

MINUTES OF MEETING OF THE BOARD OF COMMISSIONERS
of
JERICHO WATER DISTRICT

held at the office of the District in Syosset, Nassau County, New York, on the 22nd day of January 2020, at 8:30 A.M.

Present:	Commissioners	Thomas A. Abbate James Asmus Patricia Beckerle Michael F. Ingham (Absent) Peter F. Logan Kathleen Cannon Amanda Blum Bill Merklin
	Attorney	
	Superintendent	
	Business Manager	
	Secretary	
	Engineer	

Minutes of the previous meeting(s) were read and approved unanimously.

Monthly report of Engineer was read and ordered filed.

Mr. Merklin reported the following:

1. McCoun's Lane Water Main Improvements: Preconstruction meeting for the directional drill portion of the work has been conducted. Bancker has been requested to coordinate with DOT and provide schedule to complete permitting for work in Glen Cove Road. Anticipated start of drilling construction is early March. D&B anticipates providing a draft copy of the open cut contract documents for review/comment next week.
2. GAC System at Well 4: Final inspection has been completed and a revised punch list has been issued. Contract close out underway. Cost proposals for Bilco hatch replacement and pH/chlorine analyzer installation have been requested from PRI and Eagle Controls.
3. Kirby Lane AOP: Pilot testing work is being scheduled based on availability of equipment. This has been scheduled to begin on January 24, 2020. Mr. Merklin explained that the pilot testing would take approximately four weeks to complete once the contractor begins. D&B is working on MWBE participation opportunities for the grant funding. Mark out and survey is being scheduled and initial data requests developed.
4. Evaluation of the Southwoods Road Site for Well 5 Replacement: Bids were received on January 17th and recommendation of award has been prepared.

Mr. Merklin then reported that he had reviewed the three (3) bid proposals received on January 17th, 2020 for Contract No. C6-19R, Water Supply Test Well at the

Southwoods Road Site. A.C. Schultes Inc., of Woodbury Heights, New Jersey was the low bidder for the contract with a total bid price of \$659,000.00. Based on his findings of the Contractor's past and present performances, and his review of the bid proposal, Mr. Merklin recommended award of the contract for the Water Supply Test Well at the Southwoods Road Site be made to A.C. Schultes Inc., for the bid amount of \$659,000.00. After discussion and upon duly made and seconded, it was

RESOLVED that Contract No. C6-19R, Water Supply Test Well at the Southwoods Road Site be awarded to A. C. Schultes Inc., of 664 S Evergreen Avenue, Woodbury Heights, New Jersey, the lowest responsible bidder with a bid that conforms to the bid specifications of the District in the amount of \$659,000.00 to be paid from the Capital Project Account No. H-8397-013-2302 Southwoods Road Test Well, it was

FURTHER RESOLVED that the Commissioner approve amending the Capital Project Budget by temporarily reducing H-8397-018-2303, New 3MG Tank & Booster Station approved in the District's 2019 Bond Authorization, (2019-675B), by \$600,000.00 and transferring funds to H-8397-013-2302, Southwoods Road Test Well (approved in the District's 2019 Bond Authorization for \$200,000) until the District's 2020 Bond Issue requesting additional funding for Southwoods Road is approved.

VOTE	AYES	3	NOES	0	ABSENTIONS	0
Commissioner Abbate			AYE			
Commissioner Asmus			AYE			
Commissioner Beckerle			AYE			

5. PTAS at Wells 6 & 16: A second design meeting was held to establish a conceptual design layout. A draft Basis of Design Report (BODR) will be submitted to the District as the next deliverable.
6. Requirements Contracts: Mr. Logan is currently working with D&B staff. Draft contract documents for Asphalt Restoration and Water Mains are currently under review by JWD. A meeting was held on January 17th to review CBS/PBS Tank Alarm Maintenance & Repairs and Water Service Gooseneck Replacement.
7. Well No. 12 Driveway Pavement Restoration: A draft will be delivered to JWD for review this week. The intended schedule is for construction to start in the spring of 2020.
8. Emerging Contaminant Action Plan: D&B is working with JWD to develop an overall Action Plan for addressing the many impacts of the proposed regulations for 1,4-dioxane and PFAS. Requesting a waiver for the impacted sites has been added to the Action Plan.

9. Split Rock Tank Rehabilitation: JWD is draining the tank and D&B will schedule the site inspection as soon as the tank is available.

