

RESOLUTION OF THE MORRIS COUNTY IMPROVEMENT AUTHORITY

TITLE:

RESOLUTION OF THE MORRIS COUNTY IMPROVEMENT AUTHORITY AUTHORIZING THE AWARD AND EXECUTION OF A CONTRACT FOR GENERAL COUNSEL, BOND COUNSEL AND SPECIAL ENERGY COUNSEL SERVICES

WHEREAS, the Morris County Improvement Authority (including any successors and assigns, the "Authority") has been duly created by resolution duly adopted by the Board of Chosen Freeholders of the County of Morris in the State of New Jersey (the "State") as a public body corporate and politic of the State pursuant to and in accordance with the county improvement authorities law, constituting Chapter 183 of the Pamphlet Laws of 1960 of the State, and the acts amendatory thereof and supplemental thereto (the "Act"), and other applicable law; and

WHEREAS, the Authority is authorized pursuant to the Local Public Contracts Law N.J.S.A. 40:11A-1 *et. seq.* (the "Public Contracts Law") to enter into contracts as deemed necessary for the efficient operation of the Authority; and

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 "Services"); and

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"; and

WHEREAS, in response to a request for proposals (the "RFP") issued by the Authority on August 3, 2017 in accordance with the procedures of a fair and open process established by N.J.S.A. 19:44A-20.5, the Authority received a proposal dated August 17, 2017, submitted by McManimon, Scotland & Baumann, LLC, Roseland, New Jersey, (the "Proposal"), which Proposal is on file with the Authority; and

WHEREAS, it is the finding of the Authority, after careful consideration of the Proposal, that the Proposal meets the Authority's needs for the Services; and

WHEREAS, the Authority desires to appoint McManimon, Scotland & Baumann, LLC, as General Counsel, Bond Counsel and Special Energy Counsel for a period of one (1) year, unless extended as permitted by law, at rates as described in the Proposal; and

WHEREAS, the Authority desires to authorize the Chairperson of the Authority to execute a contract with McManimon, Scotland and Baumann, LLC for the Services; and

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

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. The Authority hereby awards the contract to perform the Services for a term not to exceed one (1) year, unless extended as permitted by law at rates as described in the Proposal (the “Contract”) to McManimon, Scotland and Baumann, LLC.

Section 3. The Chairperson is hereby authorized and directed to execute the Contract with McManimon, Scotland & Baumann, LLC.

Section 4. Subject to the second sentence of this section, this resolution shall take effect immediately. 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 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 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.

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MOVED/SECONDED:

Resolution moved by Commissioner _____.

Resolution seconded by Commissioner _____.

VOTE:

Commissioner	Yes	No	Abstain	Absent
Gallopo				
Kovalcik				
Ramirez				
Sandman				
Bonanni				

This Resolution was acted upon at the Regular Meeting of the Authority held on September 18, 2017 at the Authority's principal corporate office in Morristown, New Jersey.

Attested to this ___ day of September, 2017

By: _____
Secretary of the Authority

FORM and LEGALITY:

This Resolution is approved as to form and legality as of September 18, 2017.

By: _____
Matthew D. Jessup, Member, McManimon, Scotland & Baumann, LLC
Counsel to the Authority
Resolution No. 17-35