RESOLUTION NO. 2016 - 198

RESOLUTION OF THE TOWNSHIP OF LITTLE EGG HARBOR, COUNTY OF OCEAN, STATE OF NEW JERSEY, AWARDING A CONTRACT TO NASSAU CAPITAL ADVISORS, LLC, FOR PROFESSIONAL CONSULTANT SERVICES IN THE MATTER OF ADOPTION OF N.J.S.A. 5:96 AND 5:97 BY THE NEW JERSEY COUNCIL ON AFFORDABLE HOUSING, 221 N.J. 1 (2015) ("MOUNT LAUREL IV")

WHEREAS, there exists a need for Professional Consulting Services for the Township of Little Egg Harbor In the Matter of Adoption of N.J.S.A. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) ("Mount Laurel IV"); and

WHEREAS, Nassau Capital Advisors, LLC, has the ability and knowledge to perform those services required and necessary by the Township of Little Egg Harbor; and

WHEREAS, 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 and requires that the resolution and contract be made available for public inspection.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of Little Egg Harbor, County of Ocean, State of New Jersey, as follows:

1. That Nassau Capital Advisors, LLC, is hereby awarded a contract to perform Professional Consulting Services In the Matter of Adoption of N.J.S.A. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) ("Mount Laurel IV"), in accordance with Schedule A, attached hereto and made a part hereof, in an amount not to exceed $1,000.00.

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2. That the Mayor is hereby authorized to execute and the Township Clerk to attest to the attached agreement with Nassau Capital Advisors, LLC, in accordance with the provisions of this resolution.

3. 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.

4. That this contract is awarded without competitive bidding 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.

5. That a notice of this action shall be printed once in the official newspaper of the Township.

6. That this resolution shall take effect as of the date of this resolution.

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 Nassau Capital Advisors, LLC.

CERTIFICATION

I, **DIANA K. MCCRACKEN, RMC,** Municipal Clerk of the Township of Little Egg Harbor, do herby certify that the foregoing resolution was duly adopted by the Township of Little Egg Harbor Township Committee at a meeting held on the 22nd day of September, **2016**.

Diana K. McCracken, RMC

DIANA K. MCCRACKEN, RMC, Clerk
Township of Little Egg Harbor

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Motion to Approve: Stevens Second: Schlick Roll Call:

Gormley	yes
Kehm	Absent
Kobryn	yes
Schlick	yes
Stevens	yes

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CERTIFICATE OF AVAILABILITY OF FUNDS

I. **GARRETT LOESCH**, Chief Financial Officer for the Township of Little Egg Harbor, do hereby certify that no amount shall be chargeable or certified and no services shall be rendered under this contract until a certification of available funds has been 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
Date: 9/29/16 DM 9-29-16

JLC:nmc
#3700

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AGREEMENT FOR PROFESSIONAL SERVICES

THIS AGREEMENT dated the 22nd day of September, **2016**, by and between the **TOWNSHIP OF LITTLE EGG HARBOR**, a municipal corporation of the State of New Jersey, having its principal offices located at 665 Radio Road, Little Egg Harbor, New Jersey 08087 (hereinafter referred to as "Township") and **NASSAU CAPITAL ADVISORS, LLC,** having principal offices located at 12 Vandeventer Avenue, P.O. Box 1475, Princeton, New Jersey 08542 (hereinafter referred to as "Consultant").

WITNESSETH:

WHEREAS, pursuant to law, the parties hereto wish to enter into an agreement for professional consultant services.

NOW, THEREFORE, the parties hereunder do agree as follows:

1. That Nassau Capital Advisors, LLC is hereby appointed and designated as Consultant to perform Affordable Housing Services In the Matter of Adoption of N.J.S.A. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) ("Mount Laurel IV").

2. The Consultant shall provide all services required and necessary to perform In the Matter of Adoption of N.J.S.A. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) ("Mount Laurel IV") in accordance with the attached Schedule A. The compensation for said services shall not exceed **ONE THOUSAND AND 00/100 ($1,000.00) DOLLARS** without the prior approval of the Township.

3. The parties to this contract agree to incorporate into this contract the mandatory language of subsection 3.5(a) of the Regulations promulgated by the Treasurer pursuant to P.L.

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1975, c. 127, as amended and supplemented from time to time and the contractor or subcontractor agrees to comply fully with the terms, provisions, and obligations of said subsection 3.5(a).

4. The parties to this contract agree to incorporate into this contract the mandatory language of section 3.7 of the Regulations promulgated by the Treasurer pursuant to P.L. 1975, c. 127, as amended and supplemented from time to time and the contractor or subcontractor agrees to comply fully with the terms, provisions, and obligations of said section 3.7.

5. The Consultant shall execute the Affirmative Action Agreement, Exhibit A attached hereto, which shall be incorporated herein by reference.

6. The Consultant shall submit a copy of the Certificate of Employee Information Report, or a copy of letter of Federal approval, or Form AA-302 (Initial Employee Information Report) prior to execution of this Agreement.

7. The Consultant shall provide written notice to its subcontractors of the responsibility to submit proof of business registration to Consultant.

Before final payment on the contract is made by the Township, the Consultant shall submit an accurate list and the proof of business registration of each subcontractor or supplier used in the fulfillment of the contract, or shall attest that no subcontractors were used.

For the term of the contract, the Consultant and each of its affiliates and a subcontractor and each of its affiliates [N.J.S.A. 52:32-44(g)(3)] shall collect and remit to the Director, New Jersey Division of Taxation, the use tax due pursuant to the Sales and Use Tax Act on all sales of tangible personal property delivered into this State, regardless of whether the tangible personal property is intended for a contract with a contracting agency.

A business organization that fails to provide a copy of a business registration as required pursuant to section 1 of P.L. 2001, c. 134 (C.52:32-44 et al.) or subsection e. or f. of

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section 92 of P.L. 1977, c.110 (C.5:12-92), or that provides false business registration information under the requirements of either of those sections, shall be liable for a penalty of $25 for each day of violation, not to exceed $50,000 for each business registration copy not properly provided under a contract with a contracting agency.

8. The Township and the Consultant for themselves, their heirs, executors, administrators, successors or assigns, hereby agree to the full performance of the covenants herein contained.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the day and year first above written.

WITNESS & ATTEST:

Diana K. McCracken RMC By

DIANA MCCRACKEN, RMC
Township Clerk
(Seal)

TOWNSHIP OF LITTLE EGG HARBOR

Eugene Kobryn

EUGENE KOBRYN, Mayor

NASSAU CAPITAL ADVISORS, LLC

_____ By _____

As to Robert S. Powell, Jr.

ROBERT S. POWELL, JR.,
Managing Member

JLC:nmc
#5000

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