

RESOLUTION NO. 2016 - 07

RESOLUTION OF THE TOWNSHIP OF LITTLE EGG HARBOR, COUNTY OF OCEAN, STATE OF NEW JERSEY, APPOINTING THE FIRM OF GLUCK WALRATH LLP AS BOND COUNSEL FOR THE TOWNSHIP OF LITTLE EGG HARBOR

WHEREAS, there exists a need for the Township to obtain counsel to provide guidance and other legal services in connection with the issuance of bonds or notes by the Township; 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 firm of Gluck Walrath LLP; and

WHEREAS, the firm of Gluck Walrath LLP, is a partnership of practicing attorneys at law which is listed in the Bond Buyer Directory of Municipal Bond Dealers of

the United States (known as the “Red Book”) and has been extensively involved in the practice of municipal finance for many years and is duly qualified to render these specialized legal services to the Township as Bond Counsel; and

WHEREAS, it is the desire of the Mayor and Township Committee to appoint the firm of Gluck Walrath LLP as Bond Counsel 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 IT RESOLVED, by the governing body of the Township of Little Egg Harbor, County of Ocean, State of New Jersey as follows:

1. That the firm of Gluck Walrath LLP, is hereby appointed as Bond Counsel 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 in accordance with Schedule A attached hereto and made a part hereof.

2. That the Mayor is hereby authorized to execute and the Township Clerk to attest to the attached agreement with the firm of Gluck Walrath LLP.

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 firm of Gluck Walrath LLP.

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 1st day of **January, 2016.**

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

CERTIFICATE OF AVAILABILITY OF FUNDS

RESOLUTION NO. 2016-07
Gluck Walrath LLC as Bond Counsel

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.



GARRETT LOESCH, Chief Financial Officer
Township of Little Egg Harbor

GLUCKWALRATH LLP
Current Hourly Rates 2016
Township of Little Egg Harbor– Bond Counsel Services

<u>Name</u>	<u>Hourly Rate</u>
Marsha Boutin, Legal Assistant	\$150.00
Patti Dixon, Legal Assistant	\$ 80.00
Howard J. Eichenbaum, Esquire	\$225.00
James G. Fearon, Esquire	\$225.00
Christopher M. Walrath, Esquire	\$225.00
<u>Tax Advice Only</u>	
Howard J. Eichenbaum, Esquire	\$275.00