

5-2011-4

**RESOLUTION OF THE HUDSON COUNTY IMPROVEMENT
AUTHORITY AUTHORIZING PAYMENT OF CERTAIN
COSTS AND EXPENSES OF THE AUTHORITY
FOR THE MONTH OF MAY 2011**

WHEREAS, the costs and expenses set forth on the attached lists, having been reviewed and authorized for payment by the Finance Committee with the Executive Director from funds available for such purpose, are herewith presented to the Authority's Board for final approval and authorization to pay.

RECORDED VOTE:

	YES	NO	ABSTAIN	NOT PRESENT
Fred M. Bado	X			
Oren K. Dabney, Sr.	X			
James P. Doran, Ed.D.	X			
Stephen J. Gallo	X			
Frank Lorenzo	X			
Martin T. Martinetti	X			
John A. Peneda				X
Frank Pestana				X
John L. Shinnick	X			

The foregoing is a true and complete copy of a resolution of the Hudson County Improvement Authority adopted at a meeting thereof duly called and held on Wednesday, May 11, 2011.



**CARMEN LOZANO, ASSISTANT SECRETARY
(SEAL)**

**RESOLUTION OF THE HUDSON COUNTY IMPROVEMENT AUTHORITY
AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS
PURSUANT TO THE COMPETITIVE CONTRACTING PROVISIONS
OF THE LOCAL PUBLIC CONTRACTS LAW IN CONNECTION
WITH THE AUTHORITY'S RENEWABLE ENERGY PROGRAM**

WHEREAS, the Hudson County Improvement Authority ("**Authority**") has been duly created by ordinance of the Hudson County Board of Chosen Freeholders ("**Board**"), as public body corporate and politic of the State of New Jersey pursuant to and in accordance with the County Improvement Authorities Law, constituting Chapter 183 of the Pamphlet Laws of 1960 of the State, as amended and supplemented from time to time ("**Act**"); and

WHEREAS, the Authority desires to undertake the development and implementation of a program ("**Renewable Energy Program**") for the financing, design, permitting, acquisition, installation, operation and maintenance of renewable energy capital equipment and facilities such as solar panels, including any related electrical modifications or other work required or convenient for the installation of such systems (collectively, the renewable energy capital equipment and facilities, the "**Renewable Energy Projects**") for and on behalf of the County and local governmental units within the County, including without limitation municipalities, boards of education for school districts, local authorities and any other local government instrumentalities, public bodies or other local government entities; collectively, including the County, ("**Local Units**"); and

WHEREAS, the Renewable Energy Projects procured under the Renewable Energy Program are to be installed on, in, affixed or adjacent to and/or for any other Local Unit controlled buildings, other structures, lands or other properties of the Local Units (collectively, "**Local Unit Facilities**"); and

WHEREAS, it may be necessary, desirable or convenient, in connection with the Renewable Energy Projects, to finance, design, permit, acquire, construct, renovate and install certain capital improvements to the Local Unit Facilities, including, without limitation, improvements to or replacement of, roofing systems ("**Capital Improvement Projects**") and together with the Renewable Energy Projects and any Completion Project as defined in the hereinafter defined Bond Resolution, ("**Projects**"); and

WHEREAS, the primary goal of the Renewable Energy Program is to expand the use of renewable energy sources available and utilized by the Local Units for their Local Unit Facilities, with the attendant environmental and financial benefits associated thereby, and to reduce the energy-related operating costs to the Local Units for their Local Unit Facilities, all intended to be offered at no net cost to the Local Units; and

WHEREAS, the Authority, in accordance with Department of Community Affairs, Division of Local Government Services (“**Division**”), Local Finance Notice (“**LFN**”) 2008-20, dated December 3, 2008, and LFN 2009-10, dated June 12, 2009, N.J.S.A. 40A:11-4.1 through 4.5, inclusive, of the Local Public Contracts Law, and/or other applicable law and through a competitive contracting request for proposal process (“**RFP**”), shall have procured the services of one or more private renewable energy developers (collectively, “**Successful Respondent**”) to (a) design, acquire, construct, install, operate and maintain the Renewable Energy Projects and (b) design, acquire, construct, renovate, and install the Capital Improvement Projects, if any, in both cases for certain designated Local Unit Facilities; and

WHEREAS, pursuant to N.J.S.A. 40A:11-4.3a, in order to initiate a competitive contracting process and issue the RFP, the Authority must first adopt a resolution authorizing the use of competitive contracting; and

