

Mayor Little offered the following and moved its adoption:

R-08-59

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

**JOSEPH W. OXLEY of
THE FIRM SCARINCI & HOLLENBECK, LLC**

WHEREAS, the Borough of Highlands has a need for professional legal services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, such professional legal services can only be provided by licensed professionals and Joseph W. Oxley, Esq. of the firm of Scarinci & Hollenbeck, LLC, whose address is 1100 Valley Brook Avenue, P.O. Box 790, Lyndhurst, NJ 07071-0790 is so recognized; and

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the contract will exceed \$17,500; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$71,548.65 plus reimbursable expenses for professional legal services and other special counsel services provided to the Borough of Highlands for the period February 6, 2008 through December 31, 2008, and

WHEREAS, the firm of Scarinci & Hollenbeck, LLC. has completed and submitted a Business Entity Disclosure Certification which certifies that the firm of Scarinci & Hollenbeck, LLC has not made any reportable contributions to a political or candidate committee in the Borough of Highlands in the previous one year, and that the contract will prohibit the firm of Scarinci & Hollenbeck, LLC from making any reportable contributions through the term of the contract, and

WHEREAS, the firm of Scarinci & Hollenbeck, LLC has completed and submitted a Political Contribution Disclosure form in accordance with P.L. 2005, c 271; and

WHEREAS, certification of availability of funds is hereby provided by the Chief Financial Officer of the Borough of Highlands as follows :

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I hereby certify funds are available as follows contingent upon the necessary funds being appropriated by the governing body the SFY 2008 Municipal Budget:

Current Fund: Legal \$35,000.00
Sewer Account: Legal \$3,000.00
Certification of funds for the period July 1, 2008 through
December 31, 2008 shall be provided separately by the Chief
Financial Officer upon adoption of SFY 2009 Budget

Stephen Pfeffer, Chief Financial Officer

WHEREAS, the Local Public Contracts Law N.J.S.A. 40A:11-1 et. seq. requires that notice with respect to contracts for professional services awarded without competitive bids must be publicly advertised;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highlands as follows:

1. The Joseph W. Oxley of the firm of Scarinci & Hollenbeck, LLC is hereby retained to provide professional legal services as described above for an amount not to exceed \$71,548.65 plus reimbursable expenses.
2. The contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession.
3. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
4. The Borough Clerk is hereby directed to publish notice of this award as required by law.

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Seconded by Mr. Nolan and adopted on the following roll call vote:

ROLL CALL:

AYES: Mrs. Burton, Mr. Nolan, Mr. Caizza, Mr. Urbanski, Mayor Little
NAYES: None
ABSENT: None
ABSTAIN: None

Date: March 5, 2008

NINA LIGHT FLANNERY, BOROUGH CLERK

I hereby certify that the above Resolution was duly adopted by the Governing Body of the Borough of Highlands at a meeting held March 5, 2008.

BOROUGH CLERK/DEPUTY CLERK