



RESOLUTION 21-85

Resolution Authorizing a Professional Services Agreement in the Not to Exceed Amount of \$31,300.00 with McMahon Associates for the Preparation and Submission of Documents Related to a New Jersey Department of Transportation Access Permit for the Witherspoon Street Improvement Project

WHEREAS, Princeton Mayor and Council adopted Ordinance 2020-51 on December 21, 2020, which establishes a one-way northbound operation on Witherspoon Street between Spring Street and Nassau Street (New Jersey State Highway 27) subject to the approval of the New Jersey Department of Transportation (NJDOT) through the issuance of an Access Permit; and

WHEREAS, the municipality desires to retain the services of a professional traffic engineering firm for preparation and submittal of the NJDOT Access Permit documentation; and

WHEREAS, McMahon Associates, Inc. (“McMahon”) has provided a proposal dated February 25, 2021 to Princeton for purposes of performing the sought-after professional traffic engineering services for the not to exceed contract amount of \$31,300.00 and term of one year, or when the services are completed (whichever occurs first); 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, McMahon 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 agreement shall be for an amount not to exceed \$31,300.00, as more

specifically detailed in McMahon's proposal; 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

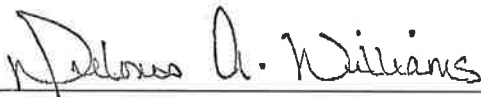
WHEREAS, the Local Public Contracts Law, *N.J.S.A.* 40A:11-5(1)(a)(i), authorizes Princeton to award this agreement as a professional services agreement, without public bidding.

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 an agreement with McMahon Associates, Inc. for professional traffic engineering services, 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. McMahon Associates, Inc. shall be paid a fee not to exceed \$31,300.00. The term of the agreement shall be one year or when the services are completed (whichever occurs first).
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 st	2 nd	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 March 8, 2021.



Delores A. Williams, Municipal Clerk

ATTACHMENTS:

- Witherspoon PSA Memo for McMahon 3-2021 (DOCX)
- McMahon Agmt for Witherspoon Access Permit 3-2021 (DOCX)
- Exhibit A_Witherspoon Access Permit Proposal 3-8-2021 (PDF)
- Exhibits B and C 2020 (DOCX)