

RESOLUTION 2021-82

RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR GENERAL COUNSEL LEGAL SERVICES

WHEREAS, the Bordentown Sewerage Authority has a need to acquire the services of a General Counsel, to provide legal services for the time period from October, 2021 through February, 2022, as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Authority's purchasing agent has determined and certified in writing that the value of the contract will exceed \$17,500.00; and

WHEREAS, the anticipated term of this contract is five (5) months, for the time period from October, 2021 through February, 2022, the date of the Authority's annual reorganization; and

WHEREAS, Malamut & Associates, LLC has submitted a proposal dated October 4, 2021, indicating that they will provide the requested legal services for the sum of \$4,600 per month, plus miscellaneous costs and expenses at a flat rate of \$100.00 per month, and such additional legal services as may be required by the Authority, at the rate of \$200.00 per hour; and

WHEREAS, Malamut & Associates, LLC has completed and submitted a Business Entity Disclosure Statement which certifies that Malamut & Associates, LLC has not made any reportable contributions to a political or candidate committee in the City of Bordentown or in Bordentown Township in the previous one year, and that the contract will prohibit Malamut & Associates from making any reportable contributions through the term of the contract; and

WHEREAS, funds are available for the purpose of the contract, and a certificate of the availability of funds has been provided by the designated certifying finance officer

and is attached hereto;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Bordentown Sewerage Authority authorizes entry into a contract with Malamut & Associates, as described herein; and

BE IT FURTHER RESOLVED that the Business Entity Disclosure Certification and the Determination of Value be place on file with this Resolution; and

BE IT FURTHER RESOLVED that a Notice of the award of this contract shall be printed as a legal advertisement.

DATED: OCTOBER 18, 2021

THE BORDENTOWN SEWERAGE AUTHORITY

By: M. Ellen Gulbinsky
M. Ellen Gulbinsky, Chairwoman

ATTEST:

Joseph R. Malone, III
Joseph R. Malone, III, Secretary

The certificate of availability of funds is attached to this Resolution.

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.

10/18/21

Date



Elizabeth J. Kwelty
Certifying Finance Officer

SCHEDULE A

F. Compensation proposal.

Malamut & Associates, LLC proposes to represent the Authority on the same terms as the Authority's previous General Counsel. Those terms are as follows, and as applied to this contract, for the time period from October, 2021 through February, 2022, include providing General Counsel services for a flat fee of \$23,000.00, which will be paid in equal monthly installments of \$4,600.

Miscellaneous costs and expenses for travel, copies, printing, telephone, faxes, postage, computerized legal research, and other miscellaneous expenses shall be billed and paid at a flat rate of \$100.00 per month.

Other costs and expenses that are advanced by the firm's check, or are otherwise paid on account of or on behalf of the Authority, shall be billed at cost.

With respect to additional services, which are defined as follows, this time will be billed separately, at the rate of \$200.00 per hour:

1. Services rendered on behalf of developments that are charged to the escrow accounts of developers;
2. All pending or reasonably anticipated judicial or administrative litigation, hearings, appeals, arbitrations, mediations, or permit appeals or modification proceedings, including all reasonable and necessary services rendered in investigation, research, or preparation thereto, before any court, administrative agency, arbitration, or mediation tribunal; and
3. Services related to bonding, guaranteed investment contracts, the issuance of debt, or preliminary matters related thereto.