

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

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

R-06-70

**RESOLUTION AMENDING RESOLUTION 05-195 AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL ARCHITECTURAL SERVICES
TOMAINO, TOMAINO, IAMELLO & ASSOCIATES, PA
ROBERT D. WILSON COMMUNITY CENTER RENOVATIONS**

WHEREAS, the Borough of Highlands adopted Resolution R-05-195 at a meeting held on December 7, 2005 awarding the above contract to Tomaino, Tomaino, Iamello & Associates , 136 Brighton Avenue, Deal, New Jersey 07723 for an amount not to exceed \$58,570 plus reimbursable expenses for renovations to the Robert D. Wilson Community Center; and

WHEREAS, the Borough's Chief Financial Officer has determined and certified in writing that the value of the contract will exceed \$17,500; and

WHEREAS, this contract is to be awarded for an amount not to exceed an additional \$19,062 for architectural services per Tomaino, Tomaino, Iamello & Associates proposal dated January 31, 2006 for expanded bid services (including one additional bid round if necessary) and the addition of food service design for the Robert D. Wilson Community Center Renovations for a total contract not to exceed \$77,632 plus reimbursable expenses; and

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

WHEREAS, certification of availability of funds is hereby provided by the Chief Financial Officer of the Borough of Highlands as follows

Bond Ordinance O-05-20

Stephen Pfeffer, Chief Financial Officer

WHEREAS, the Local Public Contracts Law N.J.S.A. 40A:11-1 et. seq. requires that notice with respect to contracts for professional services awarded without competitive bids must be publicly advertised;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highlands as follows:

1. Tomaino, Tomaino, Iamello & Associates are hereby retained to provide professional architectural services as described above for an additional amount not to exceed \$19,062 for a total contract not to exceed \$77,632 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.

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May 3, 2006

Seconded by Mr. Nolan and adopted on the following roll call vote:

ROLL CALL:

AYES: Mr. Nolan, Mrs. Little, Mr. Caizza, Mr. Urbanski, Mayor O'Neil
NAYES: None
ABSENT: None
ABSTAIN: None

Date: May 3, 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 May 3, 2006.

BOROUGH CLERK/DEPUTY CLERK