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RESOLUTION 22-46

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**Resolution Authorizing an Agreement with T&M Associates in the Not to Exceed Amount of \$368,230.00 for Witherspoon Street Phase 1 Construction Administration / Construction Observation Services**

WHEREAS, the municipality of Princeton desires to retain the services of a professional engineering firm for purposes of providing construction administration and construction observation (CA/CO) services for the Witherspoon Street Phase 1 construction project on behalf of Princeton; and

WHEREAS, T&M Associates has provided a proposal to Princeton for purposes of performing the sought-after (CA/CO) services for the not to exceed contract amount of three hundred sixty-eight thousand two hundred thirty dollars and no cents (\$368,230.00) and term to support a twelve month construction period; 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 agreement shall be for an amount not to exceed \$368,230.00 to complete the work detailed in T&M Associates’ proposal dated January 17, 2022, with a contract term expiring on April 23, 2023; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in

capital accounts 04-215-20-023-076-302 (\$312,995.50) and 04-215-17-032-089-301 (\$55,234.50) to pay for said services; and

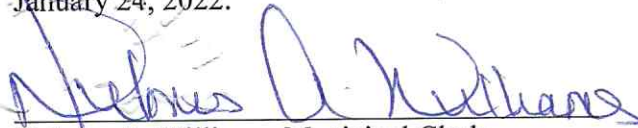
WHEREAS, the Local Public Contracts Law, *N.J.S.A.* 40A:11-5(1)(a)(i), authorizes Princeton to award this agreement as a professional services agreement, without public bidding.

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 professional engineering services agreement with T&M Associates, for purposes of providing construction administration and construction observation (CA/CO) services for the Witherspoon Street Phase 1 construction project, 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 \$368,230.00. The term of the agreement shall expire on April 23, 2023. The term may be extended by the agreement of the parties, as permitted by law.
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			
Ms. Pirone Lambros		X		X	X			
Ms. Sacks		X			X			
Mr. Newlin		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 24, 2022.



Delores A. Williams, Municipal Clerk

**ATTACHMENTS:**

- TM Agmt Witherspoon Phase 1 CMCI 1-2022 mgp (DOCX)
- Exhibit A Witherspoon Street CA&I Proposal - TAP rev\_01\_17\_2022 (PDF)
- Exhibits B and C 2022 (DOCX)