Pursuant to N.J.S.A.13:20-5j this Resolution shall have no force or effect
until the completion of the Governor's review of the Highlands Council minutes

RESOLUTION 2019-7

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL APPROVAL OF CONTRACT FOR WATER QUALITY MANAGEMENT PLANNING/GIS SERVICES

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, the Highlands Council conducts wastewater management planning activities, including preparation and updating of municipal Wastewater Management Plans (WMPs), on behalf of conforming municipalities within the Highlands Region, in furtherance of the goals of the RMP; and

WHEREAS, in early 2018, the Highlands Council staff, solely utilizing internal resources, initiated the process of updating WMPs on behalf of eighteen (18) conforming municipalities, with an anticipated completion date of no later than the regulatory deadline of June 30, 2019 as set forth under N.J.A.C. 7:15; and

WHEREAS, Raphael Zagha, a former Highlands Council GIS Specialist II, had been performing the underlying GIS work to support the preparation of the WMP updates at the time he left the Highlands Council on February 8, 2019 to pursue another career opportunity; and

WHEREAS, with the departure of Mr. Zagha, the Highlands Council lacks sufficient internal resources and expertise to complete the WMP updates in accordance with the regulatory deadline of June 30, 2019; and

WHEREAS, although the Highlands Council is seeking to fill the position of GIS Specialist II formerly occupied by Mr. Zagha, no appropriate candidate has been hired to date; and

WHEREAS, seeking competitive proposals for professional services to complete this work through a Request for Proposal process was not possible given the time constraints involved; and

WHEREAS, Mr. Zagha, in addition to his GIS skills, possesses an intimate knowledge of both the RMP and the regulatory requirements to complete WMPs under the WQMP rules at N.J.A.C. 7:15 that makes him uniquely qualified to satisfactorily and timely complete the WMP updates; and

WHEREAS, Mr. Zagha formed Ziggy Spatial LLC (Ziggy Spatial), a limited liability company that provides GIS consulting services; and

WHEREAS, the Highlands Council determined that services supplied by Ziggy Spatial are necessary to complete the WMP updates, as well as incorporating any revisions to the WMPs that may be necessary during the regulatory review process; and

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RESOLUTION 2019-7

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF CONTRACT FOR
WATER QUALITY MANAGEMENT PLANNING/GIS SERVICES

WHEREAS, the contract shall be for a not-to-exceed cost of $12,500 and shall terminate at the end of 2019; and

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

WHEREAS, the Highlands Council staff recommended a sole source contract with Ziggy Spatial pursuant to Executive Order 37 (2006) paragraph 16(c) and GAU Procurement Best Practices dated July 19, 2012, paragraph VII (e) in that Ziggy Spatial's exceptional knowledge of and experience with the regulatory requirements of the WMP project as well as the requisite GIS expertise needed to complete the project 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, based on the impending regulatory deadline and the extent of the work needed to complete the WMP updates timely, on April 16, 2019 the Executive Director entered a contract with Ziggy Spatial for Water Quality Management Planning/GIS Services in an amount not-to-exceed $12,500 on an emergency basis and with the advice of counsel and the approval of the Government Authorities Unit (GAU); and

WHEREAS, the services to be performed by Ziggy Spatial for a not-to-exceed cost of $12,500 have been reviewed and approved by the Budget and Finance Committee;

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

The contract by and between the Highlands Council and Ziggy Spatial for Water Quality Management Planning/GIS Services in a not-to-exceed amount of $12,500 executed by the Executive Director on April 16, 2019 is hereby approved and ratified by the Highlands Council through resolution.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 16th day of May, 2019.

Carl Richko, Chair

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RESOLUTION 2019-7

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF CONTRACT FOR
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Vote on the Approval of This Resolution	Motion	Second	Yes	No	Abstain	Absent
Councilmember Alstede			√			
Councilmember Carluccio			√			
Councilmember Dougherty	√		√			
Councilmember Dressler						√
Councilmember Francis			√			
Councilmember Holtaway		√	√			
Councilmember James			√			
Councilmember Sebetich						√
Councilmember Visioli						√
Councilmember Vohden			√			
Councilmember Walton			√			
Chairman Richko			√			