT PUMP/REFRIGERATION - MECHANIC - REGULAR HOURS W/PROFIT & OVERHEAD	300	94.00	28,200.00	95.00	28,500.00
8	REPLACE THIRTY (30) ADMIN. BUILDING HEAT PUMP FILTERS, QUARTERLY	4	150.00	600.00	2,000.00	8,000.00
9	REPLACE THIRTEEN (13) ADMIN. BUILDING AIR HANDLER FILTERS, QUARTERLY	4	150.00	600.00	1,000.00	4,000.00
10	REPLACE NINE (9) ADMIN. BUILDING AIR HANDLER FILTERS, ANNUALLY	1	400.00	400.00	900.00	900.00
11	WASH SIX (6) ADMIN. BUILDING AIR HANDLER FILTERS, QUARTERLY	4	150.00	600.00	500.00	2,000.00
12	ADMIN. BUILDING AIR HANDLER INSPECTION, ANNUALLY	1	600.00	600.00	700.00	700.00
13	ALLOWANCE FOR PARTS AND LABOR FOR WHICH UNIT PRICES HAVE NOT BEEN ESTABLISHED (ALLOWANCE 110,000.00)	1	110,000.00	110,000.00	110,000.00	110,000.00
	TOTAL AMOUNT BID			\$ 186,200.00		\$ 220,100.00
	REQUIRED	PROVIDED			PROVIDED	
	BIDDER'S CHECKLIST	x	yes		PROVIDED	PROVIDED
	STATEMENT OF OWNERSHIP DISCLOSURE	x	yes			
	NON-COLLUSION AFFIDAVIT	x	yes			
	PROPOSAL FORM(S)	x	yes	no exceptions		
	ADDENDA ACKNOWLEDGEMENT	x	yes			
	BID GUARANTEE	x	yes	bond - valid provider		
	BIDDER'S EXPERIENCE/REFERENCES	x	yes			
	ADDITIONAL BIDDER'S QUALIFICATIONS	x	yes			
	MANDATORY DESIGNATION OF SUBCONTRACTORS AND/OR BIDDER'S OWN WORKFORCE	x	yes			
	CHECKLIST DOCUMENT A					
	N.J. BUSINESS REGISTRATION CERTIFICATE			valid		valid
	DISCLOSURE OF INVESTMENT ACTIVITIES IN IRAN			clear search		clear search
	IRS FORM W-9			valid		valid
	PUBLIC WORKS CONTRACTOR REGISTRATION CERTIFICATE			clear search		clear search
	LOWEST BIDDER PREVAILING WAGE CERTIFICATION			yes		yes
	FEDERAL NON-DEBARMENT CERTIFICATION			clear searches		clear searches
	CHECKLIST DOCUMENT B			no		no
	MANDATORY AFFIRMATIVE ACTION			15-Dec-2028		15-May-2024
	INSURANCE CERTIFICATE(S)			CMCMLA named as certificate holder no endorsement pages		no

# WADE, LONG, WOOD & LONG, LLC

Howard C. Long, Jr. †  
Daniel H. Long †±◇  
Christopher F. Long †◇

John D. Wade †  
OF COUNSEL  
Leonard J. Wood, Jr. †  
OF COUNSEL

John A. Moustakas †◇

† Admitted to NJ Bar  
± Admitted to Washington DC Bar  
◇ Admitted to PA Bar

October 30, 2023

Joseph V. Rizzuto, Executive Director  
CAPE MAY COUNTY MUNICIPAL  
UTILITIES AUTHORITY  
P.O. Box 610  
Cape May Court House, NJ 08210

RE: **2024 Miscellaneous Services – HVAC Work**  
**MISC-33-23**

Dear Mr. Rizzuto:

## I. INTRODUCTION

I have reviewed the documents provided regarding the bid submissions with respect to the contract MISC-33-23, 2024 Miscellaneous Services – HVAC Work behalf of the Cape May County Municipal Utilities Authority (“CMCMUA” and/or “Authority”). The CMCMUA received two (2) bids for this Contract. The bids were received on Tuesday, October 24, 2023, at 2:00 p.m. as follows:

<u>Vendor</u>	<u>Total Amount Bid</u>
1. Multi-Temp Mechanical, Inc.	\$186,200.00
2. McCloskey Mechanical Contractors, Inc.	\$220,100.00
<u>Engineer’s Estimate</u>	<u>\$200,000.00</u>

## II. FACTUAL ANALYSIS

This project sought bids for the furnishing of all necessary labor, supervision, equipment, tools, and/or materials to perform miscellaneous repairs, modifications, or new installations of heating, ventilating, air conditioning or boiler work throughout all CMCMUA Facilities from January 1, 2024, through December 31, 2024. See Bid Specifications Section IV(1.0), Technical Specifications, Scope of Work. The specifications provide that the hours specified are based on the Authority’s best estimate of the equipment and manpower required to do the work and are given for the purpose of arriving at a total price for the Contract on which to make a comparison in awarding the Contract. The quantities are not final and may increase or decrease based upon the actual work required. See Bid Specifications Section IV(3.0), Technical Specifications, Quantities Estimated.

RE: **2024 Miscellaneous Services -- HVAC Work**  
**MISC-33-23**

The apparent low bidder for the above referenced contract was Multi-Temp Mechanical, Inc. ("Multi-Temp"). Upon review of the bid submitted by Multi-Temp, no defects were found within the bid and the bid submitted was compliant with the bid specifications from a legal perspective. The bid was reviewed from a technical perspective by Thomas LaRocco, Chief Engineer on behalf of the Authority, Joshua Palombo, Wastewater Program Manager on behalf of the Authority, and John Conturo, Solid Waste Program Manager on behalf of their Authority. Following their review, Mr. LaRocco, Mr. Palombo, and Mr. Conturo opined that the bid submitted by Multi-Temp complies with the technical specifications.

### III. LEGAL ANALYSIS

The Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. regulates bidding on Contracts of public entities in New Jersey. In general, the practice of public bidding is universally recognized and deeply imbedded in the public policy of the State of New Jersey. N.E.R.I. Corp. v. New Jersey Highway Authority, 147 N.J. 223, 236 (1996). There is a prima facie presumption that power and discretion of governmental action in awarding bids on public Contracts has been properly exercised. Colonnelli Bros., Inc. v. Village of Ridgefield Park, 284 N.J.Super. 538, 541 (App.Div.1995).

Public bidding statutes are to be construed with sole reference to the public good and rigidly adhered to by courts. Hall Const. Co., Inc. v. New Jersey Sports & Exposition Authority, 295 N.J.Super. 629, 634 (App.Div.1996). Furthermore, public bidding statutes exist for the good of taxpayers, not bidders, and they must always be construed for the public good and to guard against favoritism, improvidence, extravagance, and corruption. Sevell v. New Jersey Highway Authority, 329 N.J.Super. 580, 584 (App.Div.2000).

Every Contract awarded by the contracting agent for the provision or performance of any goods or services, the cost of which in the aggregate exceeds the bid threshold, shall be awarded only by Resolution of the governing body of the contracting unit to the lowest responsible bidder after public advertising for bids and bidding therefore. N.J.S.A. 40A:11-4. "*Lowest responsible bidder or vendor*" means the bidder or vendor: (a) whose response to a request for bids offers the lowest price and is responsive; and (b) who is responsible. N.J.S.A. 40A:11-2. The lowest responsible bidder on a public Contract must not only be deemed responsible but must submit the lowest bid which conforms to the Contract specifications. Matter of Protest of Award of On-Line Games Production & Operation Services Contract, Bid No. 95-X-20175, 279 N.J.Super. 566, 590 (App.Div.1995).

It is firmly established in New Jersey that material conditions contained in bidding specifications may not be waived. Terminal Const. Corp. v. Atlantic Cty. Sewerage Auth., 67 N.J. 403, 409 (1975). A contracting body is generally without discretion to accept a defective bid. Meadowbrook Carting Co. v. Borough of Island Heights, 138 N.J. 307, 314 (1994). However, while material conditions contained in bidding specifications may not be waived, this rule does not apply to minor or inconsequential conditions. Public contracting units may resolve problems arising from such conditions in a sensible or practical way. Terminal Const. Corp., 67 N.J. at 409-11. Materiality of a particular specification is to be determined as a matter of law. Hanover Tp. v. Inter. Fidelity Ins. Co., 122 N.J.Super. 544, 548 (App.Div.1973).

**RE: 2024 Miscellaneous Services – HVAC Work**  
**MISC-33-23**

There are two (2) criteria for determining whether a specific non-compliance constitutes a substantial and, hence, non-waivable irregularity: (1) Whether the effect of a waiver would be to deprive the public body of its assurance that the Contract will be entered into, performed, and guaranteed according to its specific requirements; and (2) Whether it is of such a nature that its waiver would adversely affect competitive bidding by placing a bidder in a position of advantage over the other bidders or by otherwise undermining the necessary common standard of competition. Township of River Vale v. R.J. Longo Constr. Co., 127 N.J. Super. 207, 222 (Law.Div.1974).

The court has provided further guidance as to materiality where an error is “patent and the true intent of the bidder obvious”. In such a situation, the Appellate Division has held that such an error may be disregarded by the public agency. The Court held that certain non-compliance (i.e. obvious error) with the bid specifications may be deemed not material and therefore waivable by the public entity. Spina v. Borough of Fairview, 304 N.J. Super. 425, (App. Div. 1997).

As a matter of law, the Local Public Contract Law requires certain items to be included as material aspects of every bid. The statute reads:

“When required by the bid plans and specifications, the following requirements shall be considered mandatory items to be submitted at the time specified by the contracting unit for the receipt of the bids; the failure to submit any one of the mandatory items shall be deemed a fatal defect that shall render the bid proposal unresponsive and that cannot be cured by the governing body:

- a. A guarantee to accompany the bid pursuant to section 21 of P.L.1971, c. 198 (C.40A:11-21);
- b. A certificate from a surety company pursuant to section 22 of P.L.1971, c. 198 (C.40A:11-22);
- c. A statement of corporate ownership pursuant to section 1 of P.L.1977, c. 33 (C.52:25-24.2);
- d. A listing of subcontractors pursuant to section 16 of P.L.1971, c. 198 (C.40A:11-16);
- e. A document provided by the contracting agent in the bid plans, specifications, or bid proposal documents for the bidder to acknowledge the bidder's receipt of any notice or revisions or addenda to the advertisement or bid documents.”

N.J.S.A. 40A:11-23.2.