WHEREAS, in order to comply with N.J.S.A. 40A:11-4.3b, the Authority shall select a Successful Respondent from the RFP process through the adoption of a resolution by the Authority;

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of the Hudson County Improvement Authority as follows:

Section 1. The Chairman of the Authority, the Chief Executive Officer of the Authority, or their designee (each an “Authorized Officer”), or at the direction of an Authorized Officer, any of the Authority’s consulting energy engineer, and/or the Authority’s counsel and financial advisor for the Renewable Energy Program, (collectively, “**Consultants**”) are hereby severally authorized to (a) issue the RFP (b) post the notice of the RFP (Exhibit 1 to the RFP) and the RFP on the Authority website, and (c) from time to time issue any addenda to the RFP, if required, desirable or convenient to conclude the selection process, all in such form and with such terms and conditions that any such Authorized Officer shall determine, in their sole discretion, after consultation with the Consultants, to be compliant with the Act, N.J.S.A. 19:44A-20.1 *et seq.*, and other applicable law and otherwise in the best interests of Authority, the County and/or the Local Units in the development and implementation of the Renewable Energy Program, which posting shall state, at a minimum, that copies of the RFP are available from the Authority upon written request.

Section 2. Upon receipt of the responsive proposals to the RFP (“**Company Proposals**”), one or more of the Authorized Officers of the Authority and its Consultants shall review the Company Proposals on the basis of the Evaluation Criteria as defined and set forth in Section 6.2 of the RFP.

Section 3. Prior to making a recommendation to the governing body of the Authority as to the selection of a Company Proposal that would be the most beneficial to the development and implementation of the Renewable Energy Program, the Authority, the County and the Local Units shall cause the preparation of a report evaluating and recommending the award of a contract or contracts pursuant to N.J.S.A. 40A:11-4.5d.

Section 4. The award of a contract to the Successful Respondent shall be made by the governing body of the Authority at a subsequent Authority public meeting, unless otherwise delegated in a subsequent resolution of the Authority.

Section 5. Each Authorized Officer and at their direction, the Consultants, are hereby severally authorized to take such other actions as may be deemed, in their sole discretion, to be necessary, desirable or convenient in carrying out the intentions of this resolution with respect to the RFP for the development and implementation of the Renewable Energy Program.

Section 6. All actions taken to date by the Authority, the Authorized Officers and the Consultants, with respect to the matters set forth in or contemplated by this resolution, are hereby ratified and approved.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

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RECORDED VOTE:

	YES	NO	ABSTAIN	NOT PRESENT
Fred M. Bado	X			
Oren K. Dabney, Sr.	X			
James P. Doran, Ed.D.	X			
Stephen J. Gallo	X			
Frank Lorenzo	X			
Martin T. Martinetti	X			
John A. Peneda				X
Frank Pestana				X
John L. Shinnick	X			

The foregoing is a true and complete copy of a resolution of the Hudson County Improvement Authority adopted at a meeting thereof duly called and held on Wednesday, May 11, 2011.

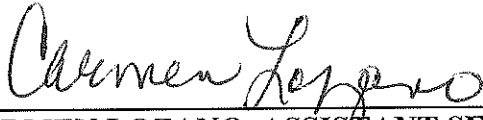


CARMEN LOZANO, ASSISTANT SECRETARY
(SEAL)

CERTIFICATION

I, CARMEN LOZANO, Assistant Secretary of the Hudson County Improvement Authority, **HEREBY CERTIFY** that the foregoing **RESOLUTION OF THE HUDSON COUNTY IMPROVEMENT AUTHORITY AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS PURSUANT TO THE COMPETITIVE CONTRACTING PROVISIONS OF THE LOCAL PUBLIC CONTRACTS LAW IN CONNECTION WITH THE AUTHORITY'S RENEWABLE ENERGY PROGRAM** is a true copy of a resolution adopted by the governing body of the Authority on May 11, 2011.

