

RESOLUTION 2024-32

WHEREAS, there exists a need for the services of an attorney-at-law to serve as Labor Counsel 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 finance 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 the contract be printed as a legal advertisement; and

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

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


1. Malamut & Associates, LLC, be and the same is hereby appointed as Labor Counsel 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 services contract with Malamut & Associates, LLC.

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: 
Assistant Secretary Joseph R. Malone, III

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

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: Labor Counsel
CONTRACT NUMBER: 2024-C9
CONTRACTOR: Malamut & Associates, LLC
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.

2/20/2024

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.

2/20/2024

Date



Elizabeth J. Kwelty
Certifying Finance Officer

convenient office location in Cherry Hill, New Jersey also allows us to be readily available to attend meetings with the New Jersey Department of Community Affairs and the Local Finance Board.

F. Compensation proposal.

COMPENSATION PROPOSAL

Malamut and Associates, LLC proposes to represent the Bordentown Sewerage Authority on an hourly fee basis. Although Mr. Crook's hourly rates for private sector engagements normally ranges from \$325.00 to \$375.00 per hour, Malamut and Associates proposes to bill Mr. Crook's services at a reduced rate of \$200.00 for services performed as Labor Counsel.

Other partners at the firm may assist in specialized areas of law, where necessary and appropriate. The maximum rate that the firm will charge for those attorneys' services will be \$200.00 per hour, notwithstanding those attorneys' billing rates normally range up to \$350.00 per hour, depending on the experience of the attorney and the complexity of the matter requiring their service.

Other associate attorneys at the firm may assist where necessary and appropriate. The maximum rate that the firm will charge for those attorneys' services will be \$165.00 per hour. Paralegal services will be charged at a rate of \$100.00 per hour. Out-of-pocket expenses will be charged at actual cost, without the application of any mark-up.

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

As set forth in this proposal, Mr. Crook began his career serving as Assistant County Solicitor for the County of Burlington in 1987. He provided representation on a wide variety of claims and defenses on behalf of the County in the area of labor relations and litigation. Since he began his career, Mr. Crook has represented a host of municipal entities in a wide variety of claims as well as serving as Solicitor to Burlington County for 11 years, where he oversaw an office with six Assistant Solicitors and handled all matters relating to county government. The firm believes that Mr. Crook's knowledge and experience complies with the minimum qualifications established by the Authority for the position of Labor Counsel.

H. Other factors if demonstrated to be in the best interest of the Authority.

Malamut and Associates has support staff and significant resources to assist with all services that are required to represent the Authority. In addition to outstanding administrative support, the firm has staff members devoted full-time to the firm's management information. The firm also maintains the latest in state-of-the-art equipment and software to provide the most prompt and cost-effective service to our clients.

We provide a highly secure network using the latest in firewalls, security filters, and user authentication. With our internet-based application server, we give attorneys and staff the ability to access all firm software creating a virtual office. Using a sophisticated case management suite, we are able to organize all case-related information, allowing us to provide immediate feedback to our clients. In order to maintain the highest level of client satisfaction, we deploy a wide selection of communication tools including e-mail, desktop faxing, video conferencing, on-line collaboration, and electronic filing.

We bring the power of information technology to bear on every aspect of what we do. Our primary goal is to respond to our clients' needs with the highest quality work product, created in the most efficient way possible, as quickly as possible. Through the use of electronic technology, our attorneys have access to thousands of legal and non-legal databases.

Malamut and Associates' executed document required by the Bordentown Sewerage Authority as well as copies of our Certificate of Employee Information, Business Registration and Certificates of Liability Insurance may be found at Attachment 3.