

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

**R-09-68  
RESOLUTION AUHTORIZING THE AWARD OF A NON-FAIR AND OPEN  
CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES  
SHORE DRIVE TREATMENT PLANT WET WELL DEMOLITION  
CMX**

**WHEREAS**, the Borough of Highlands has a need for professional engineering services for the Shore Drive Treatment Plan Wet Well Demolition 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 CMX, Inc., 200 State Highway 9, P.O. Box 900, Manalapan, NJ 07726-0900 is so recognized; and

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

**WHEREAS**, this contract is to be awarded for an amount not to exceed \$16,050 plus reimbursable expenses per CMX proposal dated March 13, 2009 for Professional Engineering Services for the Shore Drive Treatment Plan Wet Well Demolition provided to the Borough of Highlands for the period of one year; and

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

**WHEREAS**, CMX has completed and submitted a Political Contribution Disclosure form in accordance with P.L. 2005, c 2711; 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 Bond Ordinance O9-05 subject to the successful completion of the 20-day estoppels period.

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Stephen Pfeffer, Chief Financial Officer

**WHEREAS**, the Local Public Contract Law N.J.S.A. 40A:11-1 et. Seq. requires that notice with respect to contract 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. CMX are hereby retained to provide professional engineering services as described above for an amount not to exceed \$16,050 plus reimbursable expenses.
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 person authorized by law to practice a recognized profession. The Mayor and Borough Clerk are hereby authorized to sign the contract.
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 Mr. Francy 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:** March 18, 2009

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NINA LIGHT FLANNERY, Borough Clerk

I hereby certify this to be a true copy of the Resolution adopted by the Governing Body of the Borough of Highlands on March 18, 2009.

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BOROUGH CLERK/DEPUTY CLERK