Mr. Logan reported that even though it is registering negative numbers, there is still water coming out of the tank; he is anticipating it to be drained sometime this week. Mr. Merklin expressed concern about the roof rafters of the tank, the condition of which will not be discovered until the contractor gets in and starts to blast the inside of the tank. If work needs to be done to the rafters, it is a written line item in the bid spec and will not create a change order. Construction work will be scheduled for the fall of 2020.

The estimated project cost for a booster pumping station is \$1,520,000. This project will be included in the next bond issue, once the bond issue is approved, D&B will prepare a proposal for the design of the pumping station.

10. Marriott at Milleridge Inn Water Main: A kick-off meeting was held with the developer and LiRo Group last week. Draft contract documents will be submitted to JWD in 2 to 4 weeks. There will be a Town Board Meeting on January 28th, 2020.

11. Well 17 Simazine Contamination: Mark out and survey work is being scheduled. Initial data requests and contamination source search are underway.

Mr. Merklin reported that initial reports are showing seasonal variations in the concentration of the contaminants. This is due to the fact that this well is usually only in operation during the summer, peak pumping months. Simazine is an herbicide.

12. Well 31 Pump Rehabilitation: This work will be scheduled for fall 2020.

Mr. Logan reported that all analysis of wells and bacteriological sampling for the period January 8, 2020 to January 21, 2020, had been completed and all were within state and federal standards.

Mr. Logan then reported that he was preparing the sample results for the FOIL request Miss Cannon received from consumer C. Di Fillippo. Mr. Di Fillippo requested copies of the results pertaining to the projects that were mentioned in a Newsday article a few weeks back. The District's response is due to be delivered to Mr. Di Fillippo by February 12th.

Mr. Logan then reported that he received a call from Mr. Paul LaRuccia, who is the developer for the Tribeca Square project. This project has been on hold for several years, with a feasibility study having already been conducted. Mr. LaRuccia stated that his project was coming in front of the Town of Oyster Bay next week and was hoping to have a letter of water availability to provide to the Town. Mr. Logan and Chairman Abbate agreed that while the feasibility study had concluded that the

impact on the District's infrastructure and operations was miniscule, they still had a question on the impervious versus pervious surfaces. Mr. Logan had reached out to the engineer for Tribeca for clarification but had not heard back.

Mr. Logan then reported he had received several phone calls from the brother of Norm Simpson (of 1 Roosevelt Avenue, Glen Head), James Simpson, Esq. Apparently, Mr. Simpson is in failing health, and Jim Simpson is requesting the District clean up the property that borders his land. After discussion, the Commissioners decided to defer to legal counsel to see what could be done with the property.

Mr. Logan then informed the Commissioners that he would like to set up meeting with H2M and the Commissioners regarding the treatment plan AOP for 1-4 Dioxane removal. Mr. Todaro has presented the District with proposals for pilot testing on the site, and Mr. Logan would like to go over the logistics of the project. After discussion, the Commissioners requested Mr. Logan to coordinate with H2M to attend the next Board meeting on February 5th, 2020 at 10:00 AM. Mr. Logan said that he would reach out and report back to the Board when he has confirmation that H2M will be able to attend at that time.

A discussion was held regarding the District's Water Supply bid, Contract No. G6-20, recently bid on January 17th, 2020 in which T. Mina Supply's bid was not opened due to the bid received after 9:00 am. Mr. Logan explained that Ferguson had the lowest (and only price) on most of the contract with no competitive price, since National Meter only bids on 5 of the line items in the bid spec. After discussion, the Commissioners wanted to confer with legal counsel before the contract was awarded.

Miss Cannon then presented and reviewed with the Commissioners a Cash Balance/Cash Deposit report as of January 22, 2020. After discussion, the report was ordered filed.

Miss Cannon then presented and reviewed with the Commissioners a Purchase Order by Expense Account Report listing all purchase orders issued between January 8th, 2020 and January 21, 2020. After discussion, the report was ordered filed.

Miss Cannon then requested that the Commissioners approve the following Budget Transfer: (nunc pro tunc)

To fund Engineering Services for Construction Observation Road Restoration through 12/31/19.

A-8340-000-4430	Engineering Services	2,286.44
A-8340-000-4480	Other Professional Services	(2,286.44)

After Discussion, and upon motion duly made and seconded, it was

RESOLVED that the Commissioners approve the above listed budget transfer(s).

