

# CONTRACT

This agreement is entered into this \_\_\_\_ day of May, 2023, by and between **LAN Engineering, Planning, Architecture, Surveying, Inc.** (“Engineer”) and the **Borough of Midland Park Planning Board** (“Board”).

## RECITALS

**WHEREAS**, there exists a need for the retention of professional engineering and planning services to advise to the Board; and

**WHEREAS**, the Board is authorized pursuant to N.J.S.A. 40:55D-24 et seq. to employ such experts as are required to perform statutory functions; and

**WHEREAS**, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. allows for the rewarding of such contracts without competitive bids; and

**WHEREAS**, the Board desires to retain Engineer for such purposes.

**NOW, THEREFORE**, in consideration of the terms and covenants contained herein, the parties agree as follows:

1. The Board hereby retains Engineer for the purposes set forth herein for the period effective January 1, 2023 until March, 2023.
2. Engineer shall be required to attend all Planning Board meetings and to render expert advice as required by the Board and to perform such other functions as may be required by the Board.
3. Engineer shall be paid in accordance with the following:
  - a. For attendance at all Board meetings - the sum of \$250.00 per meeting.
  - b. For any additional work requested or required by the Board - the sum of \$200.00 per hour for such work.

Engineer shall submit vouchers on a monthly basis for above services.

4. This contract may be terminated by either party upon 30 days notice.

**Political Contribution Disclosure.** This contract has been awarded to **Engineer** based on the merits and abilities of **Engineer** to provide the goods or services as described herein. This contract was not awarded through a “fair and open process” pursuant to N.J.S.A. 19:44A-20.4 *et seq.* As such, the undersigned does hereby attest that **Engineer**, its subsidiaries, assigns or principals controlling in excess of 10% of the company has neither made a contribution, that is reportable pursuant to the Election Law Enforcement Commission pursuant to N.J.S.A. 19:44A-8 or 19:44A-16, in the one (1) year period preceding the award of the contract that would, pursuant to P.I. 2004, c.19, affect his eligibility to perform this contract, nor will it make a reportable contribution during the term of the contract to any political party committee in the Borough of Midland Park if a member of that political party is serving in an elective public office of the Borough of Midland Park when the contract is awarded, or to any candidate committee of any person serving in an elective public office of the Borough of Midland Park when the contract is awarded.

**IN WITNESS WHEREOF**, the parties have entered into this agreement on the date and year first written above.

ATTEST:

\_\_\_\_\_  
Janet Giardino, *Secretary*

MIDLAND PARK PLANNING BOARD

By: \_\_\_\_\_  
Kent Rigg, *Chairman*

LAN Engineering, Planning, Architecture,  
Surveying, Inc.

By: \_\_\_\_\_

**RESOLUTION OF THE MIDLAND PARK PLANNING BOARD  
AUTHORIZING CONTRACT FOR PROFESSIONAL SERVICES  
WITH LAN ENGINEERING, PLANNING, ARCHITECTURE, SURVEYING, INC. AS  
ENGINEER**

**WHEREAS**, there exists a need for the retention of LAN Engineering, Planning, Architecture, Surveying, Inc. (“LAN”) to render professional engineering advice to the Midland Park Planning Board; and

**WHEREAS**, the Midland Park Planning Board is authorized pursuant to N.J.S. 40:55D-24, et seq., to employ such experts as are required to perform its statutory functions; and

**WHEREAS**, the contract provides for a lump sum retainer in the sum of \$250.00 for each meeting of the Midland Park Planning Board, with provision for reimbursement for additional work as required by the Midland Park Planning Board at the rate allowed by law of five percent (5%) of site development costs at an hourly rate of \$200.00 per hour; and

**WHEREAS**, funds are available in the appropriation to the Midland Park Planning Board, and have been certified by the Local Finance Officer; and

**WHEREAS**, the Local Public Contracts Law (N.J.S. 40A:11-1, et seq.) requires that the resolution authorizing the award of contracts for “professional services” without competitive bids on the contract itself must be available for public inspection;

**NOW THEREFORE, BE IT RESOLVED** by the Midland Park Planning Board as follows:

1. The Chairman and Secretary of the Midland Park Planning Board are hereby authorized and directed to execute the attached agreement with LAN.
2. The contract is awarded without competitive bidding as a “professional service” in accordance with N.J.S. 40A:11-5(1)(a) of the Local Public Contracts Law because Erik Boe of

LAN has represented that LAN is qualified to serve as planning board engineer; has previously served in the position of Planning Board Engineer since January 1996; and for other good and sufficient cause shown.

3. A notice of this action shall be printed once in the official newspaper recognized by the Midland Park Planning Board.

ATTEST:

MIDLAND PARK PLANNING BOARD

\_\_\_\_\_  
Janet Giardino, *Secretary*

By: \_\_\_\_\_  
Kent Rigg, *Chairman*

Dated: \_\_\_\_\_

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