

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

**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH**

**R-09-178**

**RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN  
CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES  
PRELIMINARY ASSESSMENT REPORT FINDINGS  
AND SITE INVESTIGATION – 2 PRIVATE ROAD  
PMK GROUP – A DIVISION OF BIRDSALL SERVICES GROUP**

**WHEREAS**, the Borough of Highlands has a need for professional engineering services for the preliminary assessment report findings and site investigation of 2 Private Road 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 PMK Group, a Division of Birdsall Services Group, 611 Industrial Way West, Eatontown, N.J. 07724 is so recognized; and

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

**WHEREAS**, this contract is to be awarded for an amount not to exceed \$20,400 plus reimbursable expenses per PMK Group's proposal dated July 15, 2009 for Professional Engineering Services for the preliminary assessment report findings and site investigation of 2 Private Road provided to the Borough of Highlands for the period of one year; and

**WHEREAS**, PMK Group, a Division of Birdsall Services Group, has completed and submitted a Business Entity Disclosure Certification which certifies that PMK Group, a Division of Birdsall Services Group, 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 PMK Group, a Division of Birdsall Services Group, from making any reportable contributions through the term of the contract, and

**WHEREAS**, PMK Group, a Division of Birdsall Services Group, 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 Bond Ordinance 08-12.

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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. PMK Group, a Division of Birdsall Services Group, is hereby retained to provide professional engineering services as described above for an amount not to exceed \$20,400 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 the 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 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: October 7, 2009**

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**CAROLYN CUMMINS, 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 October 7, 2009.

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**BOROUGH CLERK/DEPUTY CLERK**