HUDSON COUNTY IMPROVEMENT AUTHORITY

By: 
CARMEN LOZANO, ASSISTANT SECRETARY

Dated: May 11, 2011

**RESOLUTION OF THE HUDSON COUNTY IMPROVEMENT AUTHORITY
DESIGNATING THE SUCCESSFUL RESPONDENT FOR THE DESIGN,
INSTALLATION, OPERATION AND MAINTENANCE OF A SOLAR RENEWABLE
ENERGY SYSTEM AT THE HARRISON PARKING CENTER**

WHEREAS, the Hudson County Improvement Authority (“Authority”) has been duly created by ordinance of the Hudson County Board of Chosen Freeholders, as public body corporate and politic of the State of New Jersey pursuant to and in accordance with the County Improvement Authorities Law, constituting Chapter 183 of the Pamphlet Laws of 1960 of the State, as amended and supplemented from time to time; and

WHEREAS, the Authority has authorized the development and implementation of a program (“Renewable Energy Program”) for the financing, design, permitting, acquisition, installation, operation and maintenance of renewable solar energy capital equipment and facilities, including any related electrical modifications or other work required or convenient for the installation of such systems for and on behalf of the County and local governmental units within the County, including without limitation municipalities, boards of education for school districts, local authorities and any other local government instrumentalities, public bodies or other local government entities; collectively, including the County; and

WHEREAS, on January 25, 2011, the Authority issued a Request for Proposals (“RFP”), pursuant to the competitive contracting provisions of the Local Public Contracts Law (codified at N.J.S.A. 40A:11-4.1 et seq., the “Contracts Law”), for a solar developer to install a photovoltaic system at the Harrison Parking Center in the Town of Harrison; and

WHEREAS, on March 8, 2011, the due date for proposals pursuant to the RFP, the Authority received two (2) proposals in response to the RFP: G&S Solar Installers, LLC; and Borrego Solar Systems, Inc. (the “Solar Developer Respondents”); and

WHEREAS, the proposals from the Solar Developer Respondents were reviewed by the Authority’s evaluation team and were deemed to be compliant with the requirements of the RFP; and

WHEREAS, subsequently, by letter of April 7, 2011, Borrego Solar Systems, Inc. requested that it be permitted to withdraw its proposal as it discovered a mistake in its calculations of the Power Purchase Agreement price, which resulted in a price that was not financeable or feasible according to Borrego Soar Systems, Inc; and

WHEREAS, the Authority made a determination to allow Borrego Solar Systems, Inc. to withdraw its bid rather than potentially award a contract that would result in litigation and frustrate the efforts of the Authority to develop its solar initiative at the site of the Harrison Parking Center; and

WHEREAS, the Authority's Evaluation Team subsequently evaluated the remaining proposal from G&S Solar Installers, LLC and prepared a "Solar Proposal Evaluation Report," dated May 6, 2011 (a copy of which is attached hereto as Exhibit A, the "Evaluation Report"), and has recommended the award of a contract to G&S Solar Installers, LLC as the Successful Respondent for the provision of the solar services;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Hudson County Improvement Authority as follows:

Section 1. The Authority hereby accepts and approves the Evaluation Report, prepared by the Evaluation Team in accordance with the competitive contracting provisions of the Contracts Law and designating G&S Solar Installers, Inc as the Successful Respondent in response to the RFP in accordance with the terms of G&S Solar Installers, LLC's proposal.

Section 2. The Authority hereby determines, in accordance with the competitive contracting provisions of the Contracts Law, that G&S Solar Installers, LLC shall be designated as the Successful Respondent in response to the RFP in accordance with the terms of G&S Solar Installers, LLC's proposal. This award shall not be binding on the Authority until the Power Purchase Agreement and Site License (the "Solar Documents"), including, without limitation, the incorporation of the terms of the G&S Solar Installers, LLC proposal, shall have been executed, adopted and delivered by the Authority.

Section 3. The Chairman of the Authority or the Chief Executive Officer of the Authority are hereby severally authorized to (a) execute and deliver to the other parties hereto the Solar Documents incorporating the terms of the G&S Solar Installers, LLC Proposal, and (b) take such other action, including without limitation the execution and delivery of such other certificates, instruments or other documents in connection therewith or otherwise contemplated thereby, as the Chairman or Chief Executive Officer, after consultation with the Authority's counsel or energy consultant, shall determine to be in the best interests of the Authority to implementing the Renewable Energy Program.

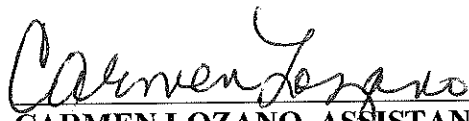
Section 4. All actions taken to date by the Authority and its evaluation team, with respect to the matters set forth in or contemplated by this resolution, are hereby ratified and approved.

Section 5. This resolution shall take effect immediately.

