

R-15-14
RESOLUTION APPOINTING MUNICIPAL ATTORNEY FOR THE CALENDAR
YEAR 2015 &
AUTHORIZING THE AWARD OF A “FAIR AND OPEN” CONTRACT
FOR PROFESSIONAL LEGAL SERVICES

WHEREAS, the Borough of Highlands has a need for professional general legal services from a Municipal Attorney; and

WHEREAS, the Borough has gone through the fair and open process, advertised on its website and in the Asbury Park Press on December 10, 2014, the solicitation for receipt of proposals from professional grant writers for said services and (1) proposal was received; and documented on December 23, 2014; and

WHEREAS, the Borough has reviewed all proposals received and it was determined that Bruce Padula, Esq. of the law firm of Cleary, Giacobbe, Alfieri & Jacobs, LLC, satisfies the requisites contained in the request for proposals to be considered for professional services that the Borough may require during the contract year; 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 Cleary, Giacobbe, Alfieri & Jacobs, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that the Law Office of Cleary, Giacobbe, Alfieri & Jacobs, LLC 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 prohibit the law office Cleary, Giacobbe, Alfieri & Jacobs, LLC 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 plus reimbursable expenses for Professional Legal Services provided to the Borough for the period of January 1, 2015 through December 31, 2015 at rate of a monthly retainer in the amount of \$5,500.00 and an hourly rate of \$120 per hour for litigation and \$150 per hour for labor for services not included in the monthly retainer.

WHEREAS, this contract is to be awarded for the price not to exceed \$5,500 per month as provided in the proposal with the certification of funds being provided by the Chief Financial Officer contingent upon the adoption of the 2015 municipal budget.

Account: Mayor & Council - Other

Patrick DeBlasio, Chief Financial Officer

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

1. That Bruce Padula, Esq. from the firm of Cleary, Giacobbe, Alfieri & Jacobs, LLC, Matawan, NJ is hereby retained to provide professional legal services for an amount not to exceed \$5,500 per month for a 12 month period to expire December 31, 2015.
2. The contract is awarded through the fair and open process as a Professional Service in accordance with NJSA 19:44A-20.5 et seq. and in accordance with NJSA 40A:11-5(1) (a) because it is for services performed by persons authorized by law to practice a recognized profession.
3. A copy of this Resolution as well as the contract /proposal shall be placed on file with the Clerk of the Borough of Highlands.
4. The Borough Clerk is hereby directed to publish a public notice of this award as required by law.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
CARD				x		
KANE			x			
REDMOND		x	x			
RYAN			x			
NOLAN	x		x			
ON CONSENT AGENDA			YES	x	NO	

DATE: January 7, 2015

Carolyn Cummins, Borough Clerk

I hereby certify this to be a true copy of Resolution R-15-14 adopted by the Governing Body of the Borough of Highlands on January 7, 2015.

Borough Clerk/Deputy Clerk