

RESOLUTION OF THE MORRIS COUNTY IMPROVEMENT AUTHORITY

TITLE:

RESOLUTION OF THE MORRIS COUNTY IMPROVEMENT AUTHORITY AUTHORIZING THE EXECUTION OF A CONTRACT FOR ADVISORY, OWNER'S REPRESENTATION AND PROJECT AND CONSTRUCTION MANAGEMENT OVERSIGHT CONSULTING 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"); and

WHEREAS, in order to carry out the operations of the Authority, including, without limitation, the previously established "Morris County Renewable Energy Program" which includes the development, planning, construction, financing, operation, maintenance and management of photovoltaic energy systems for certain local government buildings, parking canopy and other structures and lands owned or controlled by local governments within and including the County, the Authority needs to contract for advisory, owner's representation, and project and construction management oversight consulting services (as more fully described in the hereinafter defined RFQ Request, the "Project Evaluation Advisory Services"); and

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 shall become effective; 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" 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 Qualifications (hereinafter the "RFQ") with ten (10) calendar days notice prior to the receipt of responses to the RFQ; (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"); and

WHEREAS, on April 21, 2015, a date at least ten days prior to the May 15, 2015 deadline for the Project Evaluation Advisory Services RFQ (the "RFQ Deadline"), the Authority posted invitations to submit proposals for Project Evaluation Advisory Services on its website (the "RFQ Request"); and

WHEREAS, on the RFQ Deadline, the responses to the RFQ Request were publicly read pursuant to the Fair and Open Process;

WHEREAS, the Authority desires to appoint Matrix New World Engineering, Inc. pursuant to a "fair and open process" pursuant to N.J.S.A. 19:44A-20.1 et seq. to provide Project Evaluation Advisory Services for a period of one (1) year, commencing on the date hereof; and

WHEREAS, funds are available for the payment of the Project Evaluation Advisory Services;

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

Section 1. The Authority hereby appoints Matrix New World Engineering, Inc. to perform Project Evaluation Advisory Services for the Authority for a one year period commencing June 10, 2015.

Section 2. The Chairperson is hereby authorized and directed to execute a contract with Matrix New World Engineering, Inc. in a form approved by Authority general counsel and in accordance with the rate schedule set forth in the Matrix New World Engineering, Inc. proposal attached hereto as Exhibit A, provided that the Chairperson take all actions necessary for such contract to comply with the bidding exceptions to the Contracts Law, including the publication requirements therein.

Section 3. 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.

Section 4. This resolution shall be effective upon adoption by the Board of Freeholders of a resolution entitled, "Resolution Approving the Recommendations of the Morris County Improvement Authority Energy Project and Construction Management Consulting Services RFP Committee", unless this resolution has been vetoed in accordance with N.J.S.A. 40:37A-50(e) of the Act. 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 Special Meeting of the Authority held on June 10, 2015 at the Authority's principal corporate office in Morristown, New Jersey.

Attested to this 10th day of June, 2015

By: _____
Secretary of the Authority

FORM and LEGALITY:

This Resolution is approved as to form and legality as of June 10, 2015.

By: _____
Matthew D. Jessup, Member, McManimon, Scotland & Baumann, LLC
Counsel to the Authority
Resolution No. 15-29

Exhibit A

Matrix New World Engineering, Inc. Proposal