

**THE COMMISSIONERS OF FIRE DISTRICT NO. 3  
IN THE TOWNSHIP OF LOWER  
COUNTY OF CAPE MAY, STATE OF NEW JERSEY**

**RESOLUTION # - 2018-01**

**RESOLUTION OF THE COMMISSIONERS OF FIRE DISTRICT NO. 3, IN  
THE TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, NEW JERSEY  
AUTHORIZING AWARD OF A CONTRACT FOR ENGINEERING  
SERVICES**

**WHEREAS**, The Commissioners of Fire District No. 3, in the Township of Lower, County of Cape May, State of New Jersey (the "Board" when referring to the governing body and "Fire District" when referring to the legal entity governed by the Board), has determined that there exists the need for "Professional Services" for an engineer to provide specialized services for inspection, designing, drafting specifications and construction administration for the replacement of heating and cooling systems in the Erma Fire House for the Fire District, and

**WHEREAS**, this contract is awarded without competitive bidding in accordance with the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1, et. seq. as an authorized exception to the public bidding as a Professional Services Contract; and

**WHEREAS**, the Board has reviewed the proposal submitted by Kelter & Gilligo consulting engineers and based upon the review criteria, desires that the proposal of Kelter & Gilligo best meets the Fire District's needs and that Kelter & Gilligo has the professional credentials and abilities to perform the services required of the subject contract; and

**WHEREAS**, under the Local Public Contracts Law, N.J.S.A. 40A:11-1, et. seq., the subject contract would be a contract for professional services because:

1. Professional services of the type herein sought are of such a nature as to require a high degree to trust and confidence in the individual providing the service and may require the creation of a confidential or fiduciary relationship between that individual and the Board;
2. The services required are highly specialized or technical in nature;
3. The services require peculiar ability and skill, and demand a high degree of specialized knowledge or expertise;
4. The services are such that their relative worth must be judged by subjective considerations that are not susceptible of valuation by competitive bidding;

5. The individual or entity who will provide these services has demonstrated competence and particular expertise in the services required;

6. The individual or entity who will perform these services is held to and fully adheres to the strict ethical standards that govern the involved profession;

7. The services include advise to and consultation with the Board that require both knowledge and judgment on the part of the individual or entity providing services, as well as the confidence of the Fire District officials, such that competitive bidding is not feasible or practical;


8. The services to be provided are such that their nature, scope and duration are not capable of precise measurement, but rather require a flexibility and discretion that render competitive bidding impractical and inefficient.

**WHEREAS**, the Board desires to award the contract to Kelter & Gilligo; and

**WHEREAS**, the Finance Officer has certified the availability of funds as evidenced below by his signature:

Account Number (s)/Line Items: PROFESSIONAL FEES

Amount: \$37,000

Signature 

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Commissioner of Fire District No. 3, in the Township of Lower, County of Cape May, State of New Jersey, pursuant to the Fire District Law and Local Public Bidding Law, as follows:

1. The above recital paragraphs are incorporated herein as if set forth at length.
2. The Board hereby awards the contract to Kelter & Gilligo, who shall be compensated pursuant to the attached Proposal which is incorporated herein, at the billable rates set forth therein not to exceed \$37,000.00.
3. The award of this contract is contingent upon compliance with the New Jersey Pay to Play Law as set forth in N.J.S.A. 19:44A-1; production of the Business Entity Disclosure Certificate, Affirmative Action Compliance Notice, New Jersey Certificate of Employee Information Report, New Jersey Business Registration Certificate and proof of insurance as required in the contract and certification from the Finance Officer as to the availability of funds.

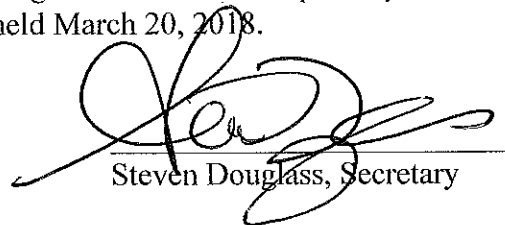
4. The Chairman, Vice Chairman, Secretary and Treasurer are each hereby authorized to determine all matters and execute all documents and instruments and a professional services contract with Kelter & Gilligo effective immediately through December 31, 2018. This Resolution shall be contingent upon Contractor and the Board entering into a contract that is acceptable to the Board.

5. This Resolution memorialized action taken by the Fire District at a meeting which took place March 20, 2018 and shall take effect immediately upon adoption this 20<sup>th</sup> day of March 2018.

6. That a Notice of Award shall be published in official newspaper of the Fire District as required by law within ten (10) days of passage of this Resolution, which notice shall state that this Resolution and the contract are on file and available for public inspection in the office of the Fire District.

	MOTION	SECOND	YEA	NAY	ABSTAIN	ABSENT
Robertson		X	X			
G. Douglass			X			
S. Douglass			X			
Van Mourik	X		X			
Sweeten			X			

I hereby certify the foregoing to be the original resolution adopted by the Board of Commissioners of Fire District No. 3 at a meeting held March 20, 2018.



Steven Douglass, Secretary