

**RESOLUTION AUTHORIZING AN EMERGENCY CONTRACT TO R & R PUMP AND CONTROL SERVICES FOR REPAIR SERVICES**

**WHEREAS**, the Assistant Superintendent of Water and Sewer has identified a damaged grinder at the Passaic Avenue Sewage Station; and

**WHEREAS**, the grinder is in need of immediate replacement to protect the public health, safety and welfare; and

**WHEREAS**, based on the written notification of the Assistant Superintendent of Water and Sewer, the Township Manager recommends the immediate replacement to the grinder to protect public health, safety, and welfare; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-6, "Emergency Contracts") allows the award of contracts without public advertising for bids and bidding when an emergency affecting public health, safety or welfare requires the immediate delivery of goods or the performance of services; and

**WHEREAS**, the provisions of Chapter 19, P.L. 2004 (as amended by P.L. 2005, c.51) of the Pay-to-Play Laws (N.J.S.A. 19:44A-20.4 et seq.) are waived when an emergency exists affecting the public health, safety or welfare which requires the immediate delivery of goods or performance of services; and

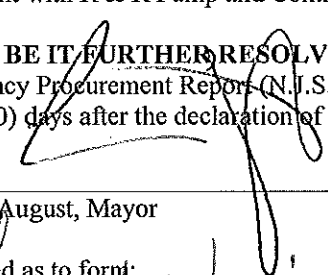
**WHEREAS**, while emergency contracts can be awarded without formal bidding it is still prudent to seek proposals; and

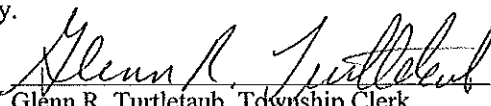
**WHEREAS**, R & R Pump and Control Services has evaluated the necessary repairs and has already provided a proposal to the Township and in this instance it is not practicable to obtain proposals from other vendors because doing so would require any additional vendor to also remove and transport the damaged grinder adding time and cost to the emergency repair; and

**WHEREAS**, the Chief Financial Officer has certified that funding is available in the 2009 capital budget, under account C-09-55-007-017-001 (Improvements to Sewer Utility System).

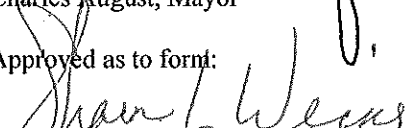
**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Livingston, in the County of Essex, State of New Jersey, that the Township Manager is hereby authorized to enter into an agreement with R & R Pump and Control Services in an amount not to exceed \$25,371.50.

**BE IT FURTHER RESOLVED**, that in accordance with the Pay-to-Play Laws the Township must file an Emergency Procurement Report (N.J.S.A. 19:44A-20.12) with the Division of Local Government Services within thirty (30) days after the declaration of the emergency.

  
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Charles August, Mayor

  
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Glenn R. Turtleaub, Township Clerk

Approved as to form:

  
\_\_\_\_\_  
Sharon L. Weiner, Township Attorney

Adopted: 4/20/09

Certification of Availability of Funds  
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This is to certify to the of the TOWNSHIP OF LIVINGSTON that funds for the following resolutions are available.

Resolution Date: 04/20/09  
Resolution Number: R-09-134

Vendor: RR1 R & R PUMP & CONTROL SERV., LLC  
P.O. BOX 533  
FRANKLIN LAKES, NJ 074179998

Contract: C9-00014 GRINDER REPAIRS

Account Number	Amount	Account Description
C-09-55-007-017-001	25,371.50	IMPROV TO SEWER UTILITY SYSTEM
Total	25,371.50	

Only amounts for the 2009 Budget Year have been certified. Amounts for future years are contingent upon sufficient funds being appropriated.

  
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Chief Financial Officer