

Mayor Nolan offered the following Resolution and moved on its adoption:

R-11-85
RESOLUTION AMENDING RESOLUTION R-09-213
PROFESSIONAL PLANNING SERVICES OF A NON-FAIR AND OPEN
CONTRACT FOR
WATERWITCH AVENUE RESURFACING AND SANITARY SEWER REPAIRS
T & M ASSOCIATES

WHEREAS, there exists the need for professional engineering services for the Waterwitch Avenue Resurfacing and Sanitary Sewer Repairs 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 Planning Services can only be provided by licensed professionals and T & M Associates, 11 Tindall Road, Middletown, NJ 07748 is so recognized; and

WHEREAS, a contract was awarded on December 16, 2009 for an amount not to exceed \$36,000 plus reimbursable expenses for the Waterwitch Avenue Resurfacing and Sanitary Sewer Repairs Project; and

WHEREAS, T & M Associates has requested an additional \$11,500 per their letter dated February 16, 2011 for services performed beyond the scope of the original contract; and

WHEREAS, the Governing Body of the Borough of Highlands has agreed to pay \$5,750, half the requested the amount for a total revised contract amount of \$41,750; and

Certification of Funds: Bond Ordinance 09-27

Stephen Pfeffer, Chief Financial Officer

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, the determination of value has been placed on file with this resolution with the Borough Clerk; and

WHEREAS, T & M Associates has submitted the C.271 Political Contribution Disclosure Form in accordance with N.J.S.A. 19:44A-20.26 (P.L. 2005,c271, s2).

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 Mayor and Council of the Borough of Highlands of the following:

1. T & M Associates' contract for professional planning services is hereby increased by \$5,750 for a total contract amount not to exceed of \$41,750 plus reimbursable expenses.
2. This 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 person authorized by law to practice a recognized profession.
3. A copy of this 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: April 6, 2011

CAROLYN CUMMINS, BORIUGH CLERK

I hereby certify this to be a true copy of the Resolution adopted by the Mayor and Council of the Borough of Highlands on April 6, 2011.

BOROUGH CLERK/DEPUTY CLERK