

RESOLUTION

Councilmember _____ offered the following resolution and moved its adoption; seconded by Councilmember _____

WHEREAS, the Township Council of the Township of Ocean authorized the receipt of Requests for Proposals for Engineering Services; and

WHEREAS, the following firms submitted Requests for Proposals: Birdsell Services Group, Eatontown, NJ; Leon S. Avakian, Inc., Neptune, NJ; CME Associates, Parlin, NJ; Maser Consulting, Red Bank, NJ; CMX, Brick, NJ; and T & M Associates, Middletown, NJ; and

WHEREAS, it is the recommendation of the Township Manager that Peter R. Avakian of the firm Leon S. Avakian, Inc., be appointed as the Township Engineer for a term of July 1, 2009 through June 30, 2010; and

WHEREAS, the State of New Jersey requires that every municipality have an appointed individual to serve as both Township Engineer and as a licensed Professional Land Surveyor; and

WHEREAS, Peter R. Avakian is fully qualified to serve as both the Township Engineer and as Township Land Surveyor since he is a licensed Professional Engineer, a Professional Planner and a Professional Land Surveyor; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection; and

WHEREAS, the Township Council of the Township of Ocean has elected to make this appointment pursuant to the provisions of N.J.S.A. 16:44A-20 et seq. for the purpose of imposing the strictest campaign spending limitations under the New Jersey Local Pay-to-Play Law; and

WHEREAS, the Director of Finance has certified that there are funds available for this purpose specifically under Engineering Services and Costs, O.E., Trust Other Fund - Reserve for Inspection Fees, General Capital Fund - various ordinances subject to adequate funds under 40A:2-20, which account will be properly charged and which funds shall not be available for more than one purpose; and

WHEREAS, the Township Council has considered the foregoing.

NOW, THEREFORE, BE IT RESOLVED by the Township Council Township of Ocean in the County of Monmouth as follows:

1. The Mayor and the Township Clerk are hereby authorized and directed to execute an agreement with Leon S. Avakian, Inc., Consulting Engineers for the provision of engineering services of Peter R. Avakian as the Township of Ocean Engineer and his staff for the period July 1, 2009 through June 30, 2010 in accordance with the attached Schedule of Billable Hourly Rates which is made a part of this resolution with the total estimated payments not to exceed \$350,000 exclusive of any independent professional service contracts that may be authorized.
2. It is further understood that there will be a rate freeze for the duration of the appointment with annual contracts setting forth the total estimated payments for the subsequent twelve months.
3. This contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1) (a) of the Local Public Contracts Law because engineering service is professional in nature and performed by persons authorized by law to practice a recognized profession.
4. A notice of this action shall be published as required by law.
5. A copy of this resolution shall be forwarded to the following:
 1. Peter R. Avakian
 2. Township Manager
 3. Director of Finance
 4. Township Attorney

ROLL CALL: Garofalo, Hiers, Schepiga, Siciliano, Larkin

CERTIFICATION

*I hereby certify that this is a true copy of a resolution passed by the Township of Ocean Governing Body at their meeting held on **June 24, 2009**.*

Vincent Buttiglieri, RMC/CMC
Township Clerk