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

BOROUGH OF HIGHLANDS COUNTY OF MONMOUTH

R-09-197

RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES HDSRF GRANT APPLICATION FOR 2 PRIVATE ROAD PMK GROUP – A DIVISION OF BIRDSALL SERVICES GROUP

WHEREAS, the Borough of Highlands has a need for professional engineering services for the NJDEP Office of Brownfield Reuse Hazardous Discharge Site Remediation Fund grant application for 2 Private Road 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 PMK Group, a Division of Birdsall Services Group, 611 Industrial Way West, Eatontown, N.J. 07724 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 \$2,000 plus reimbursable expenses per the Birdsall Services Group's proposal dated January 30, 2009 for HDSRF Grant Acquisition Assistance for 2 Private Road provided to the Borough of Highlands for the period of one year; and

WHEREAS, PMK Group, a Division of Birdsall Services Group, has completed and submitted a Business Entity Disclosure Certification which certifies that PMK Group, a Division of Birdsall Services Group, 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 PMK Group, a Division of Birdsall Services Group, from making any reportable contributions through the term of the contract, and

WHEREAS, PMK Group, a Division of Birdsall Services Group, 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 08-12.

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. PMK Group, a Division of Birdsall Services Group, is hereby retained to provide professional engineering services as described above for an amount not to exceed \$2,000 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 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 Mr. Caizza and adopted on the following roll call vote:

ROLL CALL:

AYES: Mr. Francy, Ms. Kane, Mr. Caizza, Mayor Little

NAYES: Mr. Urbanski

ABSENT: None ABSTAIN: None

DATE: October 22, 2009

CAROLYN CUMMINS, BOROUGH CLERK

I hereby certify this to be a true copy of a Resolution adopted by the Governing Body of the Borough of Highlands on October 22, 2009.

BOROUGH CLERK/DEPUTY CLERK