

RESOLUTION AUTHORIZING A MEMORANDUM OF UNDERSTANDING
FOR THE PROCUREMENT OF F-500 FOAM

WHEREAS, the Board of Fire Commissioners of Fire District No. 4, Township of Howell, County of Monmouth, State of New Jersey, requires the procurement of F-500 Foam in order to efficiently fulfill its charge of delivering fire service within the Township; and

WHEREAS, the Board recognizes that the Board of Fire Commissioners of Fire District No. 3, Township of Brick, County of Ocean, State of New Jersey, also requires the procurement of F-500 Foam in order to efficiently fulfill its charge of delivering fire service within Brick Township; and

WHEREAS, the Board finds and determines that participation in joint procurement of F-500 Foam with Fire District No. 3, Township of Brick, is in the best interest of both Districts and will enture to the benefit of the taxpayers.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Fire Commissioners of Fire District No. 4, Township of Howell, County of Monmouth, State of New Jersey, enter into a Memorandum of Understanding (MOU) for the procurement of F-500 Foam with Board of Fire Commissioners of Fire District No. 3, Township of Brick, County of Ocean, State of New Jersey; and

BE IT FURTHER RESOLVED, that the Board authorizes the Chairman to execute the Memorandum of Understanding, Joint Purchase of F-500 Foam, a copy of which is attached hereto and made a part hereof, and the Clerk attest thereto; and

BE IT FURTHER RESOLVED, that the Board authorizes the Chairman to execute any and all other documents necessary to effectuate the intent of this Resolution and the Clerk attest thereto; and

BE IT FURTHER RESOLVED, that the within Resolution shall be effective immediately upon passage; and

BE IT FURTHER RESOLVED, that any resolution or part of a resolution inconsistent herewith is hereby repealed or otherwise revoked; and

BE IT FURTHER RESOLVED, that if any section, paragraph, sentence, clause or phrase in this Resolution is for any reason held or determined to be unconstitutional or invalid, same shall not affect the remainder of this Resolution; and

BE IT FURTHER RESOLVED, that notwithstanding anything set forth herein to the contrary, the Board shall be permitted to amend, modify, repeal or otherwise act as to those topics

which are the subject of this Resolution provided said acts are consistent with public policy, Board bylaws, township ordinances, local, state and federal laws and rules and regulations promulgated thereunder; and

BE IT FURTHER RESOLVED, that an original signed, conformed and compared copy of this Resolution be accessible and maintained as an official Board record pursuant to and in accordance with the "Open Public Records Act"; N.J.S.A. 47:1A-1, *et seq.* and the "Destruction of Public Records Law (1953)"; N.J.S.A. 47:3-8.1, *et seq.* as set forth by the State of New Jersey Municipal Agency Record Retention Schedule promulgated by the Division of Archives and Record Management.

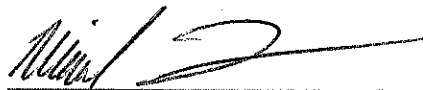
CERTIFICATION

I, MICHAEL L. ACAMPORA, Clerk of the Board of Fire Commissioners of Fire District No. 4, Township of Howell, County of Monmouth, State of New Jersey, do hereby certify that the foregoing is a true conformed and compared copy of an original Resolution now on file and of record in the District office which was duly adopted at a public meeting held on the 11th day of August, 2020.

I do further certify that the said Board of Fire Commissioners of Fire District No. 4, Township of Howell, County of Monmouth, State of New Jersey, is composed of - 5 - members, and that - 5 - members were present and - 5 - members voted affirmatively for the adoption of the Resolution and - 0 - members voted against the adoption of the Resolution.

The undersigned further certifies that the above Resolution has not been repealed or amended and remains in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Board of Fire Commissioners of Fire District No. 4, Township of Howell, County of Monmouth, State of New Jersey, on this 11th day of August, 2020.



MICHAEL L. ACAMPORA, CLERK
Board of Fire Commissioners
Fire District No. 4
Township of Howell

Memorandum of Understanding

Joint Purchase of F-500 Foam

This Memorandum of Understanding, hereinafter referred to as "MOU", is entered into by the Board of Fire Commissioners of Fire District No. 3, Township of Brick, County of Ocean, State of New Jersey, hereinafter referred to as the "Lead Agency", and the Board of Fire Commissioners of Fire District No. 4, Township of Howell, County of Monmouth, State of New Jersey, hereinafter referred to as the "Participating Party". The purpose of this MOU is to define the responsibilities and relationships between the agencies for the joint purchasing of F-500 Foam.

WHEREAS, the Lead Agency and the Participating Party both provide fire suppression services within their respective Townships; and

WHEREAS, the Lead Agency and the Participating Party both require procurement of F-500 Foam.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, the parties hereto agree as follows:

1. Responsibilities of the Lead Agency:

The Lead Agency agrees to undertake the following duties during the term of this Agreement:

- A. To conduct the procurement of the F-500 Foam in accordance with the purchasing laws promulgated by the State of New Jersey.
- B. To collect the required funding from the Participating Party and to pay the F-500 Foam vendor.
- C. To provide program administration including required communications, recordkeeping, and audit support.

2. Responsibilities of the Participating Party:

The Participating Party agrees to undertake the following duties during the term of this Agreement:

- A. To provide all required financial contributions in a timely manner.

3. Cost Sharing:

The Lead Agency will purchase the amount of F-500 Foam equivalent to the identified needs of the Participating Party in accordance with the purchasing laws of the State of New Jersey. All purchase costs shall be apportioned pro rata on the basis of the number of units purchased by the Participating Party and the Lead Agency.

Once the price, terms, conditions and option configurations of the purchase are finalized, the Participating Party shall contribute their "Final Agency Contribution" amount to the Lead Agency in advance of a purchase commitment. Then, the purchase will be executed and the vendor will be paid by the Lead Agency.

Any F-500 Foam purchased by either agency shall be the responsibility of that agency.

In the event an F-500 Foam unit is damaged beyond repair and in need of replacement, the cost for replacement of the unit shall be borne by the agency in possession of the unit at time of decommission.

4. Term:

This Agreement shall continue for the service life of the purchased quantity.

5. Modification of Agreement:

This Agreement may be modified only by a written agreement signed by all parties hereto.

6. Entire Agreement:

This Agreement represents the entire understanding of the parties as to those matters contained herein. No prior oral or written understanding shall be of any force or effect with respect to those matters covered hereunder.

7. Notices:

The parties hereto have executed this Agreement effective as of the date contained hereafter, having each agency's authorized representative provide signature. Furthermore, all notices shall be personally served or mailed, postage prepaid, to the following address, or to such other addresses as may be designated by the parties.

Attest:

BOARD OF FIRE COMMISSIONERS
FIRE DISTRICT NO. 3
TOWNSHIP OF BRICK
P.O. Box 1625, Brick, New Jersey 08723

ROBERT J. SALMON, CLERK

By: JAMES J. LEPORE, JR.
PRESIDENT

Date: _____

Attest:

BOARD OF FIRE COMMISSIONERS
FIRE DISTRICT NO. 4
TOWNSHIP OF HOWELL
88 Ramtown-Greenville Road
Howell, New Jersey 07731



MICHAEL L. ACAMPORA, CLERK



By: GREGORY E. SCARLATO
CHAIRMAN

Date: 8/11/2020