

**RESOLUTION 2018-17**  
**RESOLUTION AUTHORIZING CONTRACT FOR**  
**EXTRAORDINARY, UNSPECIFIABLE SERVICES**

WHEREAS, there exists a need to obtain the services of a Financial Advisor for The Bordentown Sewerage Authority; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-5(1)(a)(ii) exempts the award of contracts for extraordinary, unspecifiable services from the requirements of public advertisement and bidding; and

WHEREAS, the award of this contract meets the statute and regulations governing the award of said contracts; and

WHEREAS, a certificate of availability of funds has been provided by the designated certifying officer and is attached hereto.

NOW, THEREFORE, BE IT RESOLVED this 20<sup>th</sup> day of February, 2018, by The Bordentown Sewerage Authority as follows:

1. The Chair and Secretary are hereby authorized and directed to execute the contract for extraordinary, unspecifiable services with Acacia Financial Group, Inc.
2. This contract is awarded without competitive bidding after a fair and open process as an "Extraordinary Unspecifiable Service" in accordance with N.J.S.A. 40A:11-5(1)(a)(ii) of the Local Public Contracts Law because this service is specialized and qualitative in nature requiring expertise, extensive training and proven reputation.
3. A Notice of this action shall be published in the official newspaper of the Authority.

THE BORDENTOWN SEWERAGE AUTHORITY

By: \_\_\_\_\_

Chair, **JAMES E. LYNCH, JR.**

Attest: \_\_\_\_\_

Secretary, **JOSEPH R. MALONE, III**

I have reviewed this resolution and the certificate of availability of funds and am satisfied that an appropriate certificate of availability has been provided.

\_\_\_\_\_  
Thomas J. Coleman, III, Esquire  
General Counsel

**CERTIFICATE OF AVAILABILITY OF FUNDS**

I, Richard D. Eustace, Executive Director and Certifying Finance Officer of The Bordentown Sewerage Authority, do hereby certify, pursuant to the rules of the Department of Community Affairs, Division of Local Government Services (N.J.A.C. 5:34-5.1 et seq.), that there are available adequate funds for the following proposed contract:

CONTRACT: Financial Advisor  
CONTRACT NUMBER: 2018-C11  
CONTRACTOR: Acacia Financial Group, Inc.  
CONTRACT AMOUNT: See Compensation Proposal  
BUDGETARY LINE ITEM: 01-001-500F

I certify that the same funds have not been certified as available for more than one pending contract.

2/20/18  
Date



\_\_\_\_\_  
Richard D. Eustace  
Certifying Finance Officer

**Special situations (check all that apply):**

- A.) The Authority is operating under a temporary budget and:
- 1. the full cost of the contract is certified against the temporary budget; or
  - 2. only the pro rata amount of the contract is charged against the temporary budget and the contract contains a clause making its continuation past the date subject to a further appropriation of sufficient funds.
- B.) This contract is an open-ended contract for goods at a unit price up to a maximum amount and:
- 1. the full maximum amount permitted by the contract is being certified; or
  - 2. the amount of the purchase shall be certified at the time that such goods are ordered by attaching the certificate of availability to the file copy of the purchase order.
- C.) This 12-month contract does not coincide with the fiscal year and:
- 1. the full cost of the contract is hereby certified against the budget of the year in which the contract is awarded; or
  - 2. the amounts for which liability is to be incurred is hereby certified against the two respective budgets at this time.
- D.) This is a multi-year contract and:
- 1. this contract is for construction and related services and the full amount of the contract is hereby certified to the current budget; or
  - 2. this is not a construction contract, and the availability of funds will be certified to the respective budgets at the time that the goods or services are ordered.

2/20/18

Date



Richard D. Eustace  
Certifying Finance Officer

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**f. Compensation proposal.**

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For financial advisory services rendered to the Authority in connection with the sale of bonds and notes or general consulting engagements, Acacia proposes to be compensated based on the following schedule:

**1. Standard Financings**

For financial advisory services rendered to the Authority in connection with the sale of bonds and notes, Acacia proposes to be compensated at a rate of \$1.10 per \$1,000 of par value issued with a minimum fee of \$15,000 per issue.

**2. Official State Preparation:**

If requested to prepare the Preliminary Official Statement/Final Official Statement for bonds or notes, Acacia proposed to be compensated \$2,000 for such services.

**3. Consulting:**

For general consulting services provided on projects other than the sale of bonds or notes, Acacia proposes that compensation be based upon the hourly rates established below.

**Hourly Rates**

1. Co-President	\$250.00/hr.
2. Managing Director	\$225.00/hr.
3. Vice President	\$200.00/hr.
4. Assistant Vice President	\$175.00/hr.
5. Analyst	\$150.00/hr.

**4. Other Financings/Transactions:**

For financings that include unique and/or complex financing structures or require additional services beyond our general scope, Acacia proposes that the fee for such transactions be negotiated in advance.

**5. Expenses**

Acacia proposes to be reimbursed for the following reasonable expenses incurred in providing the services set forth herein at rates which are approved upon submission of appropriate invoices: travel, postage, photocopies, telecopies, freight charges and telephone.

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