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**RESOLUTION 21-278**

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**Resolution Authorizing a Supplemental Professional Services Agreement in the Not to Exceed Amount of \$88,792.00, Resulting in a Total Contract Amount of \$393,500.93, with T&M Associates for Improvements to Witherspoon Street (Nassau Street to Green Street) Phases 1A and 1B Design Services**

WHEREAS, by Resolution 20-243 adopted on July 27, 2020, the municipality of Princeton authorized an agreement in the amount of \$270,078.00 with T&M Associates to prepare bidding and construction documents for improvements on Witherspoon Street Phase 1A and 1B (Nassau Street to Green Street) on behalf of Princeton for a term of one year (expiring on or about July 27, 2021); and

WHEREAS, by Resolution 21-130 adopted on April 12, 2021, the municipality of Princeton authorized a supplemental (new) agreement in the amount of \$34,630.93 with T&M Associates for additional professional services for the preparation of bidding and construction documents for improvements on Witherspoon Street Phase 1A and 1B (Nassau Street to Green Street) on behalf of Princeton for a term of one year (expiring on or about April 11, 2022); and

WHEREAS, the Engineering Department has requested additional design services to combine Phase 1A and Phase 1B contract documents and perform subsurface utility investigations; and

WHEREAS, on August 6, 2021 T&M Associates submitted a supplemental proposal to Princeton for purposes of performing the sought-after extra services for the not to exceed contract amount of \$88,792.00; 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, T&M 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 to section 2-87 of the Princeton Code (collectively, the “Pay-to-Play Forms”); and

WHEREAS, the new agreement shall be for an amount not to exceed \$88,792.00 to complete the work detailed in T&M Associates’ proposal dated August 6, 2021, with a contract term expiring on April 11, 2022; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in capital account 04-215-20-023-076-302 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.

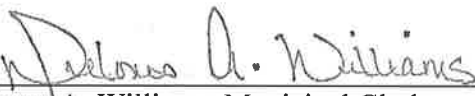
NOW, THEREFORE, BE IT RESOLVED by the Council of the Municipality of Princeton, County of Mercer, State of New Jersey, as follows:

1. The Mayor and Clerk are hereby authorized and directed to execute a supplemental agreement with T&M Associates for preparation of bidding and construction documents for Witherspoon Street improvements, 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. T&M Associates shall be paid a fee not to exceed \$88,792.00. The term of the agreement shall expire on April 11, 2022.

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			
Ms. Fraga		X			X			
Ms. Niedergang		X			X			
Ms. Pirone Lambros		X	X		X			
Ms. Sacks		X		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 August 23, 2021.

  
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 Delores A. Williams, Municipal Clerk

**ATTACHMENTS:**

- T&M Witherspoon Street PSA memo 8-2021 (DOCX)
- TM Agmt Witherspoon Phase 1A and 1B August 2021 (DOCX)
- Exhibit A T&M Witherspoon Phase 1A and 1B Mod Request 8-2021 (PDF)
- Exhibits B and C 2021 (DOCX)