

**RESOLUTION**  
of the  
**BOROUGH OF NEW PROVIDENCE**  
Resolution No. 2011-25

Council Meeting Date: 01-03-2011

Date Adopted: 01-03-2011

TITLE           RESOLUTION APPOINTING BIRDSALL ENGINEERING, INC. AS  
BOROUGH PLANNER FOR THE BOROUGH OF NEW PROVIDENCE  
COUNTY OF UNION AND STATE OF NEW JERSEY

Councilperson Galluccio submitted the following resolution, which was duly seconded by Councilperson Cucco.

WHEREAS, the Borough of New Providence has deemed it is in the best interest of the Borough to appoint a Municipal Planner; and

WHEREAS, the Borough solicited proposals for professional planning services through a "fair and open" process in accordance with the provisions of N.J.S.A. 19-44A-20.5; and

WHEREAS, the anticipated term of this contract is one (1) year; and

WHEREAS, Birdsall Engineering has submitted a proposal, indicating they will provide professional planning services for an amount not to exceed \$75,000.00; and

WHEREAS Birdsall Engineering has completed and submitted a Business Entity Disclosure Certificate which certifies that Birdsall Engineering has not made any reportable contributions to a political or candidate committee in the Borough of New Providence in the previous one year, and that the contract will prohibit Birdsall Engineering from making any reportable contributions through the term of the contract, and

WHEREAS, funds are available and have been certified by the Chief Financial Officer; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-5) requires that the resolution authorizing and awarding of contracts for "professional services" without competitive bids and the contract itself must be available for public inspection.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of New Providence that they hereby agree as follows:

1. The Mayor and Borough Clerk are hereby authorized and directed to execute the attached agreement with Birdsall Engineering, for Professional Legal Services.
2. Such contract is awarded without competitive bids as a "professional service" in accordance with N.J.S.A. 40A:11-5(1) (a) of the Local Public Contracts Law, because the services to be rendered are professional in nature and are unspecifiable as to requirements for performance. Such services must be rendered by a person particularly trained and licensed in this area, which requires extensive specific education and long experience in both the Federal and State procedural requirements.
3. A notice of this action shall be published once in the Courier News.

Approved this 3<sup>rd</sup> day of January, 2011.

Wendi B. Barry  
Borough Clerk