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**RESOLUTION 21-15**

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**Resolution Authorizing a Professional Services Agreement with Ostergaard Acoustical Associates for the Purpose of Performing Acoustical Engineering Reviews of Development Applications on an As-Needed Basis in an Amount Not to Exceed \$5,000 for 2021**

**WHEREAS**, the municipality of Princeton desires to retain the services of a professional acoustical engineering consultant for purposes of reviewing development applications on behalf of Princeton's land use boards; and

**WHEREAS**, Ostergaard Acoustical Associates, has provided a proposal and 2021 Fee Schedule to Princeton for purposes of performing the sought-after development application acoustical engineering consultant services; and

**WHEREAS**, the Engineering Department has estimated, based upon 2020 application acoustical engineering consulting services reviews, that the professional services contract amount shall not exceed a contract amount of \$5,000; and

**WHEREAS**, Princeton has a need to acquire these services without a "fair and open process" as defined by P.L. 2004, c.19, the "Local Unit Pay-to-Play Law" and in connection therewith, Ostergaard Acoustical Associates has completed and filed with Princeton the required Campaign Contributions Affidavit pursuant to N.J.S.A. 19:44A-20.8, Certification Regarding Political Contributions pursuant to N.J.S.A. 19:44A-20.26 and affidavit pursuant section 2-87 of the Princeton Code (collectively, the "Pay-to-Play Forms"); and

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds are available in the appropriate development escrow account to pay for said services; and

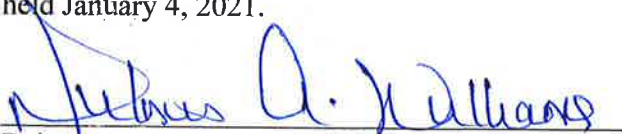
**WHEREAS**, the Local Public Contracts Law, *N.J.S.A.* 40A:11-5(1)(a)(i), authorizes Princeton to award this agreement as a professional services agreement, without public bidding.

**NOW, THEREFORE, BE IT RESOLVED** by Princeton Mayor and Council, County of Mercer, State of New Jersey, as follows:

1. The Mayor and Clerk are hereby authorized and directed to execute an agreement with, Ostergaard Acoustical Associates, for acoustical engineering consultant for development applications on behalf of Princeton's land use boards, consistent with this Resolution and the above "Whereas" clauses.
2. The agreement is awarded without competitive bidding as a professional services agreement as authorized under *N.J.S.A.* 40A:11-5(1)(a)(i).
3. Consultant fees shall be paid in accordance with the 2021 Ostergaard Acoustical Associates. Fee Schedule for the work hours completed. The professional services agreement amount shall not exceed \$5,000.00. The term of the agreement shall be for one year.
4. A copy of this Resolution, the Pay-to-Play Forms and the agreement shall be placed on file in the Office of the Clerk.
5. A notice of this action shall be published in the official newspaper as required by law.

Councilperson	Absent	Present	1 <sup>st</sup>	2 <sup>nd</sup>	Yea	Nay	Abstain	Disqualified
Mr. Cohen		X		X	X			
Ms. Fraga		X			X			
Ms. Niedergang		X	X		X			
Ms. Pirone Lambros		X			X			
Ms. Sacks		X			X			
Mr. Williamson		X			X			
Mayor Freda		X						

I, Delores A. Williams, Municipal Clerk of Princeton, do hereby certify that the above is a true copy of a resolution adopted by the Mayor and Council of Princeton at a meeting held January 4, 2021.

  
 Delores A. Williams, Municipal Clerk

**ATTACHMENTS:**

- Agreement Ostergaard Accoustical Associates (DOCX)
- Exhibit A - Ostergaard Accoustical Associates (PDF)
- Exhibits B and C 2020 (DOCX)