Mayor O'Neil offered the following resolution and moved on its adoption:

R-06-47

RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR VALLEY STREET PUMP STATION DESIGN PHASE

WHEREAS, the Borough of Highlands has a need to acquire engineering design of the Valley Street Pump Station as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, such professional engineering services can only be provided by licensed professionals in accordance with the Local Public Contracts Law, NJSA 40A:11-5(1)(a) and the firm of T&M Associates, 11 Tindall Road, Middletown, NJ 07748 is so recognized; and

WHEREAS, Michael Hrbek Purchasing Agent has determined and certified in writing that the value of the acquisition will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is 1 year and may be extended 2 times as approved by this governing body; and ; and

WHEREAS, T&M Associates has submitted a proposal indicating they will provide the design services for the \$32,500.00; and

WHEREAS, T&M Associates has completed and submitted a Business Entity Disclosure Certification which certifies that T&M Associates has not made any reportable contributions to a political or candidate committee in the Borough of Highlands in the previous one year, and that the contract will prohibit T&M Associates from making any reportable contributions through the term of the contract, and

WHEREAS, per N.J.A.C. 5:30-5.4, the CFO has certified funds as:

Certification of funds

Contingent upon adoption of Bond Ordinance 06-02 - Valley Street Pump Station. In the event Bond Ordinance 06-02 is not adopted, then the general engineering appropriation from the SFY 2006 general budget will be utilized. Certification of funds will be provided on a voucher by voucher basis.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Highlands authorizes the Mayor and Clerk to enter into a contract with T&M Associates as described herein; and,

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BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

NOW, THEREFORE, BE IT RESOLVED BY THE Mayor and Council of the Borough of Highlands as follows:

- 1. T & M Associates are hereby retained to provide professional engineering consulting services as described above for an amount not to exceed \$32,500.00 plus reimbursable expenses.
- 2. The contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession.
- 3. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
- 4. The Borough Clerk is hereby directed to publish notice of this award as required by law.

Seconded by Mrs. Little and adopted on the following roll call vote:

ROLL CALI	ia.
AYES:	Mr. Nolan, Mrs. Little, Mr. Caizza, Mr. Urbanski, Mayor O'Neil
NAYES:	None
ABSENT:	None
ABSTAIN:	None
Date:	March 15, 2006
	NINA LIGHT FLANNERY, BOROUGH CLERK

I hereby certify that the above Resolution was duly adopted by the Governing Body of the Borough of Highlands at a meeting held March 15, 2006.

BOROUGH CLERK/DEPUTY CLERK