

Ms. Kane offered the following Resolution and moved its adoption:

**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH**

**R-09-153**

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

**WHEREAS**, the Borough of Highlands adopted Resolution R-09-68 at a meeting held on March 18, 2009 awarding the above contract to CMX., Inc. 200 State Highway 9, P.O. Box 900, Manalapan, NJ 07726-0900 for an amount not to exceed \$16,050 plus reimbursable expenses for professional engineering services; and

**WHEREAS**, an unforeseeable condition has been discovered necessitating that this contract be amended to increase the contract award amount of \$16,050 awarded to CMX, Inc. to \$18,550 plus reimbursable expenses for the Shore Drive Treatment Plant Wet Well Demolition; and

**WHEREAS**, the Borough's Chief Financial Officer 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 candidate, local party committee or candidate committee in the Borough of Highlands in the previous year and that the contract will prohibit CMX, Inc. from making any reportable contributions through the term of the contract; and

**WHEREAS**, certification of availability of funds is hereby provided by the Chief Financial Officer of the Borough of Highlands as follows:

Bond Ordinance O-09-05 finally Adopted on March 18, 2009

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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. CMX, Inc. hereby retained to provide professional Engineering Services as described above for an amount not to exceed \$18,550 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 persons authorized by law to practice a recognized profession. The Mayor and Borough Clerk are hereby authorized to sign said contract.
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 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: August 19, 2009**

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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 August 19, 2009.

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**BOROUGH CLERK/DEPUTY CLERK**