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**RESOLUTION 22-77**

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**Resolution Authorizing an Agreement in the Amount of \$50,064.64 with PSE&G for the Purchase of 26 Decorative Street Lights and Poles on Witherspoon Street (Nassau Street to Green Street)**

**WHEREAS**, the Municipality of Princeton, as part of the Witherspoon Street Phase 1 construction project, seeks to replace its existing decorative street lights and poles with new lights and poles to be owned and maintained by PSE&G; and

**WHEREAS**, PSE&G has submitted a proposal to Princeton for this work; and

**WHEREAS**, the replacement of the existing street lights and poles with PSE&G's lights and poles will allow Princeton to turn over future maintenance and upkeep of the lighting to PSE&G, which is consistent with the current ownership and maintenance of street lights by PSE&G throughout the majority of Princeton; and

**WHEREAS**, as part of this work, Princeton will need to contract with PSE&G for a one-time payment of \$50,064.64 for the cost of the new poles and lighting; and

**WHEREAS**, pursuant to N.J.S.A. 40A:11-5(1)(f) Princeton may award a contract exceeding the bid threshold without public bidding therefor for the "supplying of any product or the rendering of any service by a public utility, which is subject to the jurisdiction of the Board of Public Utilities . . . , in accordance with tariffs and schedules of charges made, charged or exacted, fled with the board . . ."; and

**WHEREAS**, PSE&G is a public utility subject to the jurisdiction of the Board of Public Utilities, and the cost associated with the new poles and lighting is subject to the tariffs under said board's jurisdiction; and

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds are available to pay for said purchase and related services in account 04-215-20-023-076-302.

**WHEREAS**, Princeton has a need to acquire these goods and 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, PSE&G 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”).

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of Princeton as follows:

1. The Mayor and Clerk are hereby authorized and directed to enter into a contract with PSE&G in connection with the replacement of existing decorative street lights and poles on Witherspoon Street with new lights and poles to be owned by PSE&G, in a manner consistent with this Resolution and the above “Whereas” clauses.
2. PSE&G shall be paid a fee not to exceed \$50,064.64, consistent with its written proposal.
3. This contract is awarded without public bidding pursuant to N.J.S.A. 40A:11-5(1)(f) because PSE&G is a public utility under the jurisdiction of the Board of Public Utilities that is supplying products and services in accordance with the tariffs filed with said board.
4. A copy of this Resolution, the Pay-to-Play Forms and the contract shall be placed

on file in the Office of the Clerk.

| Councilperson      | Absent | Present | 1 <sup>st</sup> | 2 <sup>nd</sup> | Yea | Nay | Abstain | Disqualified |
|--------------------|--------|---------|-----------------|-----------------|-----|-----|---------|--------------|
| Ms. Pirone Lambros |        | X       | X               |                 | X   |     |         |              |
| Ms. Niedergang     |        | X       |                 |                 | X   |     |         |              |
| Mr. Cohen          |        | X       |                 |                 | X   |     |         |              |
| Ms. Fraga          |        | X       |                 |                 | X   |     |         |              |
| Ms. Sacks          |        | X       |                 | 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 February 14, 2022.

Delores A. Williams, Municipal Clerk

**ATTACHMENTS:**

- Memo re PSE&G Street Lights (DOCX)