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

R-13-58 RESOLUTION AMENDING RESOLUTION R-12-183 RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES T & M ASSOCIATES

WHEREAS, the Governing Body adopted Resolution R-12-183 awarding a non-fair and open contract for professional engineering services to T & M Associates for an amount not to exceed \$71,500 to provide professional general engineering services to the Borough for the period of July 1, 2012 through December 31, 2013; and

WHEREAS, the Borough of Highlands hereby authorizes increasing the contract to provide general engineering services and including but not limited to ongoing Hurricane Irene & Sandy issues and Washington Avenue issues for an additional \$55,000.

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 amended amount not to exceed \$126,500 plus reimbursable expenses for Professional Engineering Services services provided to the Borough of Highlands for the period January 1, 2013 through December 31, 2013; 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 contingent upon the adoption of the 2013 Municipal Budget:

I hereby certify funds are available as follows:

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

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. Robert Keady, P.E. & Dale Leubner of T & M Associates are hereby retained to provide professional engineering services as described above for an amended amount not to exceed \$126,500 plus reimbursable expenses for the period of January 1, 2013 thru December 31, 2013 for ongoing Hurricane work.
- 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 Ms. Ryan and adopted on the following roll call vote:

ROLL CALL	L:
AYES:	Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane
NAYES:	None
ABSENT:	Mayor Nolan
ABSTAIN:	None
DATE:	February 6, 2013 Carolyn Cummins, Borough Clerk

I hereby certify this to be a true copy of Resolution R-13-58 adopted by the Governing Body of the Borough of Highlands at a meeting held on February 6, 2013.

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Borough Clerk/Deputy Clerk	