RESOLUTION RE: ESTABLISHING A POLICY RELATIVE TO EMERGENCY PURCHASES OF GOODS AND SERVICES IN ACCORDANCE WITH N.J.S.A. 40A:11-6 AND N.J.A.C. 5:34-6.1

WHEREAS, laws and regulations of the State of New Jersey allow latitude in how each governmental entity may deal with emergency situations; and

WHEREAS, N.J.S.A. 40A:11-6d states '*the governing body of the contracting unit may prescribe additional rules and procedures to implement the requirements of this section";* and

WHEREAS, N.J.A.C. 5:34-6.1(b) states "*the governing body of each unit shall adopt rules or regulations as appropriate to the contracting unit . . . such rules or regulations shall include such provisions that ensure that if the initially designated individuals are not available, there is a designated chain of command . . .";* and

WHEREAS, Local Finance Notice 2005-12 clarifies the requirements of a Vendor's Business Registration Certificate (BRC) during an emergency by stating "*In emergency situations (as defined by the contracting agency's contracting law) the contracting agency may enter into a contract with a business, but cannot make a payment until a copy of the BRC is provided to the contracting agency. The business should be made aware of this BRC requirement when the contract is awarded";* and

WHEREAS, Local Finance Notice 2006-7 indicates that in the event of an emergency the State Treasurer may waive the requirements of Chapter 19 Pay-to-Play providing the governmental entity files an Emergency Procedures Report within thirty (30) days of the contract award.

NOW, THEREFORE, BE IT RESOLVED by the Wanaque Valley Regional Sewerage Authority Board of Commissioners that, upon recommendation of the Interim Executive Director, the following policy is hereby established relative to the emergency procurement of goods and services:

1. Contracts including purchase orders, shall be entered into and funds committed or expended for an emergency pursuant to N.J.S.A. 40A:11-6 and N.J.A.C. 5:34-6.1 subject to the following requirements:
    a. An actual or imminent emergency must exist requiring the immediate delivery of the good or service to be performed.
    b. The emergency must directly affect the public health, safety, or welfare and requires the immediate delivery of goods or the performance of services.
    c. Emergency purchases shall not be used for administrative convenience or for failure to plan. Sound business practices shall be used when an emergency purchase must be made.
    d. The emergency purchasing procedure may not be used unless the need for the goods or performance of the service could not have been reasonably foreseen or the needs of the goods or services has arisen not withstanding a good faith effort on the part of the WVRSA to plan for the purchase of any required good or service.

e. The contract shall be of such limited duration as to meet only the immediate needs of the emergency declared.
f. Under no circumstance shall the emergency purchasing procedure be used to enter into a multi-year contract.
g. Any emergency condition in which the estimated costs are in excess of ten thousand dollars ($10,000.00) shall be subject to the approval of the WVRSA Board of Commissioners.

2. The procedure for declaring an emergency shall be as follows:
   a. The Executive Director, with input from the appropriate staff of the WVRSA and/or others, shall determine an emergency exists and shall document the nature of the emergency and report same, by email, as soon as is practicably possible to the WVRSA Board of Commissioners.
   b. The Executive Director shall prepare all necessary documents to procure the goods and/or services necessary to address the emergency in accordance with the procedures outlined above.
   c. Within forty-eight (48) hours of the emergency, the Executive Director shall submit a written report to the WVRSA Board of Commissioners outlining steps taken and contracts awarded to address the emergency.
   d. In the absence of the Executive Director, the requirements outlined above will be the responsibility of the Superintendent of Operations.

BE IT FURTHER RESOLVED that certified copies of this Resolution be forwarded to Wanaque valley Regional Sewerage Authority Auditor Paul Cuva of the firm of Wielkotz and Company.

Adopted this 28th day of February 2024
and certified to be a true copy of the original

Elizabeth Parrinello
Elizabeth Parrinello, Recording Secretary

Commissioner	Motion	Second	Ayes	Nays	Abstain	Absent
Allen		X	X			
Conlon	X		X			
Gerst			X			
Levine						X
Taukus			X			
Covelli			X			