

Mayor Nolan offered the following Resolution and moved its adoption:

**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH**

**R-11-33**

**RESOLUTION AMENDING RESOLUTIONS 09-215 AND 10-255 EXTENDING  
THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL  
ENGINEERING SERVICES  
DESIGN FLOOD MITIGATION IMPROVEMENTS AND  
SNUG HARBOR PUMP STATION  
T & M ASSOCIATES**

**WHEREAS**, the Borough of Highlands has a need for professional engineering services to Design Flood Mitigation Improvements and the new Snug Harbor Pump Station 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 was awarded for an amount not to exceed \$406,000 plus reimbursable expenses per T & M Associates proposal dated April 9, 2009 and amended on December 1, 2010 for a reduced amount of \$364,300 per T & M Associates proposal dated October 4, 2010 for Professional Engineering Services to Design Flood Mitigation Improvements and the new Snug Harbor Pump Station provided to the Borough of Highlands; and

**WHEREAS**, The term of the contract will expire on December 16, 2010 and the Governing Body desires to extend the term of the contract for an additional year until December 15, 2011; 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**, 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 contract for professional engineering services is hereby extended for an additional year until December 15, 2011 with no change in the amount not to exceed \$364,300 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. Francy and adopted on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Connelly, Mr. O’Neil, Mr. Francy, Ms. Kane, Mayor Nolan

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

**Date: January 19, 2011**

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**CAROLYN CUMMINS, 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 January 19, 2011.

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**BOROUGH CLERK/DEPUTY CLERK**