

****FAILED ADOPTION****

R-16-01

**RESOLUTION APPOINTING MUNICIPAL ATTORNEY FOR THE
CALENDAR YEAR 2016 &
AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR
PROFESSIONAL LEGAL SERVICES CONTRACT**

WHEREAS, the Borough of Highlands has a need for professional legal services to be provided to the Borough of Highlands for the calendar year 2016 pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, such professional legal services can only be provided by licensed professionals and the Mayor has offered the name of Bruce Padula, Esq. of the law office of Cleary, Giacobbe, Alfieri & Jacobs, LLC and it is so recognized;

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

WHEREAS, the law office of Cleary, Giacobbe, Alfieri & Jacobs, has completed and submitted a Business Entity Disclosure Certification which certifies that their Law Office has not made any reportable contributions to a political or candidate committee in the Borough of Highlands in the previous one year, and that the contract will provide to prohibit them from making any reportable contributions through the term of the contract; and

WHEREAS, the Law Office of Cleary, Giacobbe, Alfieri & Jacobs, LLC has completed and submitted a Political Contribution Disclosure for in accordance with P.L 2005, c271; and

WHEREAS, this contract is awarded as a non-fair and open contract pursuant to the provisions of N.J.S.A.-19:44A-20.5 for an amount not to exceed \$66,000.000 plus reimbursable expenses for Professional Legal Services provided to the Borough for the period of January 1, 2016 through December 31, 2016 at rate of a monthly retainer in the amount of \$5,500.000 and an hourly rate of \$150 per hour for services outside of contract.

WHEREAS, Cleary, Giacobbe, Alfieri & Jacobs , Esq., has submitted the attached contract for Professional legal services for the calendar year 2016; and

WHEREAS, the Governing Body has reviewed the attached contract for Professional Engineering Services for 2016; and

WHEREAS, certification of the availability of funds is hereby provided contingent upon the adoption of the 2016 Budget by the Chief Financial Officer.

Patrick DeBlasio, CFO

WHEREAS, the Local Public Contracts Law N.J.S.A. 40A:11-1 et. seq. requires that notice with respect to contracts for professional services awarded without competitive bids must be publicly advertised;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Highlands Governing Body as follows:

1. Bruce Padula., of the Law Office of Cleary, Giacobbe, Alfieri, LLC is hereby appointed as Borough Attorney for the calendar 2016 and is awarded a professional service contract for an amount not to exceed \$66,000 for professional legal services provided for the period of January 1, 2016 through December 31, 2016.
2. The attached Professional legal services Contract is hereby approved and the Mayor and Borough Clerk are hereby authorized to sign the contract.
3. This contract is awarded without competitive bidding as “Professional Service” in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession.
4. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk.
5. The Borough Clerk is hereby directed to publish notice of this award as required by law.

DATE: January 1, 2016

CAROLYN CUMMINS, BOROUGH CLERK

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BROULLON				x		
CARD				x		
D'ARRIGO				x		
WELLS		x	x			
NOLAN	x		x			
ON CONSENT AGENDA			YES	x	NO	

I hereby certify this to be a true copy of the Resolution NOT adopted by the Governing Body of the Borough of Highlands on January 1, 2016.

BOROUGH CLERK/DEPUTY CLERK