

Mr. Nolan offered the following Resolution and moved its adoption:

**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH**

**R-08-189**

**RESOLUTION AMENDING RESOLUTION R-08-40  
THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL  
ENGINEERING SERVICES  
SURVEY, DESIGN AND INSPECTION  
FOR THE RECONSTRUCTION OF HILLSIDE AVENUE  
T & M ASSOCIATES**

**WHEREAS**, the Borough of Highlands has a need for professional engineering services for the survey, design and inspection of the reconstruction of Hillside Drive (New Jersey American Water Company 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 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**, a contract was awarded on February 20, 2008 for an amount not to exceed \$65,400 for the Professional Engineering Services for the survey, design and inspection of the reconstruction of Hillside Avenue (New Jersey American Water Company); and

**WHEREAS**, T & M Associates has requested an additional \$6,500 from New Jersey American Water Company per their letter dated September 15, 2008 due to the addition of the sanitary sewer main replacement, design issues related to interference of unknown utilities and the duration of the project being extended longer than anticipated; and,

**WHEREAS**, the Chief Financial Officer has determined and certified in writing that the value of the contract will exceed \$17,500; 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 as follows:

I hereby certify funds are available from New Jersey American Water Company.  
Trust Fund Escrow 9800-9869

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**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. T & M Associates contract amount is increased by \$6,500 for a total contract amount not to exceed \$71,900.
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. Burton and adopted on the following roll call vote:

**ROLL CALL:**

**AYES:** Mrs. Burton, Mr. Urbanski, Mr. Nolan, Mayor Little

**NAYES:** None

**ABSENT:** Mr. Caizza

**ABSTAIN:** None

Date: November 12, 2008

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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 November 12, 2008.

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**BOROUGH CLERK/DEPUTY CLERK**