

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

R-13-58
RESOLUTION AMENDING RESOLUTION R-12-183
RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN
CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES
T & M ASSOCIATES

WHEREAS, the Governing Body adopted Resolution R-12-183 awarding a non-fair and open contract for professional engineering services to T & M Associates for an amount not to exceed \$71,500 to provide professional general engineering services to the Borough for the period of July 1, 2012 through December 31, 2013; and

WHEREAS, the Borough of Highlands hereby authorizes increasing the contract to provide general engineering services and including but not limited to ongoing Hurricane Irene & Sandy issues and Washington Avenue issues for an additional \$55,000.

WHEREAS, the Borough of Highlands has a need for professional engineering services 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 T & M Associates, Eleven Tindall Road, Middletown, N.J. 07748-2792 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 amended amount not to exceed \$126,500 plus reimbursable expenses for Professional Engineering Services services provided to the Borough of Highlands for the period January 1, 2013 through December 31, 2013; and

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, T & M Associates 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 contingent upon the adoption of the 2013 Municipal Budget:

I hereby certify funds are available as follows:

Current Fund: General Engineering and Stormwater Management

Sewer Utility Fund: Other Expenses and

Grant Fund: Stormwater Management Grant

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. Robert Keady, P.E. & Dale Leubner of T & M Associates are hereby retained to provide professional engineering services as described above for an amended amount not to exceed \$126,500 plus reimbursable expenses for the period of January 1, 2013 thru December 31, 2013 for ongoing Hurricane work.
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 Ms. Ryan and adopted on the following roll call vote:

ROLL CALL:

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

NAYES: None

ABSENT: Mayor Nolan

ABSTAIN: None

DATE: February 6, 2013

Carolyn Cummins, Borough Clerk

I hereby certify this to be a true copy of Resolution R-13-58 adopted by the Governing Body of the Borough of Highlands at a meeting held on February 6, 2013.

Borough Clerk/Deputy Clerk