Mr. Nolan offered the following Resolution and moved its adoption:

R-07-61

RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES BASIN 2 SANITARY SEWER I/I PHYSICAL INVESTIGATION T& M ASSOCIATES

WHEREAS, the Borough of Highlands has a need for professional engineering services for the Basin 2 Sanitary Sewer I/I Physical Investigation as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, such professional engineering services can only be provided by licensed professionals and the firm of T & M Associates, Eleven Tindall Road, Middletown, N.J. 07748-2792 is so recognized; and

WHEREAS, the 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 \$43,000.00 plus reimbursable expenses per T & M Associates proposal dated March 28, 2007 for Professional Engineering Services for the Basin 2 I/I Physical Investigation provided to the Borough of Highlands; 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, T & M Associates has completed and submitted a Political Contribution Disclosure form in accordance with P.L. 2005, c 271; and

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

I hereby certify funds are available from Sewer Utility Operating Budget 3008-3757

Stephen Pfeffer, Chief Financial Officer

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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. T & M Associates are hereby retained to provide professional engineering services as described above for an amount not to exceed \$43,000 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 Mr. Urbanski and adopted on the following roll call vote:

ROLL CALL:

AYES:Mr. Nolan, Miss Thomas, Mr. Caizza, Mr. Urbanski, Mayor O'NeilNAYES:NoneABSENT:None

ABSTAIN: None

Date: April 4, 2007

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 April 4, 2007.

BOROUGH CLERK/DEPUTY CLERK

March 30, 2007

To: Nina Flannery Borough Clerk

Re: Resolution Professional Services - T & M Associates

This is to certify that the firm of T & M Associates will provide engineering services for Basin 2 I/I Physical Investigation for the Borough of Highlands. The costs associated with these services will exceed \$17,500. This contract will be awarded as a Non-Fair and Open Contract under the provisions of N.J.S.A. 19:44A-20-4.

Stephen Pfeffer Chief Financial Officer