Finally, a local contracting unit is permitted to reject all bids within a part under certain conditions. N.J.S.A. 40A:11-13.2, provides as follows:



**RE: 2024 Miscellaneous Services – HVAC Work**  
**MISC-33-23**

“A contracting unit may reject all bids for any of the following reasons:

- a. The lowest bid substantially exceeds the cost estimates for the goods or services;
- b. The lowest bid substantially exceeds the contracting unit's appropriation for the goods or services;
- c. The governing body of the contracting unit decides to abandon the project for provision or performance of the goods or services;
- d. The contracting unit wants to substantially revise the specifications for the goods or services;
- e. The purposes or provisions or both of P.L.1971, c. 198 (C.40A:11-1 et seq.) are being violated;
- f. The governing body of the contracting unit decides to use the State authorized contract pursuant to section 12 of P.L.1971, c. 198 (C.40A:11-12).”

N.J.S.A. 40A:11-13.2.

As outlined above, there are no apparent defects within the bid submitted by Multi-Temp. To the extent a defect may be uncovered, it is my legal opinion that any such defect is minor in nature and may be waived by the Authority pursuant to the Court's holdings in River Vale and Spina.

**IV. MULTI-TEMP MECHANICAL, INC'S BID**

Our review consisted of an examination of the following documents submitted by Multi-Temp that the Authority has provided:

1. Bidder's Checklist;
2. Statement of Ownership Disclosure;
3. Non-Collusion Affidavit;
4. Bid Proposal Form;
5. Acknowledgement of Receipt of Addenda;
6. Bid Bond;
7. Power of Attorney;
8. Surety Information;
9. Bidder's Experience/References;
10. Additional Bidder's Qualifications;
11. Mandatory Designation of Subcontractors and/or Bidders Own Workforce Form;
12. New Jersey Business Registration Certificate;
13. Disclosure of Investment Activities in Iran Form;

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Executive Director  
October 30, 2023  
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14. IRS Form W-9;
15. Public Works Contractor Registration Act Certificate;
16. Lowest Bid Prevailing Wage Certification;
17. Certification of Non-Debarment for Federal Government Contracts;
18. Certificate of Employee Information Report;
19. Certificate of Liability Insurance;
20. Master HVACR Contractor License.

The bid submitted by Multi-Temp is in the appropriate form.

#### V. CONCLUSION

After researching the applicable law, reviewing the Contract specifications and documents, and conferring with staff, it is my legal opinion that the Contract for MISC-33-23 for 2024 Miscellaneous Services – HVAC Work on behalf of the CMCMUA be awarded to Multi-Temp. It is therefore recommended that a Resolution be placed on the Agenda for an upcoming meeting awarding said Contract to Multi-Temp subject to staff concurrence and the availability of funds.

If you have any questions or require any further clarification, please do not hesitate to contact me.

Very truly yours,  
WADE, LONG, WOOD & LONG, L.L.C.  
*Christopher F. Long*  
Christopher F. Long, Esquire

cc: Thomas LaRocco, Chief Engineer  
Robert Donato, Chief Financial Officer  
John Conturo, Solid Waste Program Manager  
Joshua Palombo, Wastewater Program Manager  
Annie M. McDevitt, Office Manager  
Kevin McGahey, QPA, Purchasing Agent

# Cape May County Municipal Utilities Authority

## RESOLUTION NO. 139-23

### RESOLUTION AUTHORIZING THE AWARD OF CONTRACT MISC-34-23 – 2024 MISCELLANEOUS SERVICES – ELECTRICAL WORK TO SCALFO ELECTRIC, INC.

**WHEREAS**, the Cape May County Municipal Utilities Authority ("CMCMUA"/"Authority") had published an Advertisement for Bids for MISC-34-23 - 2024 Miscellaneous Services – Electrical Work ("Contract") and furnished detailed Bid Specifications for said Contract to potential Bidders; and,

**WHEREAS**, the Authority received one (1) Bid in accordance with the Advertisement for Bids for the Contract and publicly opened said Bid on October 24, 2023; and,

**WHEREAS**, the CMCMUA's Purchasing Agent and Chief Engineer have reviewed the Bid submitted by Scalfo Electric, Inc. and have determined that it is a responsive Bid in accordance with the Advertisement for Bids and Bid Specifications for said Contract; and,

**WHEREAS**, the CMCMUA's General Legal Counsel has reviewed the Bid submitted by Scalfo Electric, Inc. and has opined, after researching the applicable law, that their Bid complies with the Bid specifications of said Contract; and,

**WHEREAS**, the CMCMUA's Wastewater Program Manager, Solid Waste Program Manager, Chief Financial Officer, and Executive Director have concurred with said determination; and,

**WHEREAS**, the Cape May County Municipal Utilities Authority has therefore determined that Scalfo Electric, Inc., 3539 N. Mill Road, Vineland, NJ 08360 is the lowest responsible Bidder having submitted a responsive Bid in accordance with the Advertisement for Bids and Bid Specifications for said Contract for a total not-to-exceed amount of \$349,000.00; and,

**WHEREAS**, the CMCMUA's Chief Financial Officer will certify that funds are available prior to authorizing each Purchase Order for said services.

**NOW, THEREFORE, BE IT RESOLVED** by the Cape May County Municipal Utilities Authority, a body corporate and politic, as follows:

1. The provisions of the WHEREAS clauses set forth above are incorporated herein by reference and made a part hereof.
2. Scalfo Electric, Inc. is hereby awarded a Contract in substantially the same form as now on file with the Authority's Office Manager at the Unit Prices specified in their Bid Proposal for Contract MISC-34-23 – 2024 Miscellaneous Services – Electrical Work.
3. The Authority's Executive Director, or Chief Engineer, is authorized to have work performed in accordance with the Contract at the stated Unit Prices, on an as-needed basis, up to a total not-to-exceed amount of \$349,000.00, subject to Year 2024 Budget appropriations.
4. The term of this Contract is January 1, 2024 through December 31, 2024.

5. The Authority's Executive Director, or Deputy Director, is hereby authorized and directed to execute the said Contract.

**BE IT FURTHER RESOLVED** in accordance with N.J.A.C. 5:30-5.5(b)2, no amount for 2024 Miscellaneous Services – Electrical Work under Contract MISC-34-23 shall be chargeable or certified until such time as they are actually ordered or otherwise called for. Prior to authorizing any work under this Contract, a certification of available funds shall be made by the Authority's Chief Financial Officer upon receipt of a properly executed Purchase Order and said certification shall be attached to the file copy of the Purchase Order. Total expenditures under this contract shall not exceed \$349,000.00.

	Motion	Second	Yes	No	Abstain	Absent
Mr. Burns						
Ms. Callinan						
Ms. Heenan						
Mr. Matalucci						
Mr. Rixey						
Ms. Saduk						
Mr. Betts						

I hereby certify the foregoing to be a true and correct copy of Resolution No. 139-23 adopted by the Cape May County Municipal Utilities Authority at its Regular Meeting on the 15<sup>th</sup> day of November 2023.

\_\_\_\_\_  
Assistant Corporate Secretary



**CAPE MAY COUNTY MUNICIPAL UTILITIES AUTHORITY  
CONTRACT FACT SHEET**

**PROJECT INFORMATION**

**Project Name:** 2024 Miscellaneous Services – Electrical Work

**Purpose and Scope of Contract:** The purpose of this contract is for the provision of labor, equipment and materials for miscellaneous tasks throughout all CCMUA facilities that involve electrical work on an "as needed" basis.

**PROCUREMENT INFORMATION**

**Contract Type:**  Procurement (Goods and Services)  Professional Services  
 Construction  Non-Professional Services

**Contract Number:** MISC-34-23 **Term of Contract:** January 1, 2024 through December 31, 2024 **Option to Renew:**  No  Yes:

**Bid Guarantee:**  No  Yes **Consent of Surety:**  No  Yes

**Liquidated Damages:**  No  Yes: ,Basis:

**Engineer's Estimate:** \$400,000.00

**Advertisement Date:** September 26, 2023 **Opening Date:** October 24, 2023

**Contract Award Basis:**  Lowest Responsible Bidder  Best Value  Cooperative Pricing System  
 Highest Ranking Score  Negotiated

**Recommendation:**  Award  Exercise 1 year option to renew under original Contract Terms and Conditions, Option Dates:  
Options to Renew remaining:  
 Reject, Basis:

**CONTRACTOR/VENDOR INFORMATION**

**Contractor/Vendor:** Scalfo Electric, Inc.

**Address:** 3539 N. Mill Road  
Vineland, NJ 08360

**BUDGET INFORMATION**

**Program:**  Wastewater  Solid Waste  Administration

**Funding:**

Operating Budget  Capital  SW Building & Site Maintenance  SW Equipment Fund

**Contract Value, Not-To-Exceed:** \$349,000.00

**Contract Spending Previous Contract Year to Date:** WW: \$126,912.46; SW: \$65,821.58; AD: \$0

  
\_\_\_\_\_  
Kevin W. McGahey, Purchasing Agent Date 11-08-2023

  
\_\_\_\_\_  
John Centuro, SW Program Manager Date 11/8/23

  
\_\_\_\_\_  
Joskua Palombo, WW Program Manager Date 11/8/23

  
\_\_\_\_\_  
Robert P. Donato, Chief Financial Officer Date 11/8/2023

  
\_\_\_\_\_  
Thomas J. LaRocco, P.E., Chief Engineer Date 11/8/23

  
\_\_\_\_\_  
Joseph V. Rizzuto, Executive Director Date 11/7/23



# WADE, LONG, WOOD & LONG, LLC

Howard C. Long, Jr. †  
Daniel H. Long †±◇  
Christopher F. Long †◇  
  
John A. Moustakas †◇

John D. Wade †  
OF COUNSEL  
Leonard J. Wood, Jr. †  
OF COUNSEL

† Admitted to NJ Bar  
± Admitted to Washington DC Bar  
◇ Admitted to PA Bar

October 30, 2023

Joseph V. Rizzuto, Executive Director  
CAPE MAY COUNTY MUNICIPAL  
UTILITIES AUTHORITY  
P.O. Box 610  
Cape May Court House, NJ 08210

RE: **2024 Miscellaneous Services – Electrical Work**  
**MISC-34-23**

Dear Mr. Rizzuto:

## I. INTRODUCTION

I have reviewed the documents provided regarding the bid submission with respect to the contract MISC-34-23, 2024 Miscellaneous Services – Electrical Work on behalf of the Cape May County Municipal Utilities Authority (“CMCMUA” and/or “Authority”). The CMCMUA received one (1) bid for this Contract. The bid was received on Tuesday, October 24, 2023, at 2:00 p.m. as follows:

<u>Vendor</u>	<u>Total Amount Bid</u>
1. Scalfo Electric	\$349,000.00
<u>Engineer’s Estimate</u>	<u>\$400,000.00</u>

## II. FACTUAL ANALYSIS

The bid specifications sought bids for a contractor to furnish all necessary labor, supervision, equipment, tools and/or materials for miscellaneous repairs, modifications or new installations of electrical work through the CMCMUA Regional Facilities to be performed by their own employees, without the use of a subcontractor for the time period January 1, 2024 through December 31, 2024. See Bid Specifications Section IV(1.0), Technical Specifications, General. The specifications make clear that the hours specified are based on the Authority’s best estimates, but are not final and may increase or decrease based upon the actual work required under the contract. See Bid Specifications, Section IV(3.0), Technical Specifications, Quantities Estimated.

