

**RESOLUTION**

**WHEREAS**, the State of New Jersey requires that every municipality appoint an individual to serve as both Township Engineer and as a licensed land surveyor; and

**WHEREAS**, Peter R. Avakian of the engineering firm of Leon S. Avakian, Inc. has submitted a proposal to perform said engineering services for the period July 1, 2010 through June 30, 2011; and

**WHEREAS**, Peter R. Avakian of the firm Leon S. Avakian, Inc., 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**, 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, 2010 through June 30, 2011; 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**, Peter R. Avakian of the firm Leon S. Avakian, Inc. has completed and submitted the required Business Entity Disclosure Certification and C.271 Political Contribution Disclosure Form, which certifies that Peter R. Avakian of the firm Leon S. Avakian, Inc. has not made any reportable contributions to a political or candidate committee in the Township of Ocean in the previous year, and that the contract will prohibit Peter R. Avakian of the firm Leon S. Avakian, Inc. from making any reportable contributions to a political or candidate committee in the Township of Ocean through the term of the contract; 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 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

**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, 2010 through June 30, 2011 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:
  - a. Peter R. Avakian of the firm Leon S. Avakian, Inc.
  - b. Township Manager
  - c. Director of Finance
  - d. Township Attorney

Record of Vote	Deputy Mayor Hiers	Councilman Garofalo	Council-woman Schepiga	Councilman Siciliano	Mayor Larkin
Motion To Approve					
Motion to Second					
Approved					
Opposed					
Not Voting/Recuse					
Absent/Excused					

**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 **July 7, 2010**.*

\_\_\_\_\_  
 Vincent Buttiglieri, RMC/CMC  
 Township Clerk

**Certification of Funds**

I, Stephen O. Gallagher, CPA, Director of Finance of the Township of Ocean, County of Monmouth, State of New Jersey, hereby certify that there are funds available for the purpose of award of a contract as identified herein.

Only amounts for the \_\_\_\_\_ Budget Year have been certified. Amounts for future years are contingent upon sufficient funds being appropriated.

\_\_\_\_\_  
 Signature

\_\_\_\_\_  
 Date