

BOROUGH OF RED BANK
COUNTY OF MONMOUTH
RESOLUTION NO. 12-02

**RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND
OPEN CONTRACT FOR PROFESSIONAL SERVICES**

Mr. DuPont offered the following resolution and moved its adoption:

WHEREAS, the Borough of Red Bank has a need to acquire the services of a Borough Attorney, Bond Counsel, Rent Leveling Board, Construction Board of Appeals Attorney, Historic Preservation Attorney, Labor Counsel, Borough Auditor, Borough Prosecutor, Public Defender and Borough Engineer; and their services will be provided as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5 as appropriate; and

WHEREAS, the Borough Administrator has determined and certified in writing that the value of the acquisition will exceed \$29,000.00; and

WHEREAS, the anticipated term of this contract is one (1) year; and

WHEREAS, the following business entities have submitted proposals indicating they will provide the legal services, engineering service and auditing services for amounts specified in the 2011 Municipal Budget and each of the following business entities have completed and submitted a 'Business Entity Disclosure Certification' which certifies that they have not made any reportable contributions to a political or candidate committee serving individually or collectively as the Board of Commissioners in the Borough of Red Bank in the previous one (1) year, and that the contract will prohibit the following business entities from making any reportable contributions through the term of the contract:

| | |
|---|-----------------------|
| Borough Attorney: | Daniel J. O'Hern, Jr. |
| Bond Counsel: | Philip A. Norcross |
| Rent Leveling Board Attorney: | Gene J. Anthony |
| Construction Board of Appeals Attorney: | Andrew Walsh |
| Labor Counsel: | James L. Plosia, Jr. |
| Borough Auditor: | David A. Kaplan |
| Borough Prosecutor: | James N. Butler, Jr. |
| Public Defender: | Kevin P. Wigenton |
| Borough Engineer: | Christine Ballard |

WHEREAS, funds have been made available in the Annual Municipal Budget of the Borough of Red Bank to support these services.

NOW, THEREFORE, BE IT RESOLVED that:

1) the following appointments are hereby ratified and confirmed for the year 2012.

| | |
|---|-----------------------|
| Borough Attorney: | Daniel J. O'Hern, Jr. |
| Bond Counsel: | Philip A. Norcross |
| Rent Leveling Board Attorney: | Gene J. Anthony |
| Construction Board of Appeals Attorney: | Andrew Walsh |
| Labor Counsel: | James L. Plosia, Jr. |
| Borough Auditor: | David A. Kaplan |
| Borough Prosecutor: | James N. Butler, Jr. |
| Public Defender: | Kevin P. Wigenton |
| Borough Engineer: | Christine Ballard |

2) The amounts charged for these services will be determined in accordance with the contracts dated as of January 1, 2012 and in effect through December 31, 2012.

3) The said contracts were awarded without public bidding as “Professional Services” under the provisions of said Local Public Contracts Law.

4) A copy of this Resolution shall be published in the Asbury Park Press within ten (10) days of its passage.

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this Resolution.

Seconded by Ms. Lee and adopted on roll call by the following vote:

| | Yes | No | Abstain | Absent |
|--------------|-------|-----|---------|--------|
| Ms. Lewis | (x) | () | () | () |
| Mr. Zipprich | (x) | () | () | () |
| Mr. DuPont | (x) | () | () | () |
| Ms. Horgan | (x) | () | () | () |
| Ms. Lee | (x) | () | () | () |
| Mr. Murphy | (x) | () | () | () |

Dated: January 1, 2012