

**RESOLUTION NO. 2019 - 20**

**RESOLUTION OF THE TOWNSHIP OF LITTLE EGG HARBOR, COUNTY OF OCEAN, STATE OF NEW JERSEY, APPOINTING TOZOUR ENERGY SYSTEMS FOR HVAC SERVICES FOR THE TOWNSHIP OF LITTLE EGG HARBOR**

**WHEREAS**, the Township of Little Egg Harbor is in need of HVAC Services; and

**WHEREAS**, although the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., authorizes the award of contracts for “Professional Services” without competitive bids, the Township issued a request for proposals for professional service contracts in accordance with the competitive negotiation procedure as delineated within Section 40-8 of the Township Code of the Township of Little Egg Harbor, entitled “Fair and open process utilized to award contracts with anticipated value in excess of \$17,500”; and

**WHEREAS**, a determination of value has been made by the Township that said contract shall be a value in excess of \$17,500; and

**WHEREAS**, said competitive negotiation procedure satisfies the requirements of a fair and open process under N.J.S.A. 19:44A:20.2 et seq.; and

**WHEREAS**, all proposals were to be submitted to the Office of the Township Clerk by November 20, 2018; and

**WHEREAS**, Tozour Energy Systems is duly qualified to provide HVAC Services; and

**WHEREAS**, it is the desire of the Mayor and Township Committee to appoint Tozour Energy Systems for HVAC Services for the Township of Little Egg Harbor; and

**WHEREAS**, the amount of the contract to be awarded under this resolution is determined to be \$50,000.00, which sum is reasonably estimated based upon such HVAC

services as may be required over the contract term to be awarded under this resolution, including, but not limited to, the amount spent for such HVAC services from the previous calendar year, the costs of compensation under the contract to be awarded, and any projected increase or decrease in services anticipated versus the prior year, and which sum the Township of Little Egg Harbor is under no obligation to spend and which may be exceeded; and

**WHEREAS**, the Chief Financial Officer has certified that there are funds available for this contract, which certification is annexed 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 governing body of the Township of Little Egg Harbor, County of Ocean, State of New Jersey as follows;

1. That Tozour Energy Systems is hereby appointed for HVAC Services for the Township of Little Egg Harbor for a term of one year, commencing January 1, 2019 and ending December 31, 2019 and shall be paid for all services at the rate of \$45,875.00 per year, payable in equal quarterly installments of \$11,468.00.

2. That the Mayor is hereby authorized to execute and the Township Clerk to attest to the attached agreement with Tozour Energy Systems.

3. That the agreement shall be an open-ended contract with funds being encumbered contingent upon the availability of funds in the budget year. That a certificate of availability of funds executed by the Chief Financial Officer is annexed hereto. The

following is the line item appropriation[s], which constitute the availability of funds for this contract: 9-01-26-772-020.

4. 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(s) authorized by law to practice a recognized profession.


5. That a notice of this action shall be printed once in the official newspaper of the Township of Little Egg Harbor.

6. That this resolution shall take effect on January 1, 2019.

7. That a certified copy of this resolution, together with a copy of the contract between the parties, shall be provided by the Township Clerk to the Chief Financial Officer, and Tozour Energy Systems

#### **CERTIFICATION**

**I, DIANA K. MCCRACKEN, RMC**, Municipal Clerk of the Township of Little Egg Harbor do, hereby certify that the foregoing resolution was duly adopted by the Township of Little Egg Harbor Township Committee at a meeting held on the 1<sup>st</sup> day of **January, 2019**.

  
**DIANA K. MCCRACKEN**, Township Clerk  
Little Egg Harbor Township

**CERTIFICATE OF AVAILABILITY OF FUNDS**

I, **RODNEY R. HAINES**, Chief Financial Officer for the Township of Little Egg Harbor, do hereby certify that adequate funds are available for an open-ended contract with Tozour Energy Systems for HVAC Services.

The amount of the contract to be awarded under this resolution is determined to be \$50,000.00, which sum is based on a reasonable estimate of the HVAC services required over the contract term, the Township of Little Egg Harbor is not obligated to spend this amount and is permitted to exceed this amount during the course of performance of this contract.

The funds which are available for this open-ended contract are found in the following line item appropriation[s]: 9-01-26-772-020



**RODNEY R. HAINES**, Chief Financial Officer  
Township of Little Egg Harbor