

RESOLUTION 2016-10

**RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL SERVICES –
MUNICIPAL ATTORNEY**

WHEREAS, the Township of White has a need to acquire a municipal attorney as a non-fair and open contract pursuant to provisions of N.J.S.A. 19:44A-20.5; and,

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the acquisition will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is one (1) year; and

WHEREAS, Florio, Perrucci, Steinhardt and Fader LLC has submitted a proposal, indicating they will provide the attorney services for the anticipated fee of \$34,800.00/annual retainer with an additional hourly rate for matters of litigation. The total contract is not anticipated to exceed \$50,000.00 ; and,

WHEREAS, Florio, Perrucci, Steinhardt and Fader LLC has completed and submitted a Business Entity Disclosure Certification which certified that, Florio, Perrucci, Steinhardt and Fader LLC has not made any reportable contributions to a political or candidate committee in the Township of White in the previous one year, and that the contract will prohibit Florio, Perrucci, Steinhardt and Fader LLC from making any reportable contributions through the term of the contract; and,

WHEREAS, the required certificate for the availability of funds has been filed by the chief financial officer providing that legally appropriated balances are available to cover the amount of the contract as required by N.J.A.C. 5:30-14.5 and that fees for the aforementioned attorney services shall be made available by appropriate inclusion in either an annual municipal budget which includes current, revenue sharing and utility provisions, by budget amendments for Federal program spending or by inclusion in an appropriate bond ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of White, the Mayor and Clerk are authorized to enter into a contract with Florio, Perrucci, Steinhardt and Fader LLC as described herein as attorneys on and in behalf of the Township of White for the year 2016; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and Determination of Value be placed on file with this resolution; and,

BE IT FURTHER RESOLVED that a notice of this action shall be printed once in a legally designated publication.

Political Contribution Disclosure. This contract has been awarded to Florio, Perrucci, Steinhardt and Fader LLC based on the merits and abilities of Florio, Perrucci, Steinhardt and Fader LLC to provide the goods and 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 Florio, Perrucci, Steinhardt and Fader LLC, 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 19:44-16 in the one (1) year period preceding the award of the contract that would, pursuant to P.L. 2004, c. 19. Affect its 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 municipality if a member of that political party is serving in an elective public office of that municipality when the contract is awarded, or to any candidate committee of any person serving in an elective public office of the municipality when the contract is awarded.

Exhibit “A” (Mandatory Affirmative Action Language), Exhibit “B” (Employee Information Report), Exhibit “C” (Business Registration Certificate), Exhibit “D” (Business Entity Disclosure Certification), Exhibit “E” (Political Contributions Disclosure Certification), and Exhibit “F” (Insurance) are attached to and made a part of this contract.

Roll Call: Herb – yes, Mackey – yes, Race – yes

CERTIFICATION

I, Kathleen Reinalda, RMC for the Township of White, hereby certify that the foregoing is a true copy of a Resolution adopted by the White Township Committee, at a meeting held on January 28, 2016.

Kathleen R. Reinalda, RMC

Township Clerk