RECORDED VOTE:

	YES	NO	ABSTAIN	NOT PRESENT
Fred M. Bado	X			
Oren K. Dabney, Sr.	X			
James P. Doran, Ed.D.	X			
Stephen J. Gallo	X			
Frank Lorenzo	X			
Martin T. Martinetti	X			
John A. Peneda				X
Frank Pestana				X
John L. Shinnick	X			

The foregoing is a true and complete copy of a resolution of the Hudson County Improvement Authority adopted at a meeting thereof duly called and held on Wednesday, May 11, 2011.



CARMEN LOZANO, ASSISTANT SECRETARY
(SEAL)

CERTIFICATION

I, CARMEN LOZANO, Assistant Secretary of the Hudson County Improvement Authority, **HEREBY CERTIFY** that the foregoing **RESOLUTION OF THE HUDSON COUNTY IMPROVEMENT AUTHORITY DESIGNATING THE SUCCESSFUL RESPONDENT FOR THE DESIGN, INSTALLATION, OPERATION AND MAINTENANCE OF A SOLAR RENEWABLE ENERGY SYSTEM AT THE HARRISON PARKING CENTER** is a true copy of a resolution adopted by the governing body of the Authority on May 11, 2011.

HUDSON COUNTY IMPROVEMENT AUTHORITY

By: _____
Carmen Lozano, Assistant Secretary

Dated: May 11, 2011

5-2011-7

**RESOLUTION OF THE HUDSON COUNTY IMPROVEMENT
AUTHORITY AUTHORIZING AN AMENDMENT
TO THE CONTRACT FOR AUDITING SERVICES WITH
DONOHUE, GIRONDA & DORIA**

WHEREAS, the Authority and Donohue, Gironda & Doria, a professional corporation (hereinafter referred to as the "Consultant") entered into a contract to provide Auditing services; and

WHEREAS, the Authority has determined that the previous authorized amount is insufficient for the services required from the Consultant; and

WHEREAS, the Executive Director/CFO has certified that sufficient funds are available in the 2011 Operating Budget; and

NOW, THEREFORE, BE IT RESOLVED, by the Hudson County Improvement Authority as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Authority hereby authorizes the Chairman, the Vice Chairman, Chief Executive Officer and/or the Executive Director/CFO in consultation with the Chairman of the Authority to execute and Amend to the Contract between the Authority and Donohue, Gironda & Doria in order to increase the contract amount by \$5,000.00 for a total contract amount of \$85,000.00.
3. Notice of this action shall be published as required by law.
4. A copy of this Resolution shall be available for public inspection in the office of the Clerk of the Board of Chosen Freeholders and the offices of the Authority located at 574 Summit Avenue, 5th floor, Jersey City, New Jersey between the hours of 9:00 a.m. and 5:00 p.m.

5. This resolution shall take effect immediately.

RECORDED VOTE:

	YES	NO	ABSTAIN	NOT PRESENT
Fred M. Bado	X			
Oren K. Dabney, Sr.	X			
James P. Doran, Ed.D.	X			
Stephen J. Gallo	X			
Frank Lorenzo	X			
Martin T. Martinetti	X			
John A. Peneda				X
Frank Pestana				X
John L. Shinnick	X			

The foregoing is a true and complete copy of a resolution of the Hudson County Improvement Authority adopted at a meeting thereof duly called and held on Wednesday, May 11, 2011.



**CARMEN LOZANO, ASSISTANT SECRETARY
(SEAL)**

**RESOLUTION OF THE HUDSON COUNTY IMPROVEMENT
AUTHORITY MAKING APPLICATION TO THE LOCAL
FINANCE BOARD PURSUANT TO N.J.S.A. 40A:5A-6**

WHEREAS, the Hudson County Improvement Authority (the "Authority") desires to make application to the Local Finance Board for its review and/or approval of a proposed project financing, collectively on behalf of the County of Hudson, the cities of Bayonne, Hoboken, and Jersey City, towns of Harrison and West New York, the Township of Weehawken, and the Bayonne Local Redevelopment Authority and Bayonne Municipal Utilities Authority, through the Authority's \$300,000,000 County-Guaranteed Pooled Note Local Unit Loan Program, in accordance with Sections 54(a) of the county improvement authorities law (N.J.S.A. 40:37A-54(a)); and

WHEREAS, the Authority believes that:

- (a) it is in the public interest to accomplish such purpose;
- (b) said purpose or improvements are for the health, welfare, convenience or betterment of the inhabitants of the local unit or units;
- (c) the amounts to be expended for said purpose or improvements are not unreasonable or exorbitant; and
- (d) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the local unit or units and will not create an undue financial burden to be placed upon the local unit or units.

