

RESOLUTION NO. 13-26

**RESOLUTION OF THE BOARD OF COMMISSIONERS
MORRIS COUNTY IMPROVEMENT AUTHORITY**

TITLE:

**RESOLUTION OF THE MORRIS COUNTY IMPROVEMENT AUTHORITY
AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS FOR
GENERAL, BOND AND SPECIAL ENERGY COUNSEL SERVICES**

WHEREAS, the Morris County Improvement Authority (the “Authority”) has been duly created by resolution of the County of Morris (the “County”), State of New Jersey (the “State”) and exists in good standing as a public body corporate and politic under and pursuant to all applicable law, including the county improvement authorities law, constituting Chapter 183 of the Pamphlet Laws of 1960 of the State, as amended from time to time (codified at N.J.S.A. 40:37A-44 et seq., the “Act”);

WHEREAS, in order to carry out the operations of the Authority, including without limitation the negotiation, sale and issuance of bonds, notes or other obligations of the Authority to finance projects permitted under the Act, the Authority needs to contract for the services of a general counsel, bond counsel and special energy counsel (the “Legal Counsel”);

WHEREAS, as of January 1, 2006, N.J.S.A. 19:44A-20.1 et seq., commonly known as the “State Pay to Play” law, enacted by the New Jersey State Legislature became effective;

WHEREAS, pursuant to N.J.S.A. 19:44A-20.1 et seq., an authority may not award contracts with a value in excess of \$17,500.00 to a business entity which has made reportable contributions in excess of \$300.00, in the aggregate, to the member municipality’s political parties or to any candidate’s committee of any person serving in an elective public office of the member municipality when such contract was awarded, unless said business entity is awarded a contract under a “fair and open process” pursuant to N.J.S.A. 19:44A-20.1 et seq.; and

WHEREAS, a “fair and open process” constitutes the following: (1) public advertisement on the Authority’s website or in the newspaper of a Request for Proposals (hereinafter the “RFP”) with ten (10) calendar days notice prior to the receipt of responses to the RFP; (2) award of contract under a process that provides for public solicitation of qualifications; (3) award of contract under publicly disclosed criteria established, in writing, by the municipality prior to the solicitation of qualifications; and (4) the Authority shall publicly open and announce the qualifications when awarded (the “Fair and Open Process”);

WHEREAS, the Authority desires to issue an RFP for General Bond and Special Energy Counsel pursuant to a “fair and open process” pursuant to N.J.S.A. 19:44A-20.1 et seq. for a period of one (1) year;

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of the Authority as follows:

Section 1. The Chair of the Authority, the Vice-Chair of the Authority, the Treasurer of the Authority, or their designee (each an “Authority Authorized Officer”) are hereby severally authorized to (a) issue the RFP in substantially the form attached hereto as **Exhibit A**, with such changes thereto as an Authority Authorized Officer, each severally authorized to issue the RFP, shall in their sole discretion determine to be in the best interests of the Authority, (b) post the RFP on the Authority website, and (c) from time to time issue any addenda to the RFP, if required desirable or convenient to conclude the selection process, all in such form and with such terms and conditions that any such Authority Authorized Officer shall determine, to be compliant with the Act, N.J.S.A. 19:44A-20.1 et seq., and other applicable law and otherwise in the best interests of Authority.

Section 2. Upon receipt of the responsive proposals to the RFP (the “Proposals”), one or more of the Authority Authorized Officers shall review the Proposals. The award of the RFP to the RFP Successful Respondent shall be made by the governing body of the Authority at a subsequent Authority public meeting.

Section 3. Each Authority Authorized Officer are hereby severally authorized to take such other actions as may be deemed, in their sole discretion, to be necessary, desirable or convenient in carrying out the intentions of this resolution with respect to the RFP.

Section 4. All actions taken to date by the Authority and the Authorized Officers, with respect to the matters set forth in or contemplated by this resolution, are hereby ratified and approved.

Section 5. In accordance with N.J.S.A. 40:37A-50, the Secretary of the Authority is hereby authorized and directed to submit to each member of the County Board of Freeholders, by the end of the fifth business day following this meeting, a copy of the minutes of this meeting. The Secretary is hereby further authorized and directed to obtain from the County Clerk of the Board of Freeholders, a certification from the Clerk stating that the minutes of this meeting have not been vetoed by the Director of the Board of Freeholders.

Section 6. This resolution shall be effective immediately, unless it has been vetoed in accordance with N.J.S.A. 40:37A-50(e) of the Act.

MOVED/SECONDED:

Resolution moved by Commissioner _____.

Resolution seconded by Commissioner _____.

VOTE:

Commissioner	Yes	No	Abstain	Absent
Pinto				
Ramirez				
Roe				
Sandman				
Bonanni				

ATTESTATION:

This Resolution was acted upon at the Special Meeting of the Authority held on October 2, 2013 at the Authority’s principal corporate office in Morristown, New Jersey.

Attested to this 2nd day of October, 2013

By: _____

Secretary of the Authority

FORM and LEGALITY:

This Resolution is approved as to form and legality as of October 2, 2013

By: _____

**Stephen B. Pearlman, Esq., Partner
Inglesino, Pearlman, Wyciskala & Taylor, LLC
Counsel to the Authority**

Exhibit A
Request for Proposal