VOTE	AYES	3	NOES	0	ABSENTIONS	0
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Commissioner Abbate	AYE
Commissioner Asmus	AYE
Commissioner Beckerle	AYE

Miss Cannon then presented the Commissioners a draft of the District's policy for procurement procedures. Miss Cannon informed the Commissioners that this policy had been reviewed and the following changes are proposed:

1. Removal of Booster Pump Repairs from the types of procurement exempt from the quotation process, as the District now has a requirements contract in place.
2. Increase the annual aggregate for the purchase of automotive and truck parts (when needs cannot be accommodated by purchasing under government bids) under Superintendent's discretion from \$7,500.00 to \$10,000.00.
3. Add well & booster pump maintenance & repairs, emergency water distribution system repairs, tank and alarm maintenance & repairs and the purchase of endpoints & lids to the list District contract requirements contracts and catalog bidding.
4. Remove the requirement for vendor signatures on purchase orders.

After discussion and further review by the Commissioners, and upon motion duly made and seconded, it was

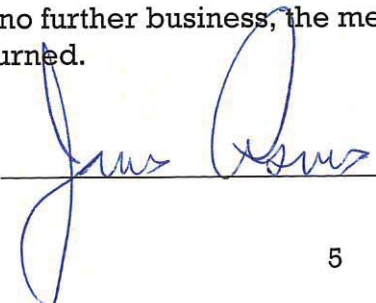
RESOLVED that the 2020 Procurement Policy is hereby adopted by the Board of Commissioners, (attached to the end of these minutes).

VOTE	AYES	3	NOES	0	ABSENTIONS	0
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Commissioner Abbate	AYE
Commissioner Asmus	AYE
Commissioner Beckerle	AYE

The following claims were then audited and approved for payment: General Fund #24196 to #24202 and Construction Fund #2494.

There being no further business, the meeting was, upon motion duly made and seconded and adjourned.



Secretary

**Jericho Water District
Procurement Policy
Adopted 1/22/2020**

Purpose: Adopt procurement policies and bidding thresholds to assure the prudent and economical use of public monies in the best interests of the taxpayers of the Jericho Water District.

The District shall make an initial determination whether the procurement contract or contract for public works exceeds the competitive bidding thresholds established by NYS General Municipal Law. In making such determination, the Board of Commissioners (BOC) may utilize recommendations of the District Engineer, Superintendent and/or Business Manager regarding the estimated cost of the contract. These recommendations may be based upon professional experience and history of this particular type of contract.

All contracts subject to competitive bidding shall be let in conformance with existing statutory and case law. Contracts under the bidding thresholds of General Municipal Law Sec. 104(b) shall be awarded as set forth herein.

In accordance with NYS General Municipal Law Section 104(b) paragraph (f), the Jericho Water District identifies the individual or individuals responsible for purchasing as follows:

Peter F. Logan, Superintendent
Kathleen Cannon, Business Manager

The Commissioners of the District, as detailed in this Procurement Policy will review purchase contracts of individual items between \$5,000 and \$20,000 and Public Works Contracts between \$10,000 and \$35,000 to ascertain whether or not it is in the best interest of the District to enter into a formal competitive bid process in lieu of the three (3) written quotes in order to assure the prudent and economical use of public monies in the best interests of the taxpayers of the District.

The District has determined that the competitive bidding process would not be in its best interest to undergo competitive bidding for minor items because it would not be cost effective. Utilizing the time of skilled District employees to document purchases of minor goods and services would be costlier than any savings which might be realized through the 104(b)-procurement process. Accordingly, the Business Manager and Superintendent are authorized to use their best business discretion to contract for individual items under the threshold limits set forth below. As indicated, three verbal or written quotations must be documented if the District anticipates that the cost of each item will exceed the indicated monetary thresholds set forth below:

PURCHASE CONTRACTS OF INDIVIDUAL ITEMS BELOW \$20,000

Under \$2,000	At the discretion of Superintendent or Business Manager
\$2,000-\$5,000	Three verbal quotes

\$5,000-\$20,000	Three written quotes (may request to have returned in a sealed envelope to Superintendent or Business Manager by a certain date & time at the discretion of the Superintendent or Business Manager)
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PUBLIC WORKS CONTRACTS FOR INDIVIDUAL PROJECTS BELOW

Under \$3,000	At the discretion of Superintendent or Business Manager
\$3,000-\$10,000	Three written quotes (by vendor through, mail, email or fax)
\$10,000-\$35,000	Three written quotes (may request to have returned in a sealed envelope to Superintendent or Business Manager by a certain date & time at the discretion of the Superintendent or Business Manager)

At each Board meeting the Business Manager shall print a Purchase Order by Expense Account Report, listing all purchase orders issued between Board meetings for the Commissioners to review. The purchase order report shall identify which purchase orders were issued at the discretion of the Superintendent and Business Manager and which purchase orders were issued via the competitive bidding process, (i.e. JWD Contract, NYS Contract, County Contract, Town Contract, Purchasing Alliance, etc.).

