



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 22-250

AUTHORIZATION TO EXECUTE A CONTRACT WITH DRAGER, INC. FOR THE PURCHASE ON AN ACLOTTEST 9510 TEST SYSTEM THROUGH THE DRUNK DRIVING ENFORCEMENT FUND (DDEF) GRANT AT A COST NOT TO EXCEED \$19,305.00

WHEREAS, the State of New Jersey is testing the new Alcotest System in a pilot program with the New Jersey State Police and other selected Municipal entities; and

WHEREAS, the Borough of Highlands and Borough of Highlands Police Department were selected to participate in the aforementioned pilot program; and

WHEREAS, the New Jersey Attorney General's Office approved only the use of a proprietary piece of equipment, the Alcotest 9510 Evidential Breath Test System, for the pilot program; and

WHEREAS, Drager, Inc., is the sole proprietor of the required Alcotest 9510 Evidential Breath Test System to be utilized in the pilot program; and

WHEREAS, any contract the amount of which exceeds the bid threshold, may be negotiated and awarded by the governing body without public advertising for bids and utilization of the bidding providing one of the exceptions to the public bidding statute as set forth in N.J.S.A. 40A:11-5(1) is applicable; and

WHEREAS, N.J.S.A. 40:11-5(1)(dd) sets forth exceptions to the Local Public Contracts Law for professional services and for extraordinary unspecified services ("EUS") and goods; and

WHEREAS, the Borough could not engage in competitive bidding for the required professional services because, despite due diligence by the Borough of Highlands Police Department, only one entity in the State of New Jersey, that being Drager, Inc., is the only provider of the required Alcotest 9510 Evidential Breath test System to be utilized when participating the State's pilot program; and

WHEREAS, despite a diligent search the Borough of Highlands Police Department could not identify a provider capable of producing the required Alcotest 9510 Evidential Breath Test System to be utilized when participating in the State's pilot program; and

WHEREAS, in order to better protect persons and property of the community it is absolutely vital that the Borough and its residents have a police force that has the appropriate and necessary equipment to combat drunk driving; and

WHEREAS, the Chief of Police recommends that the Borough participate in the pilot program and purchase the Alcotest 951 Evidential Breath Test System

WHEREAS, the Borough is not required to solicit bids for the work and services associated with the acquisition of the Alcotest 951 Evidential Breath Test System pursuant to N.J.S.A. 40:11-5(1)(dd); and

WHEREAS, the Chief Financial Officer of the Borough has certified that the funds available to retain and enter into a contractor with Drager, Inc., in the total amount not to exceed \$19,305.00 through funds available to the Borough through the State Grant DDEF Fund (Drunk Driving Enforcement Fund).

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Highlands to participate in the State pilot program and purchase the Alcotest 951 Evidential Breath Test System at a price not to exceed amount of \$19,305.00.

BE IT FURTHER RESOLVED, that all Borough officials including, but not limited to the Mayor, the Borough Administrator and the Municipal Clerk, are hereby authorized and directed to take such ministerial actions as are necessary to effectuate the provisions of this resolution.

BE IT FURTHER RESOLVED, that notice of this Resolution shall be presented and published in compliance with N.J.S.A. 40:11-5(1)(dd).

Motion to Approve R 22-250:

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
CERVANTES						
CHELAK						
MELNYK						
OLSZEWSKI						
BROULLON						

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF VOTE: December 7, 2022

Nancy Tran, Municipal Clerk
Borough of Highlands