**RE: 2024 Miscellaneous Services – Electrical Work**  
**MISC-34-23**

The apparent low bid was submitted by Scalfo Electric, Inc. (“Scalfo”). Upon review of the bid submitted by Scalfo, it was uncovered that the bidder did not submit Affirmative Action Information within their original bid package. However, the bid specifications provide that the Affirmative Action Information must be submitted prior to the contract being executed. See Bid Specifications, Section II(XI), General Instruction to Bidders, Mandatory Affirmative Action Certification. As such, there are no defects in the bid submitted by Scalfo from a legal perspective.

The bid was further reviewed from a technical perspective by Mr. Thomas LaRocco, Chief Engineer on behalf of the Authority, Mr. Joshua Palombo, Wastewater Program Manager on behalf of the Authority, and Mr. John Conturo, Solid Waste Program Manager on behalf of the Authority. Following their review, Mr. LaRocco, Mr. Palombo, and Mr. Conturo opined that the bid submitted by Scalfo complied with the technical specifications and thereafter recommended the award of the contract to Scalfo.

**III. LEGAL ANALYSIS**

The Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. regulates bidding on Contracts of public entities in New Jersey. In general, the practice of public bidding is universally recognized and deeply imbedded in the public policy of the State of New Jersey. N.E.R.I. Corp. v. New Jersey Highway Authority, 147 N.J. 223, 236 (1996). There is a prima facie presumption that power and discretion of governmental action in awarding bids on public Contracts has been properly exercised. Colonnelli Bros., Inc. v. Village of Ridgefield Park, 284 N.J.Super. 538, 541 (App.Div.1995).

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Every Contract awarded by the contracting agent for the provision or performance of any goods or services, the cost of which in the aggregate exceeds the bid threshold, shall be awarded only by Resolution of the governing body of the contracting unit to the lowest responsible bidder after public advertising for bids and bidding therefore. N.J.S.A. 40A:11-4. “*Lowest responsible bidder or vendor*” means the bidder or vendor: (a) whose response to a request for bids offers the lowest price and is responsive; and (b) who is responsible. N.J.S.A. 40A:11-2. The lowest responsible bidder on a public Contract must not only be deemed responsible but must submit the lowest bid which conforms to the Contract specifications. Matter of Protest of Award of On-Line Games Production & Operation Services Contract, Bid No. 95-X-20175, 279 N.J.Super. 566, 590 (App.Div.1995).

It is firmly established in New Jersey that material conditions contained in bidding specifications may not be waived. Terminal Const. Corp. v. Atlantic Cty. Sewerage Auth., 67 N.J. 403, 409 (1975). A contracting body is generally without discretion to accept a defective bid. Meadowbrook Carting Co. v. Borough of Island Heights, 138 N.J. 307, 314 (1994). However, while material conditions contained in



**RE: 2024 Miscellaneous Services – Electrical Work**  
**MISC-34-23**

bidding specifications may not be waived, this rule does not apply to minor or inconsequential conditions. Public contracting units may resolve problems arising from such conditions in a sensible or practical way. Terminal Const. Corp., 67 N.J. at 409-11. Materiality of a particular specification is to be determined as a matter of law. Hanover Tp. v. Inter. Fidelity Ins. Co., 122 N.J.Super. 544, 548 (App.Div.1973).

There are two (2) criteria for determining whether a specific non-compliance constitutes a substantial and, hence, non-waivable irregularity: (1) Whether the effect of a waiver would be to deprive the public body of its assurance that the Contract will be entered into, performed, and guaranteed according to its specific requirements; and (2) Whether it is of such a nature that its waiver would adversely affect competitive bidding by placing a bidder in a position of advantage over the other bidders or by otherwise undermining the necessary common standard of competition. Township of River Vale v. R.J. Longo Constr. Co., 127 N.J.Super. 207, 222 (Law.Div.1974).

The court has provided further guidance as to materiality where an error is “patent and the true intent of the bidder obvious”. In such a situation, the Appellate Division has held that such an error may be disregarded by the public agency. The Court held that certain non-compliance (i.e. obvious error) with the bid specifications may be deemed not material and therefore waivable by the public entity. Spina v. Borough of Fairview, 304 N.J. Super. 425, (App. Div. 1997).

As a matter of law, the Local Public Contract Law requires certain items to be included as material aspects of every bid. The statute reads:

“When required by the bid plans and specifications, the following requirements shall be considered mandatory items to be submitted at the time specified by the contracting unit for the receipt of the bids; the failure to submit any one of the mandatory items shall be deemed a fatal defect that shall render the bid proposal unresponsive and that cannot be cured by the governing body:

- a. A guarantee to accompany the bid pursuant to section 21 of P.L.1971, c.198 (C.40A:11-21);
- b. A certificate from a surety company pursuant to section 22 of P.L.1971, c.198 (C.40A:11-22);
- c. A statement of corporate ownership pursuant to section 1 of P.L.1977, c.33 (C.52:25-24.2);
- d. A listing of subcontractors pursuant to section 16 of P.L.1971, c.198 (C.40A:11-16);
- e. A document provided by the contracting agent in the bid plans, specifications, or bid proposal documents for the bidder to acknowledge the bidder's receipt of any notice or revisions or addenda to the advertisement or bid documents;”

N.J.S.A. 40A:11-23.2.

**RE: 2024 Miscellaneous Services – Electrical Work**  
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Finally, a local contracting unit is permitted to reject all bids within a part under certain conditions. N.J.S.A. 40A:11-13.2, provides in pertinent part:

“A local contracting unit can reject all bids for any of the following reasons:

- a. The lowest bid substantially exceeds the cost estimates for the goods or services;
- b. The lowest bid substantially exceeds the contracting unit's appropriation for the goods or services;
- c. The governing body of the contracting unit decides to abandon the project for provision or performance of the goods or services;
- d. The contracting unit wants to substantially revise the specifications for the goods or services;
- e. The purposes or provisions or both of P.L.1971, c. 198 (C.40A:11-1 et seq.) are being violated;
- f. The governing body of the contracting unit decides to use the State authorized contract pursuant to section 12 of P.L.1971, c. 198 (C.40A:11-12).

N.J.S.A. 40A:11-13.2.

As outlined above, there are no apparent defects within the bid submitted by Scalfo. To the extent a defect may be uncovered, it is my legal opinion that any such defect is minor in nature and may be waived by the Authority pursuant to the Court's holdings in River Vale and Spina.

**IV. SCALFO ELECTRIC, INC.'S BID**

My review consisted of an examination of the following documents submitted by Scalfo that the Authority has provided:

1. Bidder's Checklist;
2. Statement of Ownership Disclosure Form;
3. Non-Collusion Affidavit;
4. Proposal;
5. Acknowledgment of Receipt of Addenda;
6. Bid Bond;
7. Consent of Surety;
8. Power of Attorney;
9. Surety Disclosure Statement and Certification;
10. Surety Financial Information;
11. Bidder's Experience/References;
12. Additional Bidder's Qualifications;
13. Mandatory Designation of Subcontractors and/or Bidder's Own Workforce;
14. Electrical Business Permit;

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15. New Jersey Business Registration Certificate;
16. Disclosure of Investment Activities in Iran Form;
17. IRS Form W-9;
18. Public Works Contractor Registration Act Certificate;
19. Certification of Non-Debarment for Federal Government Contracts;
20. Certificate of Liability Insurance.

The bid submitted by Scalfo is in the appropriate form.

#### V. CONCLUSION

After researching the applicable law, reviewing the Contract specifications and documents, and conferring with staff, it is my legal opinion that the Contract for MISC-34-23, 2024 Miscellaneous Services – Electrical Work on behalf of the Authority be awarded to Scalfo. Please note that Scalfo must supply Affirmative Action Information prior to the execution of an agreement. It is recommended that a Resolution be placed on the Agenda for an upcoming meeting awarding said Contract subject to staff concurrence and the availability of funds.

If you have any questions or require any further clarification, please do not hesitate to contact me.

Very truly yours,  
WADE, LONG, WOOD & LONG, L.L.C.

*Christopher F. Long*

Christopher F. Long, Esquire

cc: Thomas LaRocco, Chief Engineer  
Robert Donato, Chief Financial Officer  
John Conturo, Solid Waste Program Manager  
Joshua Palombo, Wastewater Program Manager  
Annie M. McDevitt, Office Manager  
Kevin McGahey, QPA, Purchasing Agent

# Cape May County Municipal Utilities Authority

## RESOLUTION NO. 140-23

### RESOLUTION AUTHORIZING THE RELEASE OF PAYMENT BOND NO. 019071789 AS POSTED BY MUNICIPAL MAINTENANCE CO., INC. FOR CONTRACT WW-EQUIP-02-20 - NEW ELECTRICAL SYSTEMS FOR VARIOUS PUMP STATIONS

**WHEREAS**, the Cape May County Municipal Utilities Authority ("CMCMUA" and/or "Authority") awarded Municipal Maintenance Co., Inc. Contract WW-EQUIP-02-20 - New Electrical Systems for Various Pump Stations ("Contract") by Resolution No. 78-20; and,

**WHEREAS**, in accordance with the terms and conditions of the Contract, Municipal Maintenance Co., Inc. posted Payment Bond No. 019071789 in the amount of Five Million Seven Hundred Fifty-Four Thousand Dollars and 00/100 (\$5,754,000.00) issued by The Ohio Casualty Insurance Company ("Surety") effective June 1, 2020 for the faithful performance and payment of all obligations under the Contract Documents; and,

**WHEREAS**, the CMCMUA's Senior Project Engineer and Chief Engineer have determined that Municipal Maintenance Co., Inc. completed Contract Work in accordance with the terms and conditions of the Contract; therefore, recommend the release of Payment Bond No. 019071789 in the amount of Five Million Seven Hundred Fifty-Four Thousand Dollars and 00/100 (\$5,754,000.00) issued by The Ohio Casualty Insurance Company, effective June 1, 2020, and posted by Municipal Maintenance Co., Inc. for the Contract; and,

**WHEREAS**, the CMCMUA's Executive Director has concurred with said recommendation.

**NOW, THEREFORE, BE IT RESOLVED**, by the Cape May County Municipal Utilities Authority, a body corporate and politic, as follows:

1. The provisions of the WHEREAS clauses set forth above are incorporated herein by reference and made a part hereof.
2. The Cape May County Municipal Utilities Authority hereby accepts Contract Work performed by Municipal Maintenance Co., Inc. under Contract WW-EQUIP-02-20 - New Electrical Systems for Various Pump Stations.
3. The Cape May County Municipal Utilities Authority hereby authorizes the release of Payment Bond No. 019071789 in the amount of Five Million Seven Hundred Fifty-Four Thousand Dollars and 00/100 (\$5,754,000.00) issued by The Ohio Casualty Insurance Company, effective June 1, 2020, and posted by Municipal Maintenance Co., Inc. for Contract WW-EQUIP-02-20 - New Electrical Systems for Various Pump Stations.
4. That a certified copy of this resolution be forwarded to Municipal Maintenance Co., Inc. and The Ohio Casualty Insurance Company.



