

RESOLUTION NO. 2018 - 04

**RESOLUTION OF THE TOWNSHIP OF LITTLE
EGG HARBOR, COUNTY OF OCEAN, STATE OF
NEW JERSEY, APPOINTING THE LAW FIRM OF
ERIC M. BERNSTEIN & ASSOCIATES, LLC AS
CONFLICT TAX ATTORNEY**

WHEREAS, there exists a need for Legal Services as Conflict Tax Attorney, and litigation, for the Township of Little Egg Harbor; and

WHEREAS, although the Local Public Contracts 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 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 November 14, 2017; and

WHEREAS, the law firm of Eric M. Bernstein & Associates, LLC is duly qualified to serve as Conflict Tax Attorney, including litigation; and

WHEREAS, it is the desire of the Mayor & Township Committee to appoint the law firm of Eric M. Bernstein & Associates, LLC as Conflict Tax Attorney including litigation for the Township of Little Egg Harbor; and

WHEREAS, the amount of the contract to be awarded under this resolution is determined to be \$17,500.00, which sum is reasonably estimated based upon such Legal Services as may be required over the contract term to be awarded under this resolution, including, but not limited to, the amount spent for such Legal Services from the previous calendar year, the costs of compensation under the contract to be awarded, and any projected increase or decrease in services anticipated versus the prior year, and which sum the Township of Little Egg Harbor is under no obligation to spend and which may be exceeded; 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” 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 the law firm of Eric M. Bernstein & Associates, LLC is hereby appointed as Conflict Tax Attorney including litigation for the Township of Little Egg Harbor for a term of one year, commencing January 1, 2018 and ending December 31,

2018, and shall be compensated \$125.00 per hour all Attorneys and \$60.00 per hour for Paralegals.

2. That the Mayor is hereby authorized to execute and the Township Clerk to attest to the attached agreement with the law firm of Eric M. Bernstein & Associates, LLC.

3. That the agreement shall be an open-ended contract with funds being encumbered contingent upon the availability of funds in the budget year. A certificate of availability of funds executed by the Chief Financial Officer is annexed hereto. The following is the line item appropriation[s], which constitute the availability of funds for this contract: 8-01-20-712-020.

4. That this agreement is awarded as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a)(i) 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 printed once in the official newspaper of the Township of Little Egg Harbor.

6. That this resolution shall take effect on January 1, 2018.

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 Eric M. Bernstein & Associates, LLC.

Motion to Approve: Stevens Second: Kehm

Roll Call: Crea yes
Gormley yes
Kehm 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, **2018**.



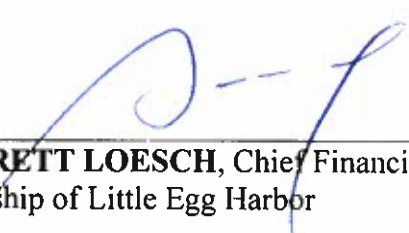
DIANA K. MCCRACKEN, RMC, Clerk
Township of Little Egg Harbor

CERTIFICATE OF AVAILABILITY OF FUNDS

I, **GARRETT LOESCH**, Chief Financial Officer for the Township of Little Egg Harbor, do hereby certify that adequate funds are available for an open-ended contract with Eric M. Bernstein & Associates, LLC as Conflict Tax Attorney.

The amount of the contract to be awarded under this resolution is determined to be \$17,500.00, which sum is based on a reasonable estimate of the Legal Services required over the contract term, the Township of Little Egg Harbor is not obligated to spend this amount and is permitted to exceed this amount during the course of performance of this contract.

The funds which are available for this open-ended contract are found in the following line item appropriation[s]: 8-01-20-712-020.



GARRETT LOESCH, Chief Financial Officer
Township of Little Egg Harbor