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

## **BOROUGH OF HIGHLANDS COUNTY OF MONMOUTH**

## R-09-70

## RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES VALLEY AVENUE STORM SEWER REHABILITATION T& M ASSOCIATES

WHEREAS, the Borough of Highlands has a need for professional engineering services for the Valley Avenue Storm Sewer Rehabilitation project 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 \$14,500 plus reimbursable expenses per T & M Associates proposal dated October 29, 2008 for Professional Engineering Services for the Valley Avenue Storm Sewer Rehabilitation project provided to the Borough of Highlands for the period of one year; 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 Bond Ordinance 09-03.

Stephen Pfeffer, Chief Financial Officer

Page 2 R-09-70 April 15, 2009

**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 \$14,500 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. The Mayor and Borough Clerk are hereby authorized to sign the contract.
- 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 Ms. Kane and adopted on the following roll call vote: **ROLL CALL:** 

AYES:	Mr. Francy, Ms. Kane, Mr. Caizza, Mayor Little
NAYES:	None
<b>ABSENT:</b>	Mr. Urbanski
<b>ABSTAIN:</b>	None

Date: April 15, 2009

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 15, 2009.

\_\_\_\_\_

-----

## **BOROUGH CLERK/DEPUTY CLERK**