	Motion	Second	Yes	No	Abstain	Absent
Mr. Burns						
Ms. Callinan						
Ms. Heenan						
Mr. Matalucci						
Mr. Rixey						
Ms. Saduk						
Mr. Betts						

I hereby certify the foregoing to be a true and correct copy of Resolution No. **140-23** adopted by the Cape May County Municipal Utilities Authority at its Regular Meeting on the **15<sup>th</sup>** day of **November 2023**.

\_\_\_\_\_  
Assistant Corporate Secretary

# Cape May County Municipal Utilities Authority

## RESOLUTION NO. 141-23

### RESOLUTION AUTHORIZING THE AWARD OF CONTRACT SLF-35-23 – 2024 LANDFILL CAP LINER MISCELLANEOUS REPAIR SERVICES TO ATLANTIC LINING CO., INC.

**WHEREAS**, the Cape May County Municipal Utilities Authority ("CMCMUA"/"Authority") had published an Advertisement for Bids for SLF-35-23 – 2024 Landfill Cap Liner Miscellaneous Repair Services ("Contract") and furnished detailed Bid Specifications for said Contract to potential Bidders; and,

**WHEREAS**, the Authority received one (1) Bid in accordance with the Advertisement for Bids for the Contract and publicly opened said Bid on October 26, 2023; and,

**WHEREAS**, the CMCMUA's Purchasing Agent and Chief Engineer have reviewed the Bid submitted by the sole bidder, Atlantic Lining Co., Inc. ("Atlantic Lining"), and have determined that Atlantic Lining's Bid complies with the Advertisement for Bids and Bid Specifications for said Contract; and,

**WHEREAS**, the CMCMUA's General Legal Counsel has reviewed the Bid submitted by Atlantic Lining and has opined, after researching the applicable law, that their Bid complies with the Bid Specifications of said Contract; and,

**WHEREAS**, the CMCMUA's Solid Waste Program Manager, Chief Financial Officer and Executive Director have concurred with said determination; and,

**WHEREAS**, the Cape May County Municipal Utilities Authority has therefore determined that Atlantic Lining Co., Inc., 2519 Route 206, Eastampton, NJ 08060 is a responsible Bidder, having submitted a responsive Bid in accordance with the Advertisement for Bids and Bid Specifications for Contract SLF-35-23 in the total not-to-exceed amount of \$188,000.00; and,

**WHEREAS**, the CMCMUA's Chief Financial Officer will certify that funds are available prior to authorizing each Purchase Order for said services.

**NOW, THEREFORE, BE IT RESOLVED** by the Cape May County Municipal Utilities Authority, a body corporate and politic, as follows:

1. The provisions of the WHEREAS clauses set forth above are incorporated herein by reference and made a part hereof.
2. Atlantic Lining Co., Inc. is hereby awarded a Contract, in substantially the same form as now on file with the Authority's Office Manager, at the Unit Prices specified in their Bid Proposal for Contract SLF-35-23 – 2024 Landfill Cap Liner Miscellaneous Repair Services.
3. The CMCMUA's Executive Director, or Deputy Director, is authorized to have work performed in accordance with the Contract at the stated Unit Prices, on an as-needed basis, up to a total not-to-exceed amount of \$188,000.00, subject to Year 2024 Budget appropriations.
4. The term of this Contract is January 1, 2024 through December 31, 2024.
5. The Authority's Executive Director, or Deputy Director, is hereby authorized and directed to execute the said Contract.

**BE IT FURTHER RESOLVED** in accordance with N.J.A.C. 5:30-5.5(b)2, no amount to 2024 Landfill Cap Liner Miscellaneous Repair Services under Contract SLF-35-23 shall be chargeable or certified until such time as they are actually ordered or otherwise called for. Prior to authorizing any work under this Contract, a certification of available funds shall be made by the Authority's Chief Financial Officer upon receipt of a properly executed Purchase Order and said certification shall be attached to the file copy of the Purchase Order. Total expenditures under this contract shall not exceed \$188,000.00.

	Motion	Second	Yes	No	Abstain	Absent
Mr. Burns						
Ms. Callinan						
Ms. Heenan						
Mr. Matalucci						
Mr. Rixey						
Ms. Saduk						
Mr. Betts						

I hereby certify the foregoing to be a true and correct copy of Resolution No. 141-23 adopted by the Cape May County Municipal Utilities Authority at its Regular Meeting on the 15<sup>th</sup> day of November 2023.

\_\_\_\_\_  
Assistant Corporate Secretary

**CAPE MAY COUNTY MUNICIPAL UTILITIES AUTHORITY  
CONTRACT FACT SHEET**

**PROJECT INFORMATION**

**Project Name:** 2024 Landfill Cap Liner Miscellaneous Repair Services

**Purpose and Scope of Contract:** The purpose of this contract is for the provision of labor, equipment and materials to complete miscellaneous repair tasks on the Authority's Landfill Cap Liner on an "as needed" basis.

**PROCUREMENT INFORMATION**

**Contract Type:**  Procurement (Goods and Services)  Professional Services  
 Construction  Non-Professional Services

**Contract Number:** SLF-35-23 **Term of Contract:** January 1, 2024 to December 31, 2024 **Option to Renew:**  No  Yes: contains

**Bid Guarantee:**  No  Yes **Consent of Surety:**  No  Yes

**Liquidated Damages:**  No  Yes: ,Basis:

**Engineer's Estimate:** \$200,000.00

**Advertisement Date:** September 28, 2023 **Opening Date:** October 26, 2023

**Contract Award Basis:**  Lowest Responsible Bidder  Best Value  Cooperative Pricing System  
 Highest Ranking Score  Negotiated

**Recommendation:**  Award  Exercise 1 year option to renew under original Contract Terms and Conditions, Option Dates: ;  
Options to Renew remaining:  
 Reject, Basis:

**CONTRACTOR/VENDOR INFORMATION**

**Contractor/Vendor:** Atlantic Lining Company **Address:** 2519 Route 206  
Eastampton, NJ 08060

**BUDGET INFORMATION**

**Program:**  Wastewater  Solid Waste  Administration

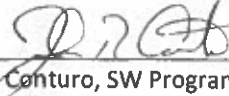
**Funding:**

Operating Budget  Capital  SW Building & Site Maintenance  SW Equipment Fund

**Contract Value, Not-To-Exceed:** \$188,000.00

**Contract Spending Previous Contract Year to Date:** \$0

  
Kevin W. McGahey, Purchasing Agent / 11-03-2023  
Date

  
John Conturo, SW Program Manager / 11/8/23  
Date

  
Thomas J. LaRocco, P.E., Chief Engineer / 10/31/23  
Date

  
Robert P. Donato, Chief Financial Officer / 11/3/2023  
Date

  
Joseph V. Rizzuto, Executive Director / 11/7/23  
Date





# WADE, LONG, WOOD & LONG, LLC

Howard C. Long, Jr. †  
Daniel H. Long †±◊  
Christopher F. Long †◊  

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John A. Moustakas †◊

John D. Wade †  
OF COUNSEL  
Leonard J. Wood, Jr. †  
OF COUNSEL

† Admitted to NJ Bar  
± Admitted to Washington DC Bar  
◊ Admitted to PA Bar

October 30, 2023

Joseph V. Rizzuto, Executive Director  
CAPE MAY COUNTY MUNICIPAL  
UTILITIES AUTHORITY  
P.O. Box 610  
Cape May Court House, NJ 08210

**RE: 2024 Landfill Cap Liner Miscellaneous Repair Services**  
**SLF-35-23**

Dear Mr. Rizzuto:

## I. INTRODUCTION

I have reviewed the documents provided regarding the bid submission with respect to the contract SLF-35-23, 2024 Landfill Cap Liner Miscellaneous Repair Services on behalf of the Cape May County Municipal Utilities Authority ("CMCMUA" and/or "Authority"). The CMCMUA received one (1) bid for this Contract. The bid was received on Thursday, October 26, 2023, at 2:00 p.m. as follows:

<u>Vendor</u>	<u>Total Amount Bid</u>
1. Atlantic Lining Co., Inc.	\$188,000.00
<u>Engineer's Estimate</u>	<u>\$200,000.00</u>

## II. FACTUAL ANALYSIS

The Authority operates a Class 1 NJDEP Approved Sanitary Landfill. During the course of operation for the Facility, portions of the landfill reaching interim heights have been covered utilizing temporary capping materials of both High Density Polyethylene (HDPE) and LinearLow Density Polyethylene (LLDPE) to control rainfall and water entry into fill areas. The bid is for the provision of experienced and expert manpower, equipment and/or material for repair to such liners on an "as needed" basis as determined by the Authority. See Bid Specifications Section IV(1.0), Technical Specifications, General. The work period for the contract shall be from January 1, 2024 through December 31, 2024. See Bid Specifications Section IV(1.0), Technical Specifications, General.

**RE: 2024 Landfill Cap Liner Miscellaneous Repair Services**  
**SLF-35-23**

The apparent low bid was submitted by Atlantic Lining Company, Inc. ("Atlantic Lining"). Upon review of the bid submitted by Atlantic Lining, it was uncovered that the bidder did not submit Affirmative Action Information within their original bid package. However, the bid specifications provide that the Affirmative Action Information must be submitted prior to the contract being executed. See Bid Specifications, Section II(XI), General Instruction to Bidders, Mandatory Affirmative Action Certification. As such, there are no defects in the bid submitted by Atlantic Lining from a legal perspective.

The bid was further reviewed from a technical perspective by Mr. Thomas LaRocco, Chief Engineer on behalf of the Authority and Mr. John Conturo, Solid Waste Program Manager on behalf of the Authority. Following their review, Mr. LaRocco and Mr. Conturo opined that the bid submitted by Atlantic Lining complied with the technical specifications and thereafter recommended the award of the contract to Atlantic Lining.

### **III. LEGAL ANALYSIS**

The Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. regulates bidding on Contracts of public entities in New Jersey. In general, the practice of public bidding is universally recognized and deeply imbedded in the public policy of the State of New Jersey. N.E.R.I. Corp. v. New Jersey Highway Authority, 147 N.J. 223, 236 (1996). There is a prima facie presumption that power and discretion of governmental action in awarding bids on public Contracts has been properly exercised. Colonnelli Bros., Inc. v. Village of Ridgefield Park, 284 N.J.Super. 538, 541 (App.Div.1995).