For Public Works Contracts between \$10,000 and \$35,000 the District shall require a written contract be prepared by the District’s attorney, Carman, Callaghan & Ingham and executed by both the District and the vendor, unless requirement waived by the Commissioners.

Public Works Contracts shall be registered with the New York State Department of Labor for the purpose of obtaining a prevailing wage schedule. The District shall notify all vendors interested in submitting a quote, (verbal, faxed, e-mailed or written), that the District is required to pay prevailing wages as determined by the Department of Labor and provide the vendor with the NYS DOL registered PRC#.

By prior experience the District has determined that the quotation process authorized by GML 104 (b) is not cost effective in the procurement of automotive repairs that require a vendor to inspect and examine the vehicle at his own premises before they can quote the cost of the repair. The Commissioners determined that the delivery off-site to the first vendor and then re-delivery off-site to the second and a third vendor would be a significant drain upon District resources in both time and manpower and is not financially practical compared to the approximate cost of each repair. Therefore, for automotive repairs the Superintendent and or Business Manager are authorized to obtain repairs in his or her business discretion on an as needed basis without verbal or written quotations in an amount not to exceed \$5,000 per repair and an annual aggregate amount of \$10,000.

Also, by prior experience the District has determined that the quotation process authorized by GML 104 (b) is not cost effective for several general categories of minor goods and services. Accordingly, the Superintendent and the Business Manager are authorized to use their best executive discretion to purchase the items set forth below providing that they do not exceed the annual aggregates set for each category. Even in those situations where minor items are procured without formal quotation through executive discretion of the Superintendent or the Business Manager, the primary purpose of the policy is to obtain quality goods and services at the lowest reasonable price

<u>CATEGORIES</u>	<u>ANNUAL AGGREGATE LIMIT</u>
Water Conservation including, pamphlets and rulers, showerheads, dye and toilet bags	\$ 5,000.00
De-icer and salt de-icer	\$ 5,000.00
Sand & Gravel Cold Patch (State, County, Town or other local government contracts should be utilized if vendors are located within a 15-mile radius of the District).	\$ 10,000.00
Hardware, nuts & bolts, lumber batteries & light bulbs	\$ 5,000.00

Additionally, the District has determined that the quotation process authorized by GML 104 (b) is not cost effective in the procurement of saw cuts for road openings. This method requires specialized equipment in addition to having to operate under emergency conditions which would preclude the securing of several quotes.

The Superintendent will use his best efforts to purchase and stock automobile and truck parts from vendors who have been pre-authorized under New York State bid, Nassau County bid, the Town of Oyster Bay bid, or any other authorized government agency allowed pursuant to General Municipal Law 103 and 104. To the extent that the District needs cannot be accommodated by purchasing under other government agency bids, the Superintendent and Business Manager may exercise their executive discretion to procure automobile and truck parts where the annual aggregate does not exceed Ten Thousand (\$10,000) dollars.

The District shall document the solicitation and receipt of proposals or quotations submitted in response thereto. Documentation shall be maintained for each noncompetitive procurement proposal, containing a record of all solicitations, contracts, and negotiations. The file shall also contain a copy of the requisition or purchase order authorizing the procurement.

As required, reasonable efforts will be made under the appropriate circumstances of each job to solicit a minimum of three verbal or written alternative quotations for the proposed contract. If the District is unable to obtain the required number of proposals or quotations, the attempts made at obtaining the proposals will be documented in writing. The

failure to obtain the minimum proposals will not bar the procurement. The unintentional failure to fully comply with the provisions of this General Municipal Law, Section 104-b, shall not be grounds to void action taken or give rise to a cause of action against the Jericho Water District or any officer or employee thereof.

The District recognizes the value of catalogue bidding and requirements contracts as effective methods of soliciting competitive prices for select items. The District authorizes such bidding for the following contracts: paving repairs; water supplies; maintenance of instrumentation and controls; electrical repairs, well & booster pump maintenance & repairs, emergency water distribution system repairs, tank and alarm maintenance & repairs and the purchase of water meters, end points and lids.

