

Mayor O'Neil offered the following Resolution and moved its adoption:

**R-06-54**

**RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN  
CONTRACT FOR OPEN SPACE INVENTORY AND PLAN**

**WHEREAS**, the Borough of Highlands has a need to acquire engineering expertise to prepare and Open Space Inventory and Plan as well as to fulfill the obligations set forth in the Smart Future Grant Agreement with the NJ department of Community Affairs as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

**WHEREAS**, such professional engineering services can only be provided by licensed professionals in accordance with the Local Public Contracts Law, NJSA 40A:11-5(1)(a) and the firm of T&M Associates, 11 Tindall Road, Middletown, NJ 07748 is so recognized; and

**WHEREAS**, the anticipated term of this contract is 1 year and may be extended 2 times as approved by this governing body; and

**WHEREAS**, T&M Associates has submitted a proposal indicating they will provide the design services for the \$10,000.00; 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**, per N.J.A.C. 5:30-5.4, the CFO has certified funds as:

Certification of funds

Smart Future Grant Agreement Number 03-7086-00	\$10,000.00
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Stephen Pfeffer, CFO

**NOW THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Highlands authorizes the Mayor and Clerk to enter into a contract with T&M Associates as described herein; and,

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**BE IT FURTHER RESOLVED** that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

**NOW, THEREFORE, BE IT RESOLVED BY THE** Mayor and Council of the Borough of Highlands as follows:

1. T & M Associates are hereby retained to provide professional engineering consulting services as described above for an amount not to exceed \$10,000.00.
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 Mrs. Little and adopted on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Nolan, Mrs. Little, Mr. Caizza, Mr. Urbanski, Mayor O'Neil  
**NAYES:** None  
**ABSENT:** None  
**ABSTAIN:** None

**Date:** March 15, 2006

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**NINA LIGHT FLANNERY, 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 March 15, 2006.

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Borough Clerk/Deputy Clerk