Public bidding statutes are to be construed with sole reference to the public good and rigidly adhered to by courts. Hall Const. Co., Inc. v. New Jersey Sports & Exposition Authority, 295 N.J.Super. 629, 634 (App.Div.1996). Furthermore, public bidding statutes exist for the good of taxpayers, not bidders, and they must always be construed for the public good and to guard against favoritism, improvidence, extravagance, and corruption. Sevell v. New Jersey Highway Authority, 329 N.J.Super. 580, 584 (App.Div.2000).

Every Contract awarded by the contracting agent for the provision or performance of any goods or services, the cost of which in the aggregate exceeds the bid threshold, shall be awarded only by Resolution of the governing body of the contracting unit to the lowest responsible bidder after public advertising for bids and bidding therefore. N.J.S.A. 40A:11-4. "*Lowest responsible bidder or vendor*" means the bidder or vendor: (a) whose response to a request for bids offers the lowest price and is responsive; and (b) who is responsible. N.J.S.A. 40A:11-2. The lowest responsible bidder on a public Contract must not only be deemed responsible but must submit the lowest bid which conforms to the Contract specifications. Matter of Protest of Award of On-Line Games Production & Operation Services Contract, Bid No. 95-X-20175, 279 N.J.Super. 566, 590 (App.Div.1995).

It is firmly established in New Jersey that material conditions contained in bidding specifications may not be waived. Terminal Const. Corp. v. Atlantic Cty. Sewerage Auth., 67 N.J. 403, 409 (1975). A contracting body is generally without discretion to accept a defective bid. Meadowbrook Carting Co. v. Borough of Island Heights, 138 N.J. 307, 314 (1994). However, while material conditions contained in

**RE: 2024 Landfill Cap Liner Miscellaneous Repair Services**  
**SLF-35-23**

bidding specifications may not be waived, this rule does not apply to minor or inconsequential conditions. Public contracting units may resolve problems arising from such conditions in a sensible or practical way. Terminal Const. Corp., 67 N.J. at 409-11. Materiality of a particular specification is to be determined as a matter of law. Hanover Tp. v. Inter. Fidelity Ins. Co., 122 N.J.Super. 544, 548 (App.Div.1973).

There are two (2) criteria for determining whether a specific non-compliance constitutes a substantial and, hence, non-waivable irregularity: (1) Whether the effect of a waiver would be to deprive the public body of its assurance that the Contract will be entered into, performed, and guaranteed according to its specific requirements; and (2) Whether it is of such a nature that its waiver would adversely affect competitive bidding by placing a bidder in a position of advantage over the other bidders or by otherwise undermining the necessary common standard of competition. Township of River Vale v. R.J. Longo Constr. Co., 127 N.J.Super. 207, 222 (Law.Div.1974).

The court has provided further guidance as to materiality where an error is "patent and the true intent of the bidder obvious". In such a situation, the Appellate Division has held that such an error may be disregarded by the public agency. The Court held that certain non-compliance (i.e. obvious error) with the bid specifications may be deemed not material and therefore waivable by the public entity. Spina v. Borough of Fairview, 304 N.J. Super. 425, (App. Div. 1997).

As a matter of law, the Local Public Contract Law requires certain items to be included as material aspects of every bid. The statute reads:

"When required by the bid plans and specifications, the following requirements shall be considered mandatory items to be submitted at the time specified by the contracting unit for the receipt of the bids; the failure to submit any one of the mandatory items shall be deemed a fatal defect that shall render the bid proposal unresponsive and that cannot be cured by the governing body:

- a. A guarantee to accompany the bid pursuant to section 21 of P.L.1971, c.198 (C.40A:11-21);
- b. A certificate from a surety company pursuant to section 22 of P.L.1971, c.198 (C.40A:11-22);
- c. A statement of corporate ownership pursuant to section 1 of P.L.1977, c.33 (C.52:25-24.2);
- d. A listing of subcontractors pursuant to section 16 of P.L.1971, c.198 (C.40A:11-16);
- e. A document provided by the contracting agent in the bid plans, specifications, or bid proposal documents for the bidder to acknowledge the bidder's receipt of any notice or revisions or addenda to the advertisement or bid documents;"

N.J.S.A. 40A:11-23.2.

**RE: 2024 Landfill Cap Liner Miscellaneous Repair Services**  
**SLF-35-23**

Finally, a local contracting unit is permitted to reject all bids within a part under certain conditions. N.J.S.A. 40A:11-13.2, provides in pertinent part:

“A local contracting unit can reject all bids for any of the following reasons:

- a. The lowest bid substantially exceeds the cost estimates for the goods or services;
- b. The lowest bid substantially exceeds the contracting unit's appropriation for the goods or services;
- c. The governing body of the contracting unit decides to abandon the project for provision or performance of the goods or services;
- d. The contracting unit wants to substantially revise the specifications for the goods or services;
- e. The purposes or provisions or both of P.L.1971, c. 198 (C.40A:11-1 et seq.) are being violated;
- f. The governing body of the contracting unit decides to use the State authorized contract pursuant to section 12 of P.L.1971, c. 198 (C.40A:11-12).

N.J.S.A. 40A:11-13.2.

As outlined above, there are no apparent defects within the bid submitted by Atlantic Lining. To the extent a defect may be uncovered, it is my legal opinion that any such defect is minor in nature and may be waived by the Authority pursuant to the Court's holdings in River Vale and Spina.

**IV. ALANTIC LINING COMPANY, INC.'S BID**

My review consisted of an examination of the following documents submitted by Atlantic Lining that the Authority has provided:

1. Bidder's Checklist;
2. Statement of Ownership Disclosure Form;
3. Non-Collusion Affidavit;
4. Proposal;
5. Acknowledgment of Receipt of Addenda;
6. Bid Bond;
7. Consent of Surety;
8. Surety Disclosure Statement and Certification;
9. Power of Attorney;
10. Surety Financial Information;
11. Bidder's Experience/References;
12. Bidder's Equipment List;
13. Mandatory Designation of Subcontractors and/or Bidder's Own Workforce;
14. New Jersey Business Registration Certificate;



Joseph V. Rizzuto  
Executive Director  
October 30, 2023  
Page 5

**RE: 2024 Landfill Cap Liner Miscellaneous Repair Services  
SLF-35-23**

15. Disclosure of Investment Activities in Iran Form;
16. IRS Form W-9;
17. Public Works Contractor Registration Act Certificate;
18. Lowest Bidder Prevailing Wage Certification;
19. Certification of Non-Debarment for Federal Government Contracts;
20. Appointment of EEO Officer;
21. Affirmative Action Policy;
22. EEO Policy Statement;
23. Sexual Harassment Policy;
24. Certificate of Liability Insurance.

The bid submitted by Atlantic Lining is in the appropriate form.

**V. CONCLUSION**

After researching the applicable law, reviewing the Contract specifications and documents, and conferring with staff, it is my legal opinion that the Contract for SLF-35-23, 2024 Landfill Cap Liner Miscellaneous Repair Services on behalf of the Authority be awarded to Atlantic Lining. Please note that Atlantic Lining must supply Affirmative Action Information prior to the execution of an agreement. It is recommended that a Resolution be placed on the Agenda for an upcoming meeting awarding said Contract subject to staff concurrence and the availability of funds.

If you have any questions or require any further clarification, please do not hesitate to contact me.

Very truly yours,  
WADE, LONG, WOOD & LONG, L.L.C.

*Christopher F. Long*

Christopher F. Long, Esquire

cc: Thomas LaRocco, Chief Engineer  
Robert Donato, Chief Financial Officer  
John Conturo, Solid Waste Program Manager  
Annie M. McDevitt, Office Manager  
Kevin McGahey, QPA, Purchasing Agent

# Cape May County Municipal Utilities Authority

## RESOLUTION NO. 142-23

### RESOLUTION AUTHORIZING SHARED SERVICES AGREEMENT BETWEEN THE CAPE MAY COUNTY MUNICIPAL UTILITIES AUTHORITY AND THE TOWNSHIP OF LOWER

**WHEREAS**, the Cape May County Municipal Utilities Authority ("CMCMUA" and/or "Authority") owns and operates a Class B/C Recycling Facility located within the Environmental Complex at 2050 Route 610, Woodbine, New Jersey 08270; and,

**WHEREAS**, as the implementing agency for solid waste management in Cape May County, the Authority accepts stumps, trunks, tree parts and used wood pallets from municipalities, residents and businesses of Cape May County and surrounding counties redirecting the disposal of these material from the Solid Waste Landfill, saving valuable air space for the disposal of non-recyclable materials; and,

**WHEREAS**, the Authority processes the accepted stumps, trunks, tree parts and used wood pallets through a tub grinder to produce wood mulch that is sold to landscapers, garden centers and residents of Cape May County; and,

**WHEREAS**, the Authority has purchased a new tub grinder to more efficiently and effectively process the accepted stumps, trunks, tree parts and used wood pallets; and,

**WHEREAS**, the Authority is awaiting the New Jersey Department of Environmental Protection (NJDEP) to issue a modification to the existing Title V Air Quality Permit (Air Permit Modification) which will authorize the operation of the newly purchased tub grinder; and,

**WHEREAS**, the Township of Lower ("Township") owns and operates a Class B Recycling Facility located at 2900 Bayshore Road, Villas, New Jersey, 08251 where the Township accepts stumps, trunks and tree parts from residents and businesses of the Township; and,

**WHEREAS**, the Township processes the accepted stumps, trunks and tree parts through a tub grinder, which is currently permitted by the NJDEP, to produce wood mulch that is provided to residents of the Township; and,

**WHEREAS**, the Township, at no cost to the Authority, has offered to provide a Township employed operator and permitted tub grinder to assist the Authority in the efficient and effective processing of accepted stumps, trunks, tree parts and used wood pallets at the Authority's Class B/C Recycling Facility while the Authority awaits receipt of the Air Permit Modification; and,

**WHEREAS**, the Authority has determined it to be in the best interest of its ratepayers to enter into an Agreement with the Township for the temporary use of the Township owned tub grinder and Township employed operator at the Authority's Class B/C Recycling Facility to facilitate the efficient and effective processing of accepted stumps, trunks, tree parts and used wood pallets.

