

TOWNSHIP OF UPPER DEERFIELD

RESOLUTION 12-10

APPOINTING BOND COUNSEL – EDWARD J. MCMANIMON, III

WHEREAS, there exists the need for the “Professional Services” of BOND COUNSEL, to be retained by the Township to prepare necessary bond ordinances and related documentation for the issuance of bonds for the aforesaid purpose and related duties associated therewith as directed by the authorized representatives of the Township of Upper Deerfield, as more specifically set forth in the Professional Services Agreement; and

WHEREAS, the Local Public Contracts Law, N.J.S.A.40A:11-1, et seq. requires that the Resolution authorizing the award of contracts for “Professional Services” without competitive bids must be publicly advertised; and

WHEREAS, Edward J. McManimon, III of the firm of McManimon & Scotland has completed and submitted a Business Entity Disclosure Certification which certifies that Edward J. McManimon, III of the firm of McManimon & Scotland, will not make any reportable contributions pursuant to N.J.S.A.19:44A-1 et seq. commencing January 1, 2012 to any political committee or candidate through the term of this contract in excess of reportable limits;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Upper Deerfield, County of Cumberland and State of New Jersey, as follows:

1. That the allegations of the preamble hereto are incorporated herein as if fully set forth.
2. That Edward J. McManimon, III of the firm of McManimon & Scotland, is a qualified bond counsel authorized to practice in the State of New Jersey, be appointed Township Bond Counsel for Upper Deerfield Township for the year 2012 to perform professional services ordinarily provided by bond counsel, and he shall receive such compensation as may be reasonable for said services.
3. That the aforesaid contract is awarded without competitive bidding as a “Professional Service” under the provisions of the Local Public Contracts Law because N.J.S.A.40A:11-5 states that no local unit shall be required to advertise for bids for services rendered or performed by a person authorized by law to practice a recognized profession and whose practice is regulated by law, or to advertise for bids for services which are of such a qualitative nature as will not reasonably permit the drawing of specifications or the receipt of competitive bids, all of which classification the aforesaid contract falls within.
4. The Business Entity Disclosure Certification shall be placed on file with this Resolution.

5. All professional fees contained within the aforementioned contract will be included within the adopted 2012 budget to be certified by the Chief Financial Officer upon adoption of the 2012 budget.
6. That a copy of the specific items pertaining to the award of this contract shall be published in a Notice of Award in the News of Cumberland County as required by law within ten (10) days of the Resolution authorizing same; and

BE IT FURTHER RESOLVED by the Township Committee of the Township of Upper Deerfield that this professional service agreement is awarded pursuant to and subject to the provisions of Pay to Play legislation, N.J.S.A. 19:44A-20.4, et seq., in that the contractor has agreed to execute the Pay to Play exemption certification and has or will certify that the contractor has not during the last 12 months preceding the award of this contract nor during the succeeding 12 months contributed or will contribute campaign contributions in excess of reportable limits in accordance with the aforesaid legislation; and

BE IT FURTHER RESOLVED that the Mayor and Clerk be and are hereby authorized to enter into a contract with Edward J. McManimon, III in a form satisfactory to the Township Solicitor of the Township of Upper Deerfield.

Moved By: John Daddario

Seconded By: Bruce Peterson

VOTING

James P. Crilley
 John L. Daddario
 John T. O'Neill, Sr.
 Bruce T. Peterson
 Scott Smith

<u>In Favor</u>	<u>Against</u>	<u>Abstain</u>	<u>Absent</u>
X			
X			
X			
X			
X			

CERTIFICATION

I hereby certify that the foregoing is a true copy of Resolution adopted by the Township Committee of the Township of Upper Deerfield, in the County of Cumberland, at a meeting thereof held January 5, 2012

Roy J. Spoltore, Township Clerk