

## **TOWNSHIP OF UPPER DEERFIELD**

### **RESOLUTION 12-06**

#### **APPOINTING MUNICIPAL ENGINEER & UTILITIES ENGINEER BRIAN J. MURPHY**

**WHEREAS**, there exists the need for the “Professional Services” of a TOWNSHIP ENGINEER AND UTILITIES ENGINEER, to be retained by the Township for the performance of engineering services and related duties associated therewith as directed by the authorized representatives of the Township of Upper Deerfield, as more specifically set forth in the Professional Services Agreement; and

**WHEREAS**, the Township of Upper Deerfield has advertised Requests for Proposals for the position of Township Engineer and Utilities Engineer of the Township of Upper Deerfield; and

**WHEREAS**, Brian J. Murphy, PE of the firm of MV Engineering has submitted a response to the Request for Proposal; and

**WHEREAS**, the Township Committee of the Township of Upper Deerfield is desirous of awarding the Request for Proposal to Brian J. Murphy, PE and appointing him as Township Engineer and Utilities Engineer of the Township of Upper Deerfield pursuant to a Professional Service Contract for the year 2012;

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Upper Deerfield, County of Cumberland and State of New Jersey, as follows:

1. That the allegations of the preamble hereto are incorporated herein as if fully set forth.
2. That Brian J. Murphy of Cape May Court House, New Jersey, a professional engineer authorized to practice engineering in the State of New Jersey, be appointed Township Engineer and Utilities Engineer for Upper Deerfield Township for the year 2012 to perform professional services ordinarily provided by an engineer, and shall receive compensation in accordance with terms of the contract on file in the clerks office.
3. That the aforesaid contract is awarded pursuant to competitive bidding as a “Professional Service” under the provisions of the Local Public Contracts Law because N.J.S.A.40A:11-5 states that no local unit shall be required to advertise for bids for services rendered or performed by a person authorized by law to practice a recognized profession and whose practice is regulated by law, or to advertise for bids for services which are of such a qualitative nature as will not reasonably permit the drawing of specifications or the receipt of competitive bids, all of which classification the aforesaid contract falls within.
4. Upon adoption of the 2012 temporary budget, a purchase order in the amount of the annual cost of the retainer will be encumbered and serve as a certification of availability of funds. The prorated amount of potential additional fees contained within the aforementioned contract are included within the temporary budget and the continuation of any potential additional fees for the year will be included within the adopted 2012 budget to be certified by the Chief Financial Officer upon adoption of the 2012 budget.

5. That a copy of the specific items pertaining to the award of this contract shall be published in a Notice of Award in the News of Cumberland County as required by law within ten (10) days of the Resolution authorizing same; and

**BE IT FURTHER RESOLVED** that the Mayor and Clerk be and are hereby authorized to enter into a contract with Brian J. Murphy in a form satisfactory to the Township Solicitor of the Township of Upper Deerfield; and

**BE IT FURTHER RESOLVED** by the Township Committee of the Township of Upper Deerfield that this professional service agreement is awarded pursuant to and in compliance with the provisions of Pay to Play legislation, N.J.S.A. 19:44A-20.4, et seq.

Moved By: John Daddario

Seconded By: Bruce Peterson

VOTING

James P. Crilley  
John L. Daddario  
John T. O'Neill, Sr.  
Bruce T. Peterson  
Scott Smith

<u>In Favor</u>	<u>Against</u>	<u>Abstain</u>	<u>Absent</u>
X			
X			
X			
X			
X			

CERTIFICATION

I hereby certify that the foregoing is a true copy of Resolution adopted by the Township Committee of the Township of Upper Deerfield, in the County of Cumberland, at a meeting thereof held January 5, 2012

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Roy J. Spoltore, Township Clerk