**WHEREAS**, N.J.S.A. 40A:65-1 et seq. authorizes local government units, including municipalities, counties and state agencies to enter into Agreements for the exchange of services pursuant to the provisions of the statute known as the Uniform Shared Services and Consolidation Act ("Shared Services Act"); and,

**WHEREAS**, the Authority desires to memorialize each party's responsibilities in a Shared Services Agreement pursuant to the Shared Services Act; and,

**WHEREAS**, a Shared Services Agreement setting forth the terms and understandings related to the Agreement has been negotiated and prepared; and,

**WHEREAS**, the Authority's Staff has recommended the approval of said Shared Services Agreement.

**NOW, THEREFORE, BE IT RESOLVED** by the Cape May County Municipal Utilities Authority, a body corporate and politic, as follows:

- 1. The WHEREAS clauses set forth above shall be incorporated herein as if set forth in full and made part of this Resolution.
- 2. The Cape May County Municipal Utilities Authority hereby approves the "SHARED SERVICES AGREEMENT BETWEEN THE CAPE MAY COUNTY MUNICIPAL UTILITIES AUTHORITY AND THE TOWNSHIP OF LOWER", in substantially the same form as currently on file with the Authority's Office Manager, with such minor revisions as may be determined to be appropriate by the Authority's Executive Director and/or General Counsel.
- 3. The Executive Director, or Deputy Director, is hereby authorized and directed to execute said Agreement.

	Motion	Second	Yes	No	Abstain	Absent
Mr. Burns						
Ms. Callinan						
Ms. Heenan						
Mr. Matalucci						
Mr. Rixey						
Ms. Saduk						
Mr. Betts						

I hereby certify the foregoing to be a true and correct copy of Resolution No. 142-23 adopted by the Cape May County Municipal Utilities Authority at its Regular Meeting on the 15<sup>th</sup> day of November 2023.

\_\_\_\_\_  
Assistant Corporate Secretary

# WADE, LONG, WOOD & LONG, LLC

Howard C. Long, Jr. †  
Daniel H. Long †±◇  
Christopher F. Long †◇

John A. Moustakas †◇

John D. Wade †  
OF COUNSEL  
Leonard J. Wood, Jr. †  
OF COUNSEL

† Admitted to NJ Bar  
± Admitted to Washington DC Bar  
◇ Admitted to PA Bar

October 30, 2023

Joseph V. Rizzuto, Executive Director  
CAPE MAY COUNTY MUNICIPAL  
UTILITIES AUTHORITY  
P.O. Box 610  
Cape May Court House, NJ 08210

**RE: Shared Services Agreement Review Letter  
CMCMUA & Township of Lower**

Dear Mr. Rizzuto:

On behalf of the Cape May County Municipal Utilities Authority (“CMCMUA” and/or “Authority”) I have reviewed the Draft Shared Services Agreement between the Authority and The Township of Lower (“Township” and/or “Lower”) for the processing of stumps, trunks, tree parts and used wood pallets stored at the Authority’s Class B/C Recycling Facility. My review consisted of an analysis of the following:

1. Witnesseth;
2. Standards; Allocation of Responsibility;
3. Indemnification and Hold Harmless Requirements;
4. Termination;
5. Damage to Authority Equipment and Property;
6. Insurance Requirements;
7. Invalidity;
8. Entire Agreement/Changes and Amendment;
9. Compliance with Law and Jurisdiction;
10. Severability;
11. Successors and Assigns;
12. Survival and Obligations;
13. Assignment;
14. Counterparts and Execution;
15. Notices.

Joseph V. Rizzuto  
Executive Director  
October 30, 2023  
Page 2

**RE: Shared Services Agreement Review Letter  
CMCMUA & Township of Lower**

Following my review, it is my legal opinion that the draft agreement is in the appropriate form and upon execution will be enforceable according to its terms. As such, subject to staff concurrence, I recommend the CMCMUA execute the Agreement.

If you have any questions or require any further clarification, please do not hesitate to contact me.

Very truly yours,  
WADE, LONG, WOOD & LONG, L.L.C.

*Christopher F. Long*

Christopher F. Long, Esquire



# Cape May County Municipal Utilities Authority

## RESOLUTION NO. 143-23

### RESOLUTION AMENDING RESOLUTION NO. 36-22 ENABLING THE CAPE MAY COUNTY MUNICIPAL UTILITIES AUTHORITY – SOLID WASTE MANAGEMENT DISTRICT IMPLEMENTING AGENCY – RECYCLING ENHANCEMENT ACT – DIRECT RECYCLING GRANT TO COUNTIES

**WHEREAS**, P.L. 2007, c.311, et seq. provides for the awarding of Recycling Tax Fund Entitlements as Direct Recycling Grants to Counties by the New Jersey Department of Environmental Protection to designated solid waste management districts to assist them in the preparation, revision and implementation of comprehensive solid waste management and recycling plans; and,

**WHEREAS**, the Cape May County Municipal Utilities Authority ("CMCMUA"/"Authority") authorized the filing of a Recycling Enhancement Act 2021 Spending Plan to the New Jersey Department of Environmental Protection pursuant to P.L. 2007, c.311, et seq. through Resolution No. 36-22; and,

**WHEREAS**, the CMCMUA's Recycling Enhancement Act 2021 Spending Plan needs revision; and,

**WHEREAS**, the CMCMUA desires to submit its revised Recycling Enhancement Act 2021 Spending Plan to the New Jersey Department of Environmental Protection for such financial assistance to fulfill its responsibilities under the Solid Waste Management Act.

**NOW, THEREFORE, BE IT RESOLVED** by the Cape May County Municipal Utilities Authority:

1. That the CMCMUA was designated by the County Board of Commissioners as the implementing agency for solid waste and recycling activities such as the Recycling Enhancement Act Tax Fund – County Entitlement Program on December 8, 1987.
2. That the CMCMUA does hereby hold the State of New Jersey, and its departments and agencies, harmless from any damages, losses and claims which may arise directly or indirectly from the execution of the Entitlement Program.
3. That the CMCMUA hereby accepts the terms and conditions set forth in the Recycling Enhancement Act and the guidelines promulgated under it.
4. That a revised Recycling Enhancement Act 2021 Spending Plan be submitted to the New Jersey Department of Environmental Protection detailing the State of New Jersey's budget share of \$162,000.00 and the CMCMUA's budget share (Grantee Match) of \$68,607.60, for a Project Total of \$230,607.60.
5. That the Solid Waste Program Manager, or the Executive Director, of the CMCMUA is hereby authorized and directed to execute and file a revised Recycling Enhancement Act 2021 Spending Plan with the New Jersey Department of Environmental Protection, to provide additional information and furnish such documents as may be required, to execute such contracts as are required, and to act as the authorized correspondent of the CMCMUA.

	Motion	Second	Yes	No	Abstain	Absent
Mr. Burns						
Ms. Callinan						
Ms. Heenan						
Mr. Matalucci						
Mr. Rixey						
Ms. Saduk						
Mr. Betts						

I hereby certify the foregoing to be a true and correct copy of Resolution No. 143-23 adopted by the Cape May County Municipal Utilities Authority at its Regular Meeting on the 15<sup>th</sup> day of November 2023.

\_\_\_\_\_  
Assistant Corporate Secretary

P.O. Type: All  
 Range: First to Last  
 Format: Condensed  
 Vendors: All  
 Rcvd Batch Id Range: First to Last

Open: N  
 Rcvd: N  
 Bid: Y  
 State: Y  
 Other: Y  
 Exempt: Y

Paid Date Range: 11/02/23 to 11/15/23  
 Include Non-Budgeted: Y  
 Prior Year Only: N

PO #	PO Date	Vendor	PO Description	Status	Amount	Void Amount	PO Type
M2300111	01/11/23	CASAP005	CASA PAYROLL SERVICE	Payroll Services Contract 1 Yr	Open	298.00	0.00
M2300136	01/13/23	ATLAN205	ATLANTICARE PHYSICIAN GROUP	DOT CDL ReCertification Exams	Open	300.00	0.00
M2300256	01/27/23	PCMG005	PCMG, INC.	SCADA Design Contract	Open	77,085.77	0.00
M2300285	01/27/23	STEW005	STEWART BUSINESS SYSTEMS	MANAGED PRINT SERVICES	Open	464.00	0.00
M2300420	02/03/23	ACOMM005	A+ COMMERCIAL OFFICE CLEANERS	ADMIN BLDG. JANITORIAL SERVICE	Open	3,075.00	0.00
M2300440	02/06/23	MCNIS005	MCNISH CORPORATION D/B/A	OC-EQUIP-05-21	Open	50,955.00	0.00
M2300455	02/07/23	EUROF005	EUROFINS ENV TESTING PHILA LLC	2023 NJDES SAMPLING & TESTING	Open	175.00	0.00 C
			Contract No: C2300006				
M2300465	02/08/23	XEROX010	XEROX CORPORATION - LEASE	XEROX COPIERS	Open	1,396.03	0.00
M2300490	02/09/23	FOLEY005	FOLEY, INC.	12 month rental of Water Truck	Open	2,811.00	0.00
M2300517	02/10/23	GANNE005	GANNETT FLEMING, INC.	RFP-45-21 WWL PROCESS AIR	Open	5,166.25	0.00
M2300607	02/22/23	JOHNS070	JOHNSON CONTROLS FIRE PROTECT.	OAK AVENUE FIRE SYSTEM INSTALL	Open	52,592.36	0.00
M2300609	02/22/23	JOHNS070	JOHNSON CONTROLS FIRE PROTECT.	10TH FIRE SYSTEM INSTALL	Open	59,387.97	0.00
M2300690	03/03/23	ALLIE045	ALLIED CONSTRUCTION GROUP, INC	32ND ST PIPING & PUMP UPGRADES	Open	707,108.20	0.00
M2300731	03/07/23	ONECA010	ONE CALL CONCEPTS, INC.	NJ ONE CALL-MARK OUTS 2023	Open	326.04	0.00
M2301340	05/18/23	VELOD005	VELODYNE	POLYMER PILOT FREIGHT	Open	560.00	0.00
M2301372	05/23/23	CTR00005	JERSEY CAPE DIAG. TRAIN. CTR.	LITTER CONTROL SERVICES	Open	3,909.01	0.00 C
			Contract No: C2300025				
M2301380	05/23/23	APPLI015	APPLIED INDUSTRIAL TECH.	OIL RITE RESERVOIR-BLOWERS	Open	320.45	0.00
M2302138	08/09/23	ADVAN040	STAPLES ADVANTAGE	OFFICE SUPPLIES - FURNITURE	Open	4,541.80	0.00
M2302182	08/14/23	WBMA005	W.B. MASON CO. INC.	DISINFECTANT SPRAY & WIPES	Open	374.41	0.00
M2302240	08/18/23	SOUTH025	SOUTH JERSEY OVERHEAD DOOR CO.	TS FACILITY MAINT.	Open	1,990.00	0.00
M2302252	08/18/23	GRAYB005	GRAYBAR ELECTRIC CO.	EATON TRAY - SCADA PROJECT	Open	5,252.58	0.00
M2302298	08/24/23	FOLEY005	FOLEY, INC.	PARTS FOR P&B TURN ON D-10	Open	5,076.83	0.00 C
			Contract No: C2300049				
M2302351	08/31/23	PARKS005	PARKSON CORPORATION	RBR MEDIA PURCHASE #3	Open	82,664.92	0.00 C
			Contract No: C2100035				
M2302366	09/01/23	APPLI015	APPLIED INDUSTRIAL TECH.	SCUM ROOM EXHAUST FAN & LOUVER	Open	6,102.85	0.00
M2302376	09/06/23	GRAYB005	GRAYBAR ELECTRIC CO.	EFFLUENT VFD INSTALL	Open	557.92	0.00
M2302463	09/15/23	GRAYB005	GRAYBAR ELECTRIC CO.	KLEIN TOOLS	Open	71.33	0.00
M2302503	09/20/23	GRAVE005	TUCKAHOE SAND & GRAVEL	STONE FOR SCRUBBER TANKS	Open	1,542.62	0.00
M2302529	09/21/23	GENRO005	GENRON FIRE PROTECTION	FIRE EXTINGUISHER CERTS	Open	404.00	0.00
M2302533	09/21/23	NEWJE025	NEW JERSEY BUSINESS SYS. INC.	WWL MICROWAVE MAINT	Open	3,120.00	0.00
M2302541	09/22/23	DAILY005	DAILY JOURNAL	ADMIN SERVICES ASST. POSTING	Open	609.50	0.00
M2302564	09/26/23	FASTE010	FASTENAL & CON. SUPPLIES	SAFETY GEAR FOR BILL SHINN	Open	250.60	0.00
M2302573	09/27/23	DEPTC005	DEPTCOR/BU. OF STATE USE IND.	BUSINESS CARDS ADAM SCHEICK	Open	42.00	0.00
M2302587	09/27/23	RECOV020	INTERSTATE REFRIGERANT RECOVER	CFC SERVICE AT THE TS	Open	6,252.00	0.00
M2302597	09/28/23	UNITE100	UNITED RENTALS	LIFT RENTAL MAYVILLE & BURLEIG	Open	1,515.35	0.00
M2302639	10/04/23	JBOLT005	J-BOLTS INDUSTRIAL SUPPLIES	MISC GAS PLANT SUPPLIES	Open	417.75	0.00
M2302640	10/04/23	JBOLT005	J-BOLTS INDUSTRIAL SUPPLIES	MISC GEJ SUPPLIES	Open	369.00	0.00
M2302666	10/06/23	GENER035	GENERAL SPRING & ALIGNMENT, IN	T-39 FRONT END ALIGNMENT	Open	180.00	0.00
M2302702	10/12/23	DAVID005	DAVID WEBER OIL CO.	BULK DEF LANDFILL	Open	1,353.60	0.00
M2302703	10/12/23	SAFEG005	SAFEGUARD BUSINESS SYSTEMS	DEPOSIT SLIPS FOR SOLID WASTE	Open	225.50	0.00
M2302706	10/12/23	JESCO005	JESCO, INC.	DOZER & LOADER PARTS	Open	5,497.62	0.00 C
			Contract No: C2300035				
M2302715	10/13/23	NAPA0005	SEAVILLE NAPA	STARTER FOR F-150 PC1	Open	181.03	0.00
M2302722	10/16/23	HORIZ010	HORIZON EYE CARE	SAFETY GLASSES - M. HANNAH	Open	289.00	0.00
M2302726	10/16/23	FRANK030	FRANKLIN-GRIFFITH,LLC	OMRON PARTS	Open	1,056.30	0.00

