

**RESOLUTION - AWARD PROFESSIONAL SERVICES AGREEMENT
PREPARATION OF ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT**

WHEREAS, a need exists to contract for the below noted services for the Township of Franklin, County of Somerset, New Jersey as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Chief Financial Officer has certified in writing hereon that funds are available; and

WHEREAS, the Municipal Attorney has reviewed the certification of the Chief Financial Officer and is satisfied that said certification is in proper form; and

WHEREAS, continuation of the terms of this contract beyond June 30, 2010 is contingent upon availability of funds in the 2011 FY Budget, and in the event of unavailability of such funds, the Township of Franklin reserves the right to cancel this contract; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset, as follows:

- (1) The Mayor and Township Clerk are hereby authorized and directed to execute the below referenced agreement with the below stated vendor, which agreement shall be maintained on file with the Township Clerk and available for public inspection.
- (2) A notice of this action shall be printed in the **LEGAL NEWSPAPER OF THE TOWNSHIP** as required by law within ten (10) days of its passage.
- (3) The vendor shall supply the Township of Franklin with Federal Affirmative Action Plan Approval or State Certificate of Employee Information Report within the time period specified by NJAC 17:27. The Contract shall contain the Mandatory Affirmative Action Language for Professional Service Contracts required by NJAC 17:27, a copy of which shall be attached to and incorporated in the Professional Service Agreement authorized herein.
- (4) The vendor shall agree to comply with the requirements of Title II of the Americans with Disabilities Act of 1990 and indemnify, protect and save harmless the Township from all suits, claims, losses, demands or damages of whatever kind or nature arising out of or claimed to arise out of alleged violations of the Act. A copy of the Act shall be attached to and incorporated in the Professional Service Agreement authorized herein.

VENDOR NAME: ENERGY SOLVE DEMAND RESPONSE, LLC
ADDRESS: One Executive Drive, Suite 401, Somerset, NJ 08873
CONTRACT AMOUNT: Amount Not to Exceed \$16,550.00
SERVICE: Preparation of Energy Efficiency and Conservation Block Grant

CERTIFICATION

I, Ann Marie McCarthy, Clerk of the Township of Franklin, in the County of Somerset, do hereby certify that the foregoing is a true and correct copy of a resolution duly adopted by the Township Council at a regular meeting held on the 14th day of July 2009.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the seal of said Township this 15th day of July 2009.

Ann Marie McCarthy
Township Clerk

Verified and Encumbered as
to Availability of Funds:

Date:

Account No.: To be supplied

PO No.: To be supplied

By: _____

Vandana Khurana, Chief Financial Officer