

R: 2016-79

RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR EXPERT WITNESS

WHEREAS, the Town of Phillipsburg, through its Common Council, has a need to acquire the goods or services to be provided hereunder as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5, as applicable; and,

WHEREAS, the Town Clerk has determined and certified in writing that the value of the services could exceed \$17,500; and

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

WHEREAS, Holman Frenia Allison, P.C. – through Frank B. Holman III, CPA, CVA – has submitted a proposal or request indicating the firm will provide the services related to professional consulting and providing expert witness services in relation to pending litigation Township of Lopatcong and Township of Greenwich v. Town of Phillipsburg as agreed to under separate letter agreement at the hourly rates of \$225 for partners, \$180 for managers, and \$140 for senior staff, not to exceed \$10,000.00 total; and

WHEREAS, Holman Frenia Allison, P.C. has completed and submitted a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political or candidate committee in the Town of Phillipsburg in the previous one year, and that the contract will prohibit the them from making any reportable contributions through the term of the contract, and

WHEREAS, the Town CFO has certified that there are sufficient and available funds, as required under the law, specifically N.J.A.C. 5:30-5.4.

NOW THEREFORE, BE IT RESOLVED that the Council of the Town of Phillipsburg hereby authorizes the Mayor to enter into a contract with Holman Frenia Allison, P.C, as described herein; and,

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

BE IT FURTHER RESOLVED that the Clerk shall publish such notice, if any, as required under the law. This appointment is made without competitive bidding as professional services under the provisions of the Local Public Contracts Law, as provided in N.J.S.A. 40A:11-5 because said appointment or engagement requires services performed by person or persons qualified to practice recognized professions, and it is not possible to obtain competitive bids, and according to other applicable statutes.

CERTIFICATION

I, Victoria L. Kleiner, Municipal Clerk for the Town of Phillipsburg, do hereby certify that the foregoing is a true copy of a resolution duly adopted by the Town Council on their April 19, 2016 meeting

Victoria L. Kleiner, RMC