PO #	PO Date	Vendor	PO Description	Status	Amount	Void Amount	PO Type
M2302730	10/16/23	GRAYB005 GRAYBAR ELECTRIC CO.	RJ-45 CONNECTORS	Open	923.87	0.00	
M2302736	10/17/23	GRAIN005 GRAINGER INC.	MISC GAS PLANT SUPPLIES	Open	332.80	0.00	
M2302737	10/17/23	JOSEP005 JOSEPH GARTLAND, INC.	TS MISC. SUPPLIES	Open	232.40	0.00	
M2302740	10/17/23	NAPA0005 SEAVILLE NAPA	SHOP SUPPLIES	Open	412.92	0.00	
M2302748	10/17/23	JBOLT005 J-BOLTS INDUSTRIAL SUPPLIES	MISC GAS PLANT SUPPLIES	Open	301.41	0.00	
M2302749	10/17/23	NAPA0005 SEAVILLE NAPA	12000 LB WINCH	Open	505.00	0.00	
M2302756	10/18/23	GRAIN005 GRAINGER INC.	HOSE, SEALANT, TOILET BRUSH	Open	350.62	0.00	
M2302757	10/18/23	GRAIN005 GRAINGER INC.	DIE GRINDER	Open	214.40	0.00	
M2302760	10/18/23	GRAIN005 GRAINGER INC.	UTILITY ROLL, SEALANT TAPE	Open	268.31	0.00	
M2302763	10/18/23	GRAIN005 GRAINGER INC.	CAULK GUN	Open	319.90	0.00	
M2302764	10/18/23	GRAIN005 GRAINGER INC.	RIDGID REPLACEMENT PIPE DIE	Open	328.33	0.00	
M2302767	10/18/23	COYNE005 COYNE CHEMICAL COMPANY	POLYMER ZETAG 7587	Open	16,850.45	0.00	C
		Contract No: C2300013					
M2302769	10/18/23	INTER115 INTERNATIONAL WASTE TRANSPORT,	TARPS FOR SLUDGE TRUCKS	Open	4,620.00	0.00	
M2302771	10/18/23	NAPA0005 SEAVILLE NAPA	WESTERN STAR FILTERS FOR STOCK	Open	898.85	0.00	
M2302775	10/19/23	LAWSO005 LAWSON PRODUCTS, INC.	SHOP SUPPLIES	Open	650.91	0.00	
M2302783	10/20/23	GRAIN005 GRAINGER INC.	STORAGE	Open	431.90	0.00	
M2302785	10/20/23	PEDRO005 PEDRONI FUEL CO.	UNLEADED GASOLINE	Open	566.68	0.00	
M2302786	10/20/23	WBMA005 W.B. MASON CO. INC.	OFFICE SUPPLIES	Open	706.47	0.00	
M2302788	10/20/23	KUEHN005 KUEHNE CHEMICAL CO. INC.	SODIUM HYPOCHLORITE - OC	Open	9,413.44	0.00	C
		Contract No: C2300050					
M2302798	10/24/23	PEDRO005 PEDRONI FUEL CO.	UNLEADED GASOLINE	Open	392.49	0.00	
M2302799	10/24/23	FOLEY005 FOLEY, INC.	GRINDER REPAIR PARTS G-07	Open	2,464.24	0.00	C
		Contract No: C2300049					
M2302800	10/24/23	GARTO005 GARTON'S RIGGING INC.	CRANE FOR GENERATOR DELIVERY	Open	850.00	0.00	C
		Contract No: C2300023					
M2302801	10/24/23	GRAIN005 GRAINGER INC.	MISC GAS PLANT SUPPLIES	Open	97.12	0.00	
M2302802	10/24/23	NACMA005 NAC MAHOGANY OF MAYS LANDING	MISC SCRUBBER TANK SUPPLIES	Open	613.91	0.00	
M2302803	10/24/23	PEDRO005 PEDRONI FUEL CO.	NO LEAD GAS LANDFILL	Open	761.02	0.00	
M2302806	10/24/23	HORIZ010 HORIZON EYE CARE	PRESCRIPTION SAFETY EYEWEAR	Open	289.00	0.00	
M2302807	10/24/23	HORIZ010 HORIZON EYE CARE	SAFETY GLASSES FOR K. SUPER	Open	239.00	0.00	
M2302810	10/24/23	EASTE090 EASTERN WAREHOUSE DISTRIBUTORS	SHAWCREST GENERATOR BATTERY	Open	370.84	0.00	
M2302816	10/25/23	GRAIN005 GRAINGER INC.	EQUIPMENT PEROXIDE DELIVERIES	Open	130.26	0.00	
M2302822	10/25/23	NAPA0005 SEAVILLE NAPA	BATTERIES FOR CASE LOADER	Open	304.64	0.00	
M2302823	10/25/23	GRAIN005 GRAINGER INC.	MISC RECYCLED PROD. SUPPLIES	Open	361.85	0.00	
M2302824	10/25/23	NAPA0005 SEAVILLE NAPA	SHOP SUPPLIES PICK-UP SLIPS	Open	127.88	0.00	
M2302825	10/25/23	NAPA0005 SEAVILLE NAPA	SPICER AVE GENERATOR BATTERY	Open	466.26	0.00	
M2302827	10/26/23	NAPA0005 SEAVILLE NAPA	TIRE GAUGES DIAL	Open	68.54	0.00	
M2302832	10/27/23	MIDDL035 MIDDLE TOWNSHIP POLICE ALARM	MIDDLE TWP POLICE ALARM FEES	Open	200.00	0.00	
M2302835	10/27/23	GRAIN005 GRAINGER INC.	MISC GAS PLANT SUPPLIES	Open	298.86	0.00	
M2302836	10/27/23	BATTE005 BATELLINI TRANSPORTION SYS INC	TOW MACK T-15 AND T-18	Open	1,900.00	0.00	
M2302837	10/30/23	ADVAN035 ADVANTAGE RENTAL CENTER	DREMEL KIT	Open	38.63	0.00	
M2302843	10/30/23	MULTI015 MULTI-TEMP MECHANICAL, INC.	SCALE 1 MINI-SPLIT REPAIR	Open	198.00	0.00	C
		Contract No: C2300003					
M2302847	10/31/23	NAPA0005 SEAVILLE NAPA	MAINTENANCE ITEMS FOR TRUCKS	Open	178.78	0.00	
M2302848	10/31/23	GARDN005 GARDNER TRUE VALUE	LAMINATE ROLLER, VINYL	Open	40.98	0.00	
M2302849	10/31/23	FASTE010 FASTENAL & CON. SUPPLIES	SAFETY	Open	48.83	0.00	
M2302851	10/31/23	LOWES005 LOWE'S COMMERCIAL SERVICES	JANITORIAL	Open	22.79	0.00	
M2302858	11/01/23	MCAVO005 LEONARD X. MCAVOY	REIMURSEMENT S1 & C1 LICENSE	Open	100.00	0.00	
M2302860	11/01/23	GARDN005 GARDNER TRUE VALUE	BACKFLOW PREVENTOR JOB	Open	41.98	0.00	
M2302879	11/03/23	OMNIR005 OMNI RECYCLING LLC	RECYCLING SS PROCESSING	Open	86,017.25	0.00	C
		Contract No: C2300012					
M2302883	11/03/23	BRADL010 BRADLEY ROSENTHAL	NSC Congress Reimbursement	Open	1,011.53	0.00	
M2302884	11/03/23	NAPA0005 SEAVILLE NAPA	PICK-UP SLIPS SHOP SUPPLIES	Open	114.43	0.00	

