

SMITHFIELD SEWER AUTHORITY

RESOLUTION

4-1989

WHEREAS, This Authority is a municipality authority existing under and governed by the Pennsylvania Municipality Authorities Act of 1945, approved May 2, 1945, P.L. 382, as amended and supplemented; and

WHEREAS, This Authority pursuant to authority vested in it by law and pursuant to a transfer agreement between the Township of Smithfield and the Authority dated April 26, 1989 and the request and consent of the Township of Smithfield, Monroe County, Pennsylvania (the "Township"), plans to acquire and to construct certain sanitary sewage collection, transmission, treatment and disposal system for rendering sanitary sewerage service, inter alia, in and for the Township, which undertakings are referred to herein as the "Project"; and

WHEREAS, Plans and specifications for construction related to the Project have been prepared by the firm of BCM Eastern, Inc., Consulting Engineers (the "Consulting Engineers"), Plymouth Meeting, Pennsylvania; and

WHEREAS, the Township, after due advertisement in accordance with law, received competitive bids for construction related to the Project, in accordance with such plans and specifications of the Consulting Engineers, which bids duly have been opened, read and considered; and

WHEREAS, pursuant to the transfer agreement between the Township and Authority dated the 26th day of April, 1989, the Authority agreed to assume full responsibility for the Project and to use its best efforts to complete such Project in a timely, cost-effective and expeditious manner and further, the Township conveyed to the Authority all of its right, title and interest

and all contractual rights and obligations relating to the Project, including, but not limited to Contract No. 1, Contract No. 2, Contract No. 3, and Contract No. 4 for the construction of the Smithfield Township Wastewater Sewer Project together with bids received thereon; and

WHEREAS, the Authority has expressed its intention that certain contracts shall be formally awarded with respect to the Project, after compliance by the contractors with the requirements of the Pennsylvania Public Water Works Contractors' Bond Law of 1967, approved December 20, 1967, P.L. 869, and with requirements of the specifications promulgated by the Consulting Engineers in connection with the Project, under and pursuant to which specifications the proposals of the contracts were submitted to this Authority, which respect to the furnishings of performance bonds and payment bonds.

NOW, THEREFORE, BE IT RESOLVED, by the Board of this Authority, as follows:

1. The contracts relating to the Project shall be and are awarded in accordance with Schedule A, which is attached hereto and made a part hereof.

2. Daniel M. Corveleyn, Esquire of Mervine, Brown, Newman, Williams & Mishkin, P.C., 712 Monroe Street, Stroudsburg, Pennsylvania, Solicitors for Authority is hereby directed to advise the aforesaid successful contractors of the awards of such contracts, to arrange for execution of appropriate contracts by such contractors, and to secure from such contractors proper evidence of required insurance coverage, as required by the application specifications and to receive the performance bonds and payments bonds pursuant to the Pennsylvania Public Works Contractors' Bond Law of 1967 as aforementioned.

3. The Chairman or Vice Chairman and the Secretary or Assistant Secretary of this Authority shall be and are authorized and directed to

execute and to deliver the appropriate contracts to such successful contracts in accordance with the foregoing awards; Provided, however, that such action shall be taken only after said contracts duly have been executed by the contractors and after said contracts shall have furnished the required evidence and insurance coverage, and performance bonds and payments bonds, as provided by the applicable specifications and law.

4. Proper officers of this Authority are authorized and directed to take all action and to do all things which may be necessary and proper in order to carry out the intent and purpose of this Resolution.

5. All prior action taken by this Authority in connection with the Project and the required financing is ratified and confirmed.

Duly adopted this 24th day of May, 1989

SMITHFIELD SEWER AUTHORITY

SCHEDULE A

(a) Contract No. 1 - Sanitary Sewers and Force Mains - shall be awarded to Mele Construction Company of 1107 Mill Street, Dunmore, Pennsylvania 18512, at the total bid price of \$3,756,600.50, being the total bids for unit prices for estimated quantities of lump sum, as applicable, for all items, as set forth in the contract documents as prepared by the Consulting Engineers, subject to the terms, conditions and adjustments, including any changes, alterations, deductions, additions, or other modifications, if any, contemplated by the contract documents prepared by the Consulting Engineers, including the aforesaid plans and specifications under which said bid was submitted;

(b) Contract No. 2 - Construction of Two Wastewater Pumping Stations and Appurtenances - shall be awarded to Wilmer Fisher, Inc. of 220 Park Road North, Wyomissing, Pennsylvania 19610 at the total bid price of \$279,838.00, being the total of bids for unit prices for estimated quantities or lump sum, as applicable, for all items, as set forth in the contract documents as prepared by the Consulting Engineers, subject to the terms, conditions and adjustments, including any changes, alterations, deductions, additions, or other modifications, if any, contemplated by the contract documents prepared by the Consulting Engineers, including the aforesaid plans and specifications under which said bid was submitted;

(c) Contract No. 3 - Wastewater Treatment Plant - shall be awarded to Worth & Company, Inc., 180 Harvey Avenue, Doylestown, Pennsylvania 18901, at the total bid price of \$1,206,987.00, being the total of bids for unit prices for estimated quantities or lump sum, as applicable, for all items, as set forth in the contract documents as prepared by the Consulting Engineers,

subject to the terms, conditions and adjustments, including any charges, alterations, deductions, additions, or other modifications, if any, contemplated by the contract documents prepared by the Consulting Engineers, including the aforesaid plans and specifications under which said bid was submitted;

(d) Contract No. 4 - Wastewater Treatment Plant - Electrical - shall be awarded to Marshalls Creek Electric, Inc. at the total bid price of \$133,400.00, being the total of bids for unit prices for estimated quantities or lump sum, as applicable, for all items, as set forth in the contract documents as prepared by the Consulting Engineers, subject to the terms, conditions and adjustments, including any changes, alterations, deductions, additions, or other modifications, if any, contemplated by the contract documents prepared by the Consulting Engineers, including the aforesaid plans and specifications under which said bid was submitted.

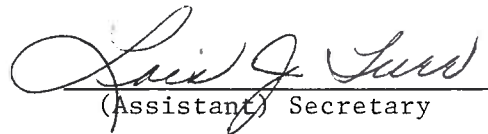
CERTIFICATE

I, the undersigned, (Assistant) Secretary of the Smithfield Sewer Authority (the "Authority"), certify: that the foregoing is a true and correct copy of a Resolution which was duly adopted by affirmative vote of a majority of all members of the Board of the Authority at a meeting of said Board duly convened and held according to law on May 24, 1989, at which meeting a quorum was present; that said Resolution duly has been recorded in the minutes of the Board of the Authority; and that said Resolution is in full force and effect, without amendment, alteration or repeal, as of the date of this Certificate.

I further certify that the Board of the Authority met the advance notice requirements of the Sunshine Act, Act No. 1986-84 of the General Assembly of the Commonwealth of Pennsylvania, approved July 3, 1986, as amended, by advertising the time and place of said meeting and by posting prominently a notice of said meeting at the principal office of the Authority or at the public building in which said meeting was held.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Authority, this 24th day of May, 1989.





(Assistant) Secretary