

RESOLUTION NO. 2018 – 115

**RESOLUTION OF THE TOWNSHIP OF LITTLE EGG HARBOR,
COUNTY OF OCEAN, STATE OF NEW JERSEY, AWARDING A
PROFESSIONAL SERVICES CONTRACT TO T&M ASSOCIATES
TO PROVIDE BATHYMETRIC SURVEY**

WHEREAS, there exists a need for a bathymetric survey of the lagoons located off Rose Creek from North Burgee Drive to East Anchor Drive; and

WHEREAS, the performance of these services require knowledge of an advanced type in a field of learning pursuant to N.J.S.A. 40A:11-2, and the Township has determined that T&M Associates has the ability and expertise to perform the Municipal services required by the Township and is duly qualified to serve as Special Engineer; and

WHEREAS, T&M Associates has provided the Township with a scope and budget proposal dated April 19, 2018, a copy of which is attached hereto as Schedule A; and

WHEREAS, it is the desire of the governing body to appoint T&M Associates Engineers to provide a bathymetric survey of the lagoons located off Rose Creek from North Burgee Drive to East Anchor Drive in an amount not to exceed \$9,550.00; and

WHEREAS, the Chief Financial Officer has certified that there are funds available for this contract, which certification is attached hereto; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., authorizes the award of contracts for “Professional Services” and requires that the resolution and contract be made available for public inspection.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Little Egg Harbor, County of Ocean, State of New Jersey as follows:

1. That T&M Associates Engineers is hereby appointed to provide bathymetric survey services of the lagoons located off Rose Creek from North Burgee Drive to East Anchor

Drive in an amount not to exceed \$9,550.00, in accordance with the proposal attached hereto as Schedule A.

2. That the Mayor is hereby authorized to execute and the Township Clerk to attest to, respectively, the attached agreement with T&M Associates Engineers, in accordance with the provisions of this resolution.

3. That this contract is awarded as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a)(i) of the Local Public Contracts Law because it is for services to be performed by a person or persons authorized by law to practice a recognized profession.

4. That this resolution shall take effect immediately.

5. That a certified copy of this resolution shall be provided by the Township Clerk to the Purchasing Agent, the Chief Financial Officer and T&M Associates Engineers.

6. That a certificate of availability of funds executed by the Chief Financial Officer is annexed hereto. The following are the line item appropriations or ordinances which constitute the availability of funds for this contract: 8-01-20-715-028

Motion to Approve: Stevens Second: Crea Roll Call:

Crea	<u>yes</u>
Gormley	<u>yes</u>
Kehm	<u>yes</u>
Schlick	<u>yes</u>
Stevens	<u>yes</u>

CERTIFICATION

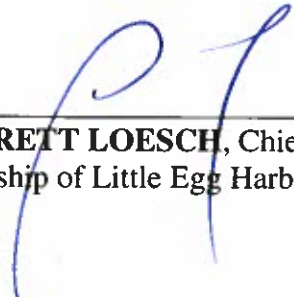
I, **DIANA M. McCracken**, do hereby certify that the foregoing is a true copy of a resolution adopted by the Governing Body of the Township of Little Egg Harbor at a meeting held on the 26th day of April, 2018.

Diana M. McCracken, RMC
DIANA M. McCracken,, RMC
Township Clerk, Township of Little Egg Harbor

CERTIFICATE OF AVAILABILITY OF FUNDS

I, **GARRETT LOESCH**, Chief Financial Officer for the Township of Little Egg do hereby certify that adequate funds are available for a contract with T&M Associates Engineers to provide bathymetric survey of the lagoons located off Rose Creek from North Burgee Drive to East Anchor Drive, in an amount not to exceed \$9,5500.00.

