

**RESOLUTION 2019-14**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**APPROVAL OF CONTRACT FOR**  
**REGIONAL STORMWATER MANAGEMENT PLANNING**

**WHEREAS**, the Highlands Water Protection and Planning Act (Highlands Act) has created a public body corporate and politic with corporate succession known as the Highlands Water Protection and Planning Council (Highlands Council); and

**WHEREAS**, section 6.g of the Highlands Act authorizes the Highlands Council to enter into any and all agreements or contracts to effectuate the purposes of the Highlands Act; and

**WHEREAS**, on July 17, 2008, the Highlands Council adopted Resolution 2008-27 thereby adopting the Highlands Regional Master Plan (RMP), which became effective September 8, 2008; and

**WHEREAS**, Policy 2E1 of the RMP directs the Highlands Council to develop regional stormwater plans to promote regional protection, restoration and enhancement of ground water recharge volume and quality where specific watersheds are at risk in the absence of regional analysis and enhanced standards; and

**WHEREAS**, Policy 2E2 of the RMP directs the Highlands Council to coordinate programs, funding and activities among public and private entities to encourage regional ground water recharge protection, restoration and enhancement activities consistent with the RMP; and

**WHEREAS**, in consideration of the requirements of the Act and RMP and in furtherance of Policies 2E1 and 2E2, the Highlands Council intends to undertake stormwater management planning in the Highlands Region on a regional basis; and

**WHEREAS**, the Rutgers University Cooperative Extension (RCE) Water Resources Program submitted a proposal dated February 12, 2019 for Regional Stormwater Management Planning (Proposal) that provides for stormwater management planning activities in the North and South Branch Raritan River watershed, denoted as New Jersey Department of Environmental Protection (NJDEP) Watershed Management Area (WMA) 8; and

**WHEREAS**, as set forth in the Proposal, RCE will, for each of twenty-four (24) municipalities in that WMA 8, prepare, as a tri-assessment approach: 1) an Impervious Cover Assessment (ICA); 2) an Impervious Cover Reduction Action Plan (RAP); and 3) create a Green Infrastructure (GI) Feasibility Study; and

**WHEREAS**, the Highlands Council staff has performed extensive due diligence into the qualifications and capabilities of RCE to satisfactorily and timely complete the work set forth in the Proposal; and

**WHEREAS**, the Highlands Council staff has concluded that RCE has successfully completed numerous tri-assessment studies for various municipalities throughout the State of New Jersey, and is in fact the only public or private entity in the state that offers such services; and

**WHEREAS**, the Highlands Council may enter into a professional services contract with RCE without soliciting public bids where RCE constitutes a sole source vendor that is uniquely qualified to undertake the task required by the Highlands Council; and

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**WHEREAS**, the Highlands Council staff is therefore recommending a sole source contract pursuant to Executive Order 37 (2006) paragraph 16(c) and GAU Procurement Best Practices dated July 19, 2012, paragraph VII (e) in that RCE's exceptional knowledge of and experience with regional stormwater management planning uniquely qualifies the vendor as the only entity available to meet the Council's specific needs, at a specific time and place with a specific delivery date; and

**WHEREAS**, under Treasury Circular 05-14, the Highlands Council can enter into a contract directly with RCE as it is part of a state college or university without any requirement to publicly bid the contract and without any requirement to seek a waiver of advertising, subject to the approval of the Office of Management and Budget (OMB), which approval has already been received; and


**WHEREAS**, RCE proposes to perform the services set forth in the Proposal for a cost not to exceed \$264,000, which scope of work and cost have been reviewed and approved by the Budget and Finance Committee;

**NOW, THEREFORE, BE IT RESOLVED** by the Highlands Council that:

The Executive Director, or his/her designee, is hereby authorized to enter into a contract with the Rutgers University Cooperative Extension (RCE) Water Resources Program for an amount not to exceed \$264,000, as approved by the Office of Management and Budget.

**CERTIFICATION**

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 18<sup>th</sup> day of July, 2019.

  
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 Carl Richko, Chair

**Vote on the Approval of  
 This Resolution**

	<b>Motion</b>	<b>Second</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Councilmember Alstede	_____	_____	✓	_____	_____	_____
Councilmember Carluccio	_____	_____	✓	_____	_____	_____
Councilmember Dougherty	_____	_____	✓	_____	_____	_____
Councilmember Dressler	✓	_____	✓	_____	_____	_____
Councilmember Francis	_____	_____	✓	_____	_____	_____
Councilmember Holtaway	_____	_____	✓	_____	_____	_____
Councilmember James	_____	_____	✓	_____	_____	_____
Councilmember Sebetich	_____	_____	_____	_____	_____	✓
Councilmember Visioli	_____	✓	✓	_____	_____	_____
Councilmember Vohden	_____	_____	_____	✓	_____	_____
Councilmember Walton	_____	_____	_____	✓	_____	_____
Chairman Richko	_____	_____	✓	_____	_____	_____