

RESOLUTION NO. 2020 - 59

**RESOLUTION OF THE TOWNSHIP OF LITTLE EGG HARBOR,
COUNTY OF OCEAN, STATE OF NEW JERSEY, APPOINTING
TIMOTHY J. WINTRODE OF PEPE & WINTRODE LLC AS
CONFLICT PUBLIC DEFENDER FOR THE TOWNSHIP OF LITTLE
EGG HARBOR**

WHEREAS, the Township of Little Egg Harbor is in need of the services of a Conflict Public Defender for its Municipal Court; 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 February 3, 2020; and

WHEREAS, Timothy J. Wintrode of Pepe & Wintrode LLC, is duly qualified to serve as Conflict Public Defender; and

WHEREAS, it is the desire of the Mayor and Township Committee to appoint Timothy J. Wintrode of Pepe & Wintrode LLC as Conflict Public Defender; and

WHEREAS, the amount of the contract to be awarded under this resolution is determined not to exceed \$35,000.00, 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” and requires that the resolution and contracts 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 Timothy J. Wintrode of Pepe & Wintrode LLC is hereby appointed as Conflict Public Defender for the Township of Little Egg Harbor for the remainder of calendar year 2020 and shall be compensated the sum of One Hundred Twenty-Five (\$125.00) Dollars hourly per Court session.

2. That the Mayor is hereby authorized to execute and the Township Clerk to attest to the attached agreement with Timothy J. Wintrode of Pepe & Wintrode LLC as Conflict Public Defender.

3. That the agreement shall be an open-ended contract with funds being encumbered contingent upon the availability of funds in the budget year. That 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: 0-01-20-856-020.

4. That these contracts are 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 they are 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 of Little Egg Harbor.

6. That this resolution shall take effect immediately.

7. The a certified copy of this resolution, together with a copy of the contracts between the parties, shall be provide by the Township Clerk to the Chief Financial Officer and Timothy J. Wintrode of Pepe & Wintrode LLC

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 **13th** day of **February, 2020**.



DIANA K. MCCRACKEN, Township Clerk
Little Egg Harbor Township

CERTIFICATE OF AVAILABILITY OF FUNDS

I, **RODNEY R. HAINES**, Chief Financial Officer for the Township of Little Egg Harbor, do hereby certify that adequate funds are available for an open-ended contract with Timothy J. Wintrode of Pepe & Wintrode LLC as Conflict Public Defender.

The amount of the contract to be awarded under this resolution is determined not to exceed \$35,000.00, 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]: 0-01-20-856-020



RODNEY R. HAINES, Chief Financial Officer
Township of Little Egg Harbor