Ms. Kane offered the following Resolution and moved its adoption:

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

#### R-09-131

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

WHEREAS, the Borough of Highlands has a need for professional engineering services 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 \$45,000 plus reimbursable expenses for Professional Engineering Services provided to the Borough of Highlands for the period July 1, 2009 through December 31, 2009; 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 as follows contingent upon adoption of the SFY 2010 municipal budget:

Current Fund: General Engineering and Stormwater Management Sewer Utility Fund: Other Expenses

Stephen Pfeffer, Chief Financial Officer

Page 2 R-09-131 July 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 \$45,000 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. The Mayor and Borough Clerk are hereby authorized to sign said 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 Mr. Caizza and adopted on the following roll call vote:

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

Date: July 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 July 15, 2009.

# **BOROUGH CLERK/DEPUTY CLERK**