The funds which are available for this contract are found in the following line item appropriations or ordinances: 8-01-20-715-028



GARRETT LOESCH, Chief Financial Officer
Township of Little Egg Harbor

AGREEMENT FOR PROFESSIONAL SERVICES

THIS AGREEMENT made this 26th day of April, 2018,

BETWEEN: **TOWNSHIP OF LITTLE EGG HARBOR**, a municipal corporation of the State of New Jersey, having its principal offices located at 665 Radio Road, Little Egg Harbor, New Jersey 08087 (hereinafter referred to as "Township");

AND: **T&M Associates**, having its principal offices located at 1144 Hopper Avenue, Suite 202, Toms River NJ 08753 (hereinafter referred to as "Consultant").

WITNESSETH:

WHEREAS, pursuant to law, the parties hereto wish to enter into an agreement for professional services.

NOW, THEREFORE, the parties hereunder do agree as follows:

1. That T&M Associates is hereby appointed to provide a bathymetric survey of the lagoons located off Rose Creek from North Burgee Drive to East Anchor Drive.

2. The Consultant shall provide all services required and necessary for a bathymetric survey of the lagoons located off Rose Creek from North Burgee Drive to East Anchor Drive in accordance with the attached Schedule A. The compensation for said services shall not exceed **NINE THOUSAND FIVE HUNDRED FIFTY AND 00/100 (\$9,550.00) DOLLARS** without the prior approval of the Township.

3. The parties to this contract agree to incorporate into this contract the mandatory language of subsection 3.5(a) of the Regulations promulgated by the Treasurer pursuant to P.L. 1975, c. 127, as amended and supplemented from time to time and the contractor or subcontractor agrees to comply fully with the terms, provisions, and obligations of said subsection 3.5(a).

4. The parties to this contract agree to incorporate into this contract the mandatory language of section 3.7 of the Regulations promulgated by the Treasurer pursuant to

P.L. 1975, c. 127, as amended and supplemented from time to time and the contractor or subcontractor agrees to comply fully with the terms, provisions, and obligations of said section 3.7.

5. The Consultant shall execute the Affirmative Action Agreement, Exhibit A attached hereto, which shall be incorporated herein by reference.

6. The Consultant shall submit a copy of the Certificate of Employee Information Report, or a copy of letter of Federal approval, or Form AA-302 (Initial Employee Information Report) prior to execution of this Agreement.

7. The Consultant shall provide written notice to its subcontractors of the responsibility to submit proof of business registration to Consultant.

Before final payment on the contract is made by the Township, the Consultant shall submit an accurate list and the proof of business registration of each subcontractor or supplier used in the fulfillment of the contract, or shall attest that no subcontractors were used.

For the term of the contract, the Consultant and each of its affiliates and a subcontractor and each of its affiliates [N.J.S.A. 52:32-44(g)(3)] shall collect and remit to the Director, New Jersey Division of Taxation, the use tax due pursuant to the Sales and Use Tax Act on all sales of tangible personal property delivered into this State, regardless of whether the tangible personal property is intended for a contract with a contracting agency.

A business organization that fails to provide a copy of a business registration as required pursuant to section 1 of P.L. 2001, c. 134 (C.52:32-44 et al.) or subsection e. or f. of section 92 of P.L. 1977, c.110 (C.5:12-92), or that provides false business registration information under the requirements of either of those sections, shall be liable for a penalty of \$25

for each day of violation, not to exceed \$50,000 for each business registration copy not properly provided under a contract with a contracting agency.

8. The Township and the Consultant for themselves, their heirs, executors, administrators, successors or assigns, hereby agree to the full performance of the covenants herein contained.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the day and year first above written.

WITNESS & ATTEST:

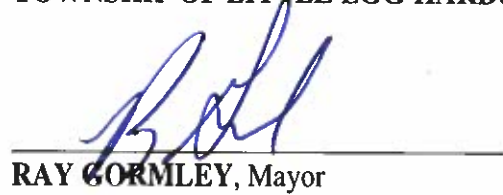
TOWNSHIP OF LITTLE EGG HARBOR

 By

DIANA MCCRACKEN, RMC

Township Clerk

(Seal)


RAY GORMLEY, Mayor

T&M ASSOCIATES

_____ By _____