

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

**R-09-212**

**RESOLUTION AMENDING RESOLUTION R-09-70  
PROFESSIONAL ENGINEERING SERVICES OF A NON-FAIR AND OPEN  
CONTRACT FOR VALLEY AVENUE STORM SEWER REHABILITATION  
T & M ASSOCIATES**

**WHEREAS**, there exists the need for Professional Engineering Services for the Valley Avenue Storm Sewer Rehabilitation 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 T & M Associates, 11 Tindall Road, Middletown, NJ 07748 is so recognized; and

**WHEREAS**, a contract was awarded on April 15, 2009 for an amount not to exceed \$14,500 plus reimbursable expenses for the Professional Engineering Services for the Valley Avenue Storm Sewer Rehabilitation project ; and

**WHEREAS**, T & M Associates has requested an additional \$2,100 per their letter dated December 1, 2009 for services performed beyond the scope of the original contract ( re-bid of project); and

**Certification of Funds: Bond Ordinance 09-03**

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**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 engineering services is hereby extended for an additional year until February 21, 2008. The contract amount is increased by \$2,100 for a total contract amount not to exceed of \$16,600 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 Ms. Kane and adopted on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Francy, Ms. Kane, Mr. Caizza, Mr. Urbanski, Mayor Little

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

**DATE:** December 16, 2009

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**CAROLYN CUMMINS, BOROUGH 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 December 16, 2009.

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**BOROUGH CLERK/DEPUTY CLERK**