

Mayor Nolan offered the following Resolution and moved on its adoption:

R-13-239

**RESOLUTION AMENDING RESOLUTION R-11-95
PROFESSIONAL ENGINEERING SERVICES OF A NON-FAIR AND OPEN
CONTRACT FOR THE HIGHLAND AVENUE AREA RECONSTRUCTION
T & M ASSOCIATES**

WHEREAS, there exists the need for professional engineering services for the Highland Avenue Area Reconstruction as a non fair and open contract pursuant to the provisions of N.J.S.A.19:44A-20.5; and

WHEREAS, such Professional Planning 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 6, 2011 for an amount not to exceed \$60,000 plus reimbursable expenses for the Highland Avenue Area Reconstruction; and

WHEREAS, T & M Associates has requested an additional \$16,020.82 for additional services performed beyond the scope of the original contract due to utility conflicts and failures; and

Certification of Funds: Bond Ordinance 11-6

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 planning services is hereby increased by \$16,020.82 for a total contract amount not to exceed of \$76,020.82 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 Mr. Redmond and adopted on the following roll call vote:

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan

NAYES: None

ABSENT: None

ABSTAIN: None

DATE: November 6, 2013

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 November 6, 2013..

BOROUGH CLERK/DEPUTY CLERK