PO #	PO Date	Vendor	PO Description	Status	Amount	Void Amount	PO Type
M2302886	11/03/23	YORIO MICHAEL J. YORIO	BOOT REIMBURSEMENT	Open	183.90	0.00	
M2302887	11/03/23	JOHNR010 JOHN R. CONTURO	REIMBURSEMENT FOR HOTEL STAY	Open	1,009.65	0.00	
M2302896	11/06/23	GARDN005 GARDNER TRUE VALUE	BACKFLOW PREVENTOR REPLACEMENT	Open	37.37	0.00	
M2302899	11/06/23	ADVAN035 ADVANTAGE RENTAL CENTER	MISC SITE SUPPLIES	Open	12.10	0.00	
M2302900	11/06/23	GARDN005 GARDNER TRUE VALUE	MISC IPF BUILDING SUPPLIES	Open	48.94	0.00	
M2302901	11/06/23	PRIES005 MATTHEW M. PRIEST	REIMBURSE S-2 AND C-2 LICENSE	Open	100.00	0.00	
M2302903	11/06/23	NAPA0005 SEAVILLE NAPA	PLANT MAINTENANCE	Open	48.44	0.00	
M2302904	11/06/23	COLON005 COLONIAL ELECTRIC SUPPLY	GFCI RECP FOR USE HEAT TRACE	Open	46.14	0.00	
M2302905	11/06/23	LOWES005 LOWE'S COMMERCIAL SERVICES	MAINTENANCE	Open	94.34	0.00	
V2300839	10/30/23	UNITE025 UNITED PARCEL SERVICE	POSTAGE	Open	11.67	0.00	
V2300840	10/31/23	SOUTH060 SOUTH JERSEY GAS	UTILITIES	Open	1,746.83	0.00	
V2300841	10/31/23	CITY0010 CITY OF SEA ISLE CITY	UTILITIES	Open	610.00	0.00	
V2300842	10/31/23	SOUTH060 SOUTH JERSEY GAS	UTILITIES	Open	756.98	0.00	
V2300843	10/31/23	ATLAN140 ATLANTIC CITY ELECTRIC	UTILITIES	Open	25,621.52	0.00	
V2300844	10/31/23	ABCOP005 ABCO PUBLIC EMPLOYEES	CREDIT UNION	Open	550.26	0.00	
V2300845	10/31/23	NATIO045 NATIONWIDE RETIREMENT SOLUTION	DEFERRED COMPENSATION W/H	Open	18,070.00	0.00	
V2300846	10/31/23	NEWJE050 NEW JERSEY FAMILY SUPPORT	GARNISHMENTS	Open	538.00	0.00	
V2300847	10/31/23	ANDRE010 ANDREW J. GREEN, COURT OFFICER	WAGE ATTACHMENT	Open	310.48	0.00	
V2300848	10/31/23	HEALT005 HEALTH EQUITY	EMPLOYEE HEALTH SAVINGS ACCTS.	Open	1,559.20	0.00	
V2300849	10/31/23	DUES0005 TEAMSTERS LOCAL 331 DUES	UNION DUES	Open	3,351.50	0.00	
V2300850	10/31/23	POLIT005 TEAMSTERS LOCAL 331 POLITICAL	POLITICAL ACTION FUND	Open	15.00	0.00	
V2300851	10/31/23	SOCIA005 TEAMSTERS LOCAL 331 SOCIAL	UNION SOCIAL FUND	Open	4.00	0.00	
V2300852	10/31/23	DEPAR015 DEPARTMENT OF THE TREASURY	FICA TAXES & FED INCOME TAX	Open	113,710.64	0.00	
V2300853	10/31/23	NJDIV015 NJ DIVISION OF TAXATION	STATE INCOME TAX	Open	18,558.39	0.00	
V2300854	10/31/23	CAPEM055 CAPE MAY COUNTY MUA	ADJUSTED PAYROLL CMCMA	Open	272,799.35	0.00	
V2300855	10/31/23	NJAME005 NJ AMERICAN WATER COMPANY	UTILITIES	Open	1,161.07	0.00	
V2300856	10/31/23	DAILY005 DAILY JOURNAL	LEGAL ADVERTISING- OCT 2023	Open	57.72	0.00	
V2300857	10/31/23	NJAME005 NJ AMERICAN WATER COMPANY	UTILITIES- ADMIN BUILDING	Open	141.45	0.00	
V2300858	11/01/23	COMCA010 COMCAST OF SOUTH JERSEY INC.	UTILITIES- 10/28/23-11/27/23	Open	226.21	0.00	
V2300859	11/01/23	VERIZ010 VERIZON WIRELESS	UTILITIES- 9/24/23-10/23/23	Open	198.19	0.00	
V2300860	11/01/23	NJAME005 NJ AMERICAN WATER COMPANY	UTILITIES	Open	42.54	0.00	
V2300861	11/01/23	WAWAF005 WAWA FLEET SERVICES	GASOLINE- OCTOBER 2023	Open	75.19	0.00	
V2300862	11/02/23	SOUTH060 SOUTH JERSEY GAS	UTILITIES	Open	38.08	0.00	
V2300863	11/02/23	NJAME005 NJ AMERICAN WATER COMPANY	UTILITIES	Open	1,819.21	0.00	
V2300864	11/02/23	CMCMU020 CMCMA WASTEWATER	LEACHATE DISPOSAL OCT 2023	Open	10,544.82	0.00	
V2300865	11/02/23	SOUTH060 SOUTH JERSEY GAS	UTILITIES-GAS HEAT TS OCT	Open	36.44	0.00	
V2300866	11/02/23	VIDEO005 MOBILE DREDGING & VIDEO PIPE	REFUND OVERPAYMENT TIP FEES	Open	1,063.91	0.00	
V2300867	11/02/23	NJDIV010 NJ DIVISION OF PENSIONS	PENSION W/H	Open	10,957.97	0.00	
V2300868	11/02/23	CLEAN030 CLEAN ENERGY	CNG FUEL- OCTOBER 2023	Open	1,756.00	0.00	
V2300869	11/03/23	SPECT025 SPECTROTEL	UTILITIES- NOVEMBER 2023	Open	3,708.38	0.00	
V2300870	11/06/23	UNITE025 UNITED PARCEL SERVICE	POSTAGE	Open	42.43	0.00	
V2300871	11/06/23	VERIZ030 VERIZON	FIOS INTERNET	Open	239.99	0.00	
V2300872	11/06/23	WADEL005 WADE, LONG, & WOOD, LLC	LEGAL FEES-GEN LEGAL OCT 2023	Open	3,740.50	0.00	
V2300873	11/06/23	WADEL005 WADE, LONG, & WOOD, LLC	LEGAL FEES-PERSONNEL OCT 2023	Open	2,990.00	0.00	
V2300874	11/06/23	WADEL005 WADE, LONG, & WOOD, LLC	LEGAL FEES-RECYCLING OCT 2023	Open	1,644.50	0.00	
V2300875	11/06/23	WADEL005 WADE, LONG, & WOOD, LLC	LEGAL FEES-SW GENERAL OCT 2023	Open	5,945.50	0.00	
V2300876	11/06/23	WADEL005 WADE, LONG, & WOOD, LLC	LEGAL FEES- WW GEN OCT 2023	Open	1,173.00	0.00	
V2300877	11/06/23	TELES005 TELESYSTEM	UTILITIES OCT 2023	Open	160.19	0.00	
V2300878	11/06/23	TELES005 TELESYSTEM	UTILITIES NOV 2023	Open	160.19	0.00	
V2300879	11/06/23	SOUTH060 SOUTH JERSEY GAS	UTILITIES-ADMIN BUILDING	Open	115.36	0.00	
V2300880	11/06/23	ENTER020 ENTERPRISE FM TRUST	VEHICLE LEASE-ADMINISTRATION	Open	21.00	0.00	
V2300882	11/07/23	VERIZ010 VERIZON WIRELESS	UTILITIES- 9/29/23-10/28/23	Open	1,937.20	0.00	
V2300883	11/07/23	VERIZ010 VERIZON WIRELESS	UTILITIES- 9/29/23-10/28/23	Open	76.04	0.00	
V2300884	11/07/23	ATLAN140 ATLANTIC CITY ELECTRIC	UTILITIES	Open	1,682.53	0.00	



PO #	PO Date	Vendor	PO Description	Status	Amount	Void Amount	PO Type
V2300885	11/07/23	ATLAN140 ATLANTIC CITY ELECTRIC	UTILITIES	Open	118,483.68	0.00	
V2300886	11/07/23	SAPPI005 HARRY R. SAPPPIE	HEALTH INSURANCE Q3 2023	Open	2,549.01	0.00	
V2300887	11/07/23	SOUTH060 SOUTH JERSEY GAS	UTILITIES	Open	73.19	0.00	
V2300888	11/07/23	ATLAN140 ATLANTIC CITY ELECTRIC	UTILITIES- ADMIN BUILDING	Open	5,833.47	0.00	
V2300889	11/07/23	ATLAN140 ATLANTIC CITY ELECTRIC	UTILITIES -ACCT#312 OCT	Open	4,787.24	0.00	
V2300890	11/07/23	ATLAN140 ATLANTIC CITY ELECTRIC	UTILITIES TS ACCT#524 AUG-OCT	Open	473.77	0.00	
V2300891	11/08/23	STATE035 STATE OF NEW JERSEY - SLT	LF CLOSURE&CONTINGENCY TAX-OCT	Open	7,846.21	0.00	
Total Purchase Orders: 152 Total P.O. Line Items: 0 Total List Amount: 1,883,543.24 Total Void Amount:							0.00

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Totals by Year-Fund Fund Description	Fund	Expend Total	Revenue Total	G/L Total	Total
ADMINISTRATION	3-100	549,335.38	0.00	74,456.27-	474,879.11
WASTEWATER OPERATIONS	3-200	200,088.70	0.00	0.00	200,088.70
SOLID WASTE OPERATIONS	3-300	151,862.14	0.00	8,910.12	160,772.26
RENEWAL & REPLACEMENT	3-720	1,047,803.17	0.00	0.00	1,047,803.17
Total of All Funds:		<u>1,949,089.39</u>	<u>0.00</u>	<u>65,546.15-</u>	<u>1,883,543.24</u>

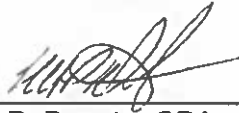
# Cape May County Municipal Utilities Authority

## **CERTIFICATION OF FUNDS:**

I hereby certify that funds are available for payment of vouchers on the Cape May County Municipal Utilities Authority's Vouchers Listing:

- Administration
- Wastewater Operations
- Wastewater Project
- Solid Waste Operations

all said Vouchers Lists dated November 15, 2023.



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Robert P. Donato, CPA  
Chief Financial Officer