

**BOROUGH OF PENNINGTON
RESOLUTION 2023-1.29**

**RESOLUTION AUTHORIZING PROFESSIONAL SERVICES AGREEMENT
WITH PACE LABORATORIES (formerly NJ Analytical) FOR WATER
ANALYSIS FOR THE PERIOD JANUARY 1, 2023 TO DECEMBER 31, 2023**

WHEREAS, the Borough of Pennington requires professional services for routine sampling, analysis and consulting services related to operation of the Borough's potable water system;

WHEREAS, Pace Laboratories (formerly NJ Analytical), having its office at 812 Silvia Street, Building B, Ewing, NJ 08628 is a laboratory licensed by the New Jersey Department of Environmental Protection and is able to provide the professional services required;

WHEREAS, Pace Laboratories has submitted a proposal for the work for a contract price of \$1,868.50 per month;

WHEREAS, the work shall include all routine laboratory sampling and analysis as set forth in the proposal, a copy of which is attached;

WHEREAS, the aforesaid proposal also provides that if additional sampling and analysis services are required by the New Jersey Department of Environmental Protection (NJDEP) they shall be invoiced separately;

WHEREAS, a condition of any agreement must include a requirement that Pace Laboratories shall file all analytical reports with the appropriate regulatory agency within the time prescribed by law and shall be responsible for any untimely filings, including all fines and penalties;

WHEREAS, before the agreement may be effective, Pace Laboratories shall supply proof of general and contract liability insurance and professional liability insurance with minimum limits of \$1,000,000 respectively, naming the Borough of Pennington as an additional insured;

WHEREAS, approval of this contract complies with the Code of the Borough of Pennington as well as, N.J.S.A. 19:44A-20.5, effective January 1, 2006, which prohibit the award of certain professional services contracts to any person or business entity which makes reportable contributions to local political or candidate committees representing members of the governing body;

WHEREAS, such political contributions are permitted by the statute only if the municipality has elected to award the contract through a competitive process involving a publicly advertised request for proposals and a review process based on written procedures and criteria prescribed in advance by the governing body or as otherwise provided by law;

WHEREAS, Borough Council awards this contract without resort to such a process because the appointee has made no such political contribution and shall be prohibited from making any such contribution during the term of the contract;

WHEREAS, this contract is being awarded as a professional services contract in compliance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq., without advertising for proposals or competitive bidding;

WHEREAS, New Jersey Analytical Laboratories has completed and submitted a sworn Business Entity Disclosure Certification which certifies that the firm has not made and shall not make any political contribution prohibited by the relevant provisions of either statute or the Borough Code concerning pay-to-play;

WHEREAS, New Jersey Analytical Laboratories shall comply with requirements for Anti-Discrimination and Affirmative Action as set forth in the annexed Exhibit A;

WHEREAS, the Chief Financial Officer of the Borough has certified that funds are available for the purpose of this contract in the Water/Sewer Operating Budget – Account #: 3-05-55-501-000-256;

WHEREAS, the Local Public Contracts Law requires that a resolution authorizing an award of contract for professional services without competitive bid be publicly advertised following adoption;

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that the Borough Administrator is hereby authorized to issue an appropriate purchase order and accept as a binding contract the attached proposal by Pace Laboratories for a contract price not to exceed \$24,422.00 for a period of one year from January 1, 2023 through December 31, 2023, provided such agreement shall be further subject to such amendments for supplemental services required by NJDEP as may hereafter be agreed upon, and provided further that such agreement shall state explicitly that Pace Laboratories shall indemnify and hold harmless the Borough from all negligent acts and omissions in connection with performance of the agreement by Pace Laboratories, including but not limited to the timely filing of all analytical reports required by law, this agreement to be subject to review and approval as to form by the Borough Attorney.

BE IT FURTHER RESOLVED, that a copy of this resolution shall be published in the official newspaper as required by law.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone									
Chandler					Marciante				
Gnatt					Stern				

This is to certify that the foregoing is a true copy of a Resolution adopted by the Borough Council of the Borough of Pennington at a meeting on January 4, 2023.

Elizabeth Sterling, Borough Clerk