



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 17-004

RESOLUTION APPROVING PROFESSIONAL BOND COUNSEL SERVICES AND AWARDING A NON-FAIR AND OPEN CONTRACT

WHEREAS, the Borough of Highlands has a need for professional bond counsel services in connection with the authorization and issuance of bonds or notes; and

WHEREAS, such professional legal services can only be provided by licensed professionals and the firm of Archer & Griener, PC is so recognized; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$20,000 plus, reimbursable expenses for professional bond counsel services for the Borough of Highlands for the period January 1, 2017 through December 31, 2017. All rates based on the services utilized are provided for in the contract between Archer & Griener, PC and the Borough of Highlands; and

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 Archer & Griener, PC has completed and submitted a Business Entity Disclosure Certification which certifies that the Law Office of Archer & Griener 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 the law office from making any reportable contributions through the term of the contract; and

WHEREAS, the Law Office of Archer & Greiner, PC has completed and submitted a Political Contribution Disclosure for in accordance with P.L. 2005, c271; and

WHEREAS, certification of availability of funds has been provided by the Chief Financial Officer of the Borough of Highlands contingent upon the adoption of the 2017 budget.

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 Council of the Borough of Highlands as follows:

1. The firm of Archer & Griener, PC is hereby retained to provide professional bond counsel services as described above for an amount not to exceed \$20,000 plus reimbursable expenses for the period of January 1, 2017 through December 31, 2017.
2. The contract is awarded without competitive bidding as a "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. The Mayor and Borough Clerk are authorized to sign the contract.
3. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
4. The Borough Clerk is hereby directed to publish notice of this award as required by law.

| | INTRODUCED | SECONDED | AYE | NAY | ABSTAIN | ABSENT |
|----------|------------|----------|-----|-----|---------|--------|
| BROULLON | | | X | | | |
| CARD | | | X | | | |
| D'ARRIGO | | | X | | | |
| WELLS | | X | X | | | |
| O'NEAL | X | | X | | | |

I, Dwayne M, Harris, Acting Municipal Clerk of the Borough of Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body, at its Reorganization Meeting, held January 01, 2017. WITNESS my hand this 5th day of January 2017.

Dwayne M. Harris, RMC
Acting Municipal Clerk