

Mr. Mullen offered the following Resolution and moved in its adoption:

**RESOLUTION AWARDING A NON-FAIR AND OPEN CONTRACT FOR
PROFESSIONAL ENGINEERING SERVICES
TO BE PROVIDED TO THE ZONING BOARD OF ADJUSTMENT
AND
APPROVING 2009 CONTRACT**

WHEREAS, the Borough of Highlands Zoning Board has a need for professional engineering services as a non-fair and open contract to be provided to the Zoning Board for the calendar year 2009 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 Joseph May, P.E. of the firm of CMX, Inc., is so recognized;

WHEREAS, the Board Secretary has determined and certified in writing that the value of the contract will exceed \$17,500; and

WHEREAS, CMX, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that CMX, Inc., 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 CMX, Inc. from making any reportable contributions through the term of the contract; and

WHEREAS, CMX, Inc., has completed and submitted a Political Contribution Disclosure Form in accordance with P.L. 2005, c271; and

WHEREAS, CMX, Inc., has submitted that attached contract for Professional Engineering services for the calendar year 2009; and

WHEREAS, the Zoning Board has reviewed attached contract for Professional Engineering Services for 2009; and

WHEREAS, certification of the availability of funds is hereby provided by the Chief Financial Officer.

Zoning Board Budget
Account #1151-3757 - \$2,100.00
For the Period of January 1, 2009 through June 30, 2009

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 of Highlands Zoning Board as follows:

1. Joseph May, P.E. of CMX, Inc., is hereby appointed as Zoning Board Engineer for the calendar 2009 and contract is awarded for Professional Engineering Services to be provided to the Zoning Board for the period of January 1, 2009 through June 30, 2009 for an amount not to exceed \$2,100.00.
2. The attached Professional Engineering Contract is hereby approved and the Board Chairman and Secretary are hereby authorized to sign the contract.
3. This contract is awarded without competitive bidding as "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.
4. A copy of the Resolution as well as the contract shall be placed on file with the Board Secretary.
5. The Board Secretary is hereby directed to publish notice of this award as required by law.

Seconded by Mr. Gallagher and adopted on the following roll call vote:

ROLL CALL:

AYES: Ms. Ryan, Mr. Fox, Mr. Gallagher, Ms. Tierney, Mr. Britton,
Mr. Kutosh, Mr. Mullen

NAYES: None

ABSTAIN: None

DATE: January 15, 2009

CAROLYN CUMMINS, Board Secretary

I hereby certify this to be a true copy of the Resolution adopted by the Borough of Highlands Zoning Board on January 15, 2009.

BOARD SECRETAR