NOW THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS OF THE HUDSON COUNTY IMPROVEMENT AUTHORITY, AS FOLLOWS:

Section 1. The application to the Local Finance Board is hereby approved, and the Authority's Bond Counsel and financial advisor, along with other representatives of the Authority, are hereby authorized to prepare such application and to represent the Authority in matters pertaining thereto.

Section 2. The Secretary of the Authority is hereby directed to prepare and cause bond counsel to the Authority to file a copy of this resolution with the Local Finance Board as part of such application.

Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey Statute.

Section 4. This resolution shall take effect immediately.

RECORDED VOTE:

	YES	NO	ABSTAIN	NOT PRESENT
Fred M. Bado	X			
Oren K. Dabney, Sr.	X			
James P. Doran, Ed.D.	X			
Stephen J. Gallo	X			
Frank Lorenzo	X			
Martin T. Martinetti	X			
John A. Peneda				X
Frank Pestana				X
John L. Shinnick	X			

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**CARMEN LOZANO, ASSISTANT SECRETARY
(SEAL)**

**RESOLUTION OF THE HUDSON COUNTY
IMPROVEMENT AUTHORITY RECOMMENDING THE
MODIFICATION BY ADMINISTRATIVE ACTION OF
THE 2009 AGREEMENT BETWEEN
THE HUDSON COUNTY IMPROVEMENT AUTHORITY
AND CLEAN EARTH OF NORTH JERSEY, INC.**

WHEREAS, the New Jersey Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq. designated each of the 21 Counties in the State of New Jersey and the New Jersey Meadowlands District, as solid waste management districts and required each such district to adopt a solid waste management plan; and

WHEREAS, the Board of Chosen Freeholders of the County of Hudson has designated The Hudson County Improvement Authority (the "Authority") as the implementing agency for its Solid Waste Management Plan (the "Plan") and the Authority has been charged with implementing, updating and amending the aforesaid Plan; and

WHEREAS, by Resolution 2-2009-12b dated February 17, 2009, the Authority approved an Agreement with Clean Earth of North Jersey, 105 Jacobus Avenue, Kearny, NJ 07032 (specifically Block 289, Lots 14, 14A & 14R) for inclusion in the Plan as a Transfer Station/Materials Recovery Facility with a daily capacity to 2,810 tons/day of Waste Type 10, 13, 13C, 27 & 27A; and

WHEREAS, the Authority and Clean Earth now desire to modify the aforesaid agreement to specifically reference the traffic approach routes included in the original Clean Earth application.

NOW THEREFORE, BE IT RESOLVED BY THE HUDSON COUNTY IMPROVEMENT AUTHORITY, as follows:

1. The aforesaid recitals are hereby incorporated herein as if fully set forth at length.
2. The Authority hereby approves the modification to the terms and conditions of the Agreement between Clean Earth of North Jersey, Inc and the Authority as set forth in Exhibit A attached, setting out the traffic approach routes included in the original Clean Earth application.
3. The Chairman of the Authority, or the Chief Executive Officer of the Authority in consultation with the Chairman, is hereby authorized to execute the Modification substantially in the form attached hereto as Exhibit A.

4. A copy of this Resolution, including a copy of the Modification, shall be forwarded to the Clerk of the Board of Chosen Freeholders of Hudson County, for public inspection; the Resolution and the Modification are also available for public inspection at the offices of the Authority at 574 Summit Avenue, Fifth Floor, Jersey City, New Jersey between the hours of 9:00 a.m. and 5:00 p.m.

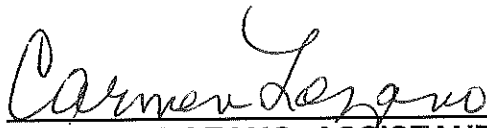
5. This Resolution shall take effect immediately.

6. Notice of this action shall be published, if necessary, by the Authority.

RECORDED VOTE:

	YES	NO	ABSTAIN	NOT PRESENT
Fred M. Bado	X			
Oren K. Dabney, Sr.	X			
James P. Doran, Ed.D.	X			
Stephen J. Gallo	X			
Frank Lorenzo	X			
Martin T. Martinetti	X			
John A. Peneda				X
Frank Pestana				X
John L. Shinnick	X			

The foregoing is a true and complete copy of a Resolution of The Hudson County Improvement Authority which was adopted at a meeting thereof duly called and held on Wednesday, May 11, 2011.



CARMEN LOZANO, ASSISTANT SECRETARY
(SEAL)