

**RESOLUTION NO. 2016 - 01**

**RESOLUTION OF THE TOWNSHIP OF LITTLE EGG HARBOR, COUNTY OF OCEAN, STATE OF NEW JERSEY, APPOINTING THE LAW FIRM OF GILMORE & MONAHAN AS TOWNSHIP ATTORNEY, INCLUDING LITIGATION AND TAX APPEALS**

**WHEREAS**, there exists a need for Legal Services as Township Attorney, including litigation and tax appeals, for the Township of Little Egg Harbor; and

**WHEREAS**, although the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., authorizes the award of contracts for “Professional Services” without competitive bids, the Township issued a request for proposals for professional service contracts in accordance with the competitive negotiation procedure as delineated within Section 40-8 of the Township code of the Township of Little Egg Harbor, entitled “Fair and open process utilized to award contracts with anticipated value in excess of \$17,500”; and

**WHEREAS**, a determination of value has been made by the Township that said contract shall be a value in excess of \$17,500”; and

**WHEREAS**, said competitive negotiation procedure satisfies the requirements of a fair and open process under N.J.S.A. 19:44A:20.2 et seq.; and

**WHEREAS**, all proposals were to be submitted to the Office of the Township Clerk by December 1, 2015; and

**WHEREAS**, the Township Administrator has reviewed the proposals submitted and recommends the law firm of Gilmore & Monahan; and

**WHEREAS**, the law firm of Gilmore & Monahan, is duly qualified to serve as Township Attorney, including litigation and tax appeals; and

**WHEREAS**, it is the desire of the Mayor and Township Committee to appoint the law firm of Gilmore & Monahan, as Township Attorney, including litigation and tax appeals, for the Township of Little Egg Harbor; and

**WHEREAS**, the maximum amount of the contract to be awarded under this resolution is set forth in the 2016 municipal budget; and

**WHEREAS**, the Chief Financial Officer has certified that there are funds available for this contract, which certification is annexed hereto; and

**WHEREAS**, the Local Public Contracts Law, N.J.S.A. 40A:11-1 *et seq.*, authorizes the award of contracts for “Professional Services” and requires that the resolution and contract be made available for public inspection.

**NOW, THEREFORE, BE IF RESOLVED**, by the governing body of the Township of Little Egg Harbor, County of Ocean, State of New Jersey as follows:

1. That the law firm of Gilmore & Monahan, is hereby appointed as Township Attorney, including litigation and tax appeals, for the Township of Little Egg Harbor for a term of one year, commencing January 1, 2016, and ending December 31, 2016, and shall be compensated \$185.00 per hour for Partner, \$185.00 per hour for Associate, \$90.00 per hour for paralegal, and \$30.00 for secretarial services.
2. That the Mayor is hereby authorized to execute and the Township Clerk to attest to the attached agreement with the law firm of Gilmore & Monahan.
3. That this contract is awarded as a “Professional Service” in accordance with N.J.S.A. 40A:11-5(1)(a)(i) of the Local Public Contracts Law because it is for services to be performed by a person(s) authorized by law to practice a recognized profession.

4. That a notice of this action shall be printed once in the official newspaper of the Township of Little Egg Harbor.

5. That this resolution shall take effect on January 1, 2016.

6. That the agreement shall be an open ended contract with funds being encumbered contingent upon the availability of funds in the budget year. No services shall be rendered under the contract until the Chief Financial Officer has certified the availability of funds for such services.

7. That a certified copy of this resolution, together with a copy of the contract between the parties, shall be provided by the Township Clerk to the Chief Financial Officer, and to the law firm of Gilmore & Monahan.

Motion to Approve: Gormley Second: Kehm Roll Call: Gormley yes  
Kehm yes  
Kobryn yes  
Schlick yes  
Stevens yes

**CERTIFICATION**

**I, DIANA K. MCCRACKEN, RMC**, Municipal Clerk of the Township of Little Egg Harbor do hereby certify that the foregoing resolution was duly adopted by the Township of Little Egg Harbor Township Committee at a meeting held on the **1<sup>st</sup>** day of **January, 2016**

Diana K. McCracken, RMC  
**DIANA K. MCCRACKEN**, Township Clerk  
Little Egg Harbor Township

**CERTIFICATE OF AVAILABILITY OF FUNDS**

**RESOLUTION NO. 2016-01**

Gilmore & Monahan as Township Attorney, including Litigation and Tax Appeals

**I, GARRETT LOESCH**, Chief Financial Officer for the Township of Little Egg Harbor, do hereby certify that no amount shall be chargeable or certified until such time as goods and/or services are ordered and/or rendered. Prior to incurring the liability by placing the order or receiving the services, the certification of available funds shall be issued and attached to the file copy of the purchase order or other such document.



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**GARRETT LOESCH**, Chief Financial Officer  
Township of Little Egg Harbor