

RESOLUTION OF THE MORRIS COUNTY IMPROVEMENT AUTHORITY

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***TITLE:***

**RESOLUTION OF THE MORRIS COUNTY IMPROVEMENT  
AUTHORITY AUTHORIZING THE AWARD AND CONTRACT  
FOR GENERAL COUNSEL, BOND COUNSEL AND SPECIAL  
ENERGY COUNSEL SERVICES**

**WHEREAS**, the Morris County Improvