

Mayor Nolan offered the following Resolution and moved its adoption:

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

R-11-163

**RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN
CONTRACT FOR PROFESSIONAL LEGAL SERVICES
MICHAEL HALFACRE, ATTORNEY AT LAW**

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 engineering services can only be provided by licensed professionals and the Law Office of Michael Halfacre, P.O. Box 299, Little Silver, N.J. 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 \$35,000.00 plus reimbursable expenses for Professional Legal Services provided to the Borough of Highlands for the period July 1, 2011 through December 31, 2011 per the attached contract:

Retainer \$3,333.34 per month
Hourly Rate for additional services outside of retainer \$115

WHEREAS, the Law Office of Michael Halfacre has completed and submitted a Business Entity Disclosure Certification which certifies that the Law Office of Michael Halfacre 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 Law Office of Michael Halfacre from making any reportable contributions through the term of the contract, and

WHEREAS, the Law Office of Michael Halfacre 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 :

I hereby certify funds are available as follows contingent upon adoption of the SFY 2012 municipal budget:

Legal Other Expenses
Sewer Utility Other Expenses

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 Law Office of Michael Halfacre is hereby retained to provide professional legal services as described above for an amount not to exceed \$35,000 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. The Mayor and Borough Clerk are authorized to sign the contract.
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.

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

ROLL CALL:

AYES: Mr. Connelly, Mr. O'Neil, Mr. Francy, Ms. Kane, Mayor Nolan

NAYES: None

ABSENT: None

ABSTAIN: None

Date: July 20, 2011

CAROLYN CUMMINS, 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 July 20, 2011.

BOROUGH CLERK/DEPUTY CLERK