In an effort to reduce administrative costs and increase efficiencies, on August 1, 2012 NYS added a new subdivision 16 to GML Section 103 also known as the “Piggy-backing Law” that authorized political subdivisions and districts therein to purchase apparatus, materials, equipment & supplies and to contract for services related to the installation and maintenance or repair of those items, through the use of contracts let by United States or any agency thereof, any State or any political subdivision or district therein. Procurements that are below the monetary thresholds set forth in Section 103 are exempt from the requirements of GML 103 and are therefore subject to the local governments own procurement policy that are adopted pursuant to GML Section 104-b. Accordingly, the District elects to adopt the “Piggy-backing Law” and its rules and regulations referred to above into the Procurement Policy of the District. The “Piggy-backing Law” allows the District to take advantage of competitive pricing obtained by purchasing alliances whose contracts have been let by the United States or any agency thereof, and state or any political subdivision or district therein. Therefore, the District elected to join and to utilize the following cooperative purchasing alliances:

1. The Cooperative Purchasing Network (TCPN) – Adopted 11/21/2012
2. Sourcewell (formerly, National Joint Purchasing Alliance (NJPA) – Adopted on 5/15/13
3. National Intergovernmental Purchasing Alliance (National IPA) – Adopted on 9/16/15
4. Long Island Water Conference Purchasing Cooperative (LIWCPC) – Adopted on 5/15/13
5. National Cooperative Purchasing Alliance (NCPA) – Adopted on 11-6-19

The District recognizes the statutory exceptions to this procurement policy set forth in General Municipal Law, Sec. 103 and Sec. 104, and State Finance Law, Sec. 160(8), (SDVOB), Sec. 163(6), (MWBE) and Sec. 175(b) (goods made by the blind), as well as true leases, and sole source procurements. It also recognizes the ability to purchase from alternative purchasing sources authorized by NYS General Municipal Law including certain Federal GSA contracts and preferred sources listed as part of the NYS Preferred Source Program.

The District reserves to itself its rights to forego this procurement policy in emergency circumstances pursuant to General Municipal Law, Sec. 103(4). While exempt from the proposal process, all such procurement must still be documented by separate file. The District further reserves to itself its statutory and common law rights to reject any and all

bids which the Board of Commissioners, in its sole discretion, determines are not in the best interests of the District.

Professional services require special or technical skill, training, or expertise and are declared exempt from the bidding process. The individual or company must be chosen based on accountability, reliability, responsibility, skill, education and training, judgment, integrity, and moral worth. These qualifications are not necessarily found in the individual or company that offers the lowest price and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures. In determining whether a professional service fits into this category, the District shall take into consideration the following guidelines: (1) whether the services are subject to State licensing or testing requirements; (2) whether substantial formal education or training is a necessary prerequisite to the performance of the services; and (3) whether the services require a personal relationship between the individual and District official. Professional or technical services shall include, but not be limited to, the following services: services of general counsel; services of a retained engineer; securing insurance coverage and/or services of an insurance broker; services of a certified public accountant; investment management services; printing services involving extensive art work; and computer software or programming services for customized programs, or service involved in substantial modification and customizing of pre-packaged software.

The District recognizes that printing services for the newsletter requires a certain amount of expertise and artwork. Accordingly, the District will secure these goods and services using a request-for-proposal process.

Documentation and explanation are required whenever a contract is awarded to other than the lowest responsible quote.

District staff will provide proof or compliance with procurement and purchasing guidelines with claims submitted for audit by the Commissioners. Claim packets will include all documentation necessary for Commissioners to approve payment including a purchase order, invoice, proof of receipt of goods or services, and any additional supporting documentation the Commissioners may require in order to approve a claim for payment.

Note: Original invoices are preferred; however electronic invoices and invoices received via e-mail and facsimile will be accepted if accompanied by an invoice that includes a unique invoice number that can be entered into the District's accounting system to avoid duplicate payments from occurring.

All purchase orders in amounts greater than \$5,000 shall be signed by a Commissioner prior to orders being placed. Blanket Purchase Orders greater than \$5,000 require the signature on the initial encumbrance and for any increases to that encumbrance greater than \$5,000, but not on the individual payments.

The Board of Commissioners shall annually review its procurement procedures.