

RESOLUTION
of the
BOROUGH OF NEW PROVIDENCE
Resolution No. 2011-22

Council Meeting Date: 01-03-2011 Date Adopted: 01-03-2011

TITLE RESOLUTION APPOINTING MCMANIMON AND SCOTLAND AS
BOROUGH BOND COUNSEL FOR THE BOROUGH OF NEW
PROVIDENCE COUNTY OF UNION AND STATE OF NEW JERSEY

Councilperson Galluccio submitted the following resolution, which was duly seconded by Councilperson Cucco.

WHEREAS, the Borough of New Providence has deemed it is in the best interest of the Borough to appoint a Municipal Bond Counsel; and

WHEREAS, the borough solicited proposals for legal services through a "fair and open" process in accordance with the provisions of N.J.S.A. 19-44A-20.5; and

WHEREAS, the anticipated term of this contract is three (3) years; and

WHEREAS, McManimon and Scotland has submitted a proposal, indicating he will provide professional bond counsel services for an amount not to exceed \$100,000.00per year; and

WHEREAS McManimon and Scotland, has completed and submitted a Business Entity Disclosure Certificate which certifies that McManimon and Scotland has not made any reportable contributions to a political or candidate committee in the Borough of New Providence in the previous one year, and that the contract will prohibit McManimon and Scotland from making any reportable contributions through the term of the contract, and

WHEREAS, funds are available and have been certified by the Chief Financial Officer; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-5) requires that the resolution authorizing and awarding of contracts for "professional services" without competitive bids and the contract itself must be available for public inspection.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of New Providence that they hereby agree as follows:

1. The Mayor and Borough Clerk are hereby authorized and directed to execute the attached agreement with McManimon and Scotland, for professional bond counsel services.
2. Such contract is awarded without competitive bids as a "professional service" in accordance with N.J.S.A. 40A:11-5(1) (a) of the Local Public Contracts Law, because the services to be rendered are professional in nature and are unspecifiable as to requirements for performance. Such services must be rendered by a person particularly trained and licensed in this area, which requires extensive specific education and long experience in both the Federal and State procedural requirements.
3. A notice of this action shall be published once in the Courier News.

APPROVED, this 3rd day of January, 2011.

Wendi B. Barry
Borough Clerk