

RESOLUTION 2024-31
RESOLUTION AUTHORIZING CONTRACT FOR PROFESSIONAL SERVICES

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

WHEREAS, funds are available for this purpose and a certificate of availability of funds has been provided by the designated certifying officer and is attached hereto; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq. requires that the Resolution authorizing the award of Contract for "professional services" without competitive bids and the resulting contract must be available for public inspection; and

WHEREAS, the Local Public Contracts Law further requires that a Notice of the award of contract be printed as a legal advertisement; and

WHEREAS, the Contract was awarded after a fair and open process.

NOW, THEREFORE, BE IT RESOLVED this 20th day of February, 2024, by The Bordentown Sewerage Authority as follows:

1. Acacia Financial Group, Inc., be and the same is hereby appointed as Financial Advisor for The Bordentown Sewerage Authority. The term of appointment is effective March 1, 2024 and shall be for a term of one year.
2. This Contract is awarded without competitive bidding after a fair and open process as a "professional service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because said contract encompasses a professional service recognized, and regulated by law.
3. The Chair and Assistant Secretary are hereby authorized and directed to execute the professional service contract with Acacia Financial Group, Inc.

4. Notice of this action shall be published once as a legal advertisement in the official newspaper of The Bordentown Sewerage Authority within ten days of its adoption.

THE BORDENTOWN SEWERAGE AUTHORITY

By: _____

Chair *James E. Lynch Jr.*

Attest:

Joseph R. Malone, III

Assistant 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.

Anthony T. Drollas, Jr.

Anthony T. Drollas, Jr., Esquire
General Counsel

CERTIFICATE OF AVAILABILITY OF FUNDS

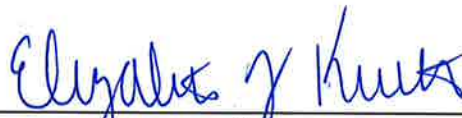
I, Elizabeth J. Kwelty, Administrative Manager and Certifying Finance Officer of The Bordentown Sewerage Authority, do hereby certify, pursuant to the rules of the Department of Community Affairs, Division of Local Government Services (N.J.A.C. 5:34-5.1 et seq.), that there are available adequate funds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

CONTRACT: Financial Advisor
CONTRACT NUMBER: 2024-C8
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.

2/20/24

Date



Elizabeth J. Kwelty
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.

2/20/24

Date



Elizabeth J. Kwelty
Certifying Finance Officer

COMPENSATION PROPOSAL

f. Compensation proposal.

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. For New Jersey Infrastructure Bank financings, Acacia proposes to be compensated on an hourly basis at the rates set forth below.

2. Official Statement 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. Senior Vice President/Vice President	\$200.00/hr.
4. Assistant Vice President/Associate	\$175.00/hr.
5. Analyst	\$150.00/hr.

4. Annual Disclosure Filing (if applicable):

For services in connection with the on-going annual disclosure and the filing of certain financial information and notices in connection with the provisions of Rule 15C2-12(b)(5), Acacia proposes that compensation be an annual fee of \$1,000 billed at the time such services are rendered. For work associated with the compilation of any disclosure documents, Acacia will charge the hourly rates identified above.

5. 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.

6. 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, overnight deliveries, and conference calls.

g. Compliance with the minimum qualifications established by the Authority for the position.

Acacia is compliant with the minimum qualifications established by the Bordentown Sewerage Authority as the firm and designated contact person have experience serving as Financial Advisor to New Jersey Municipal Utilities Authorities with respect to the issuance of bonds and are experienced with NJIB financings. Josh Nyikita will continue to be assigned to the day-to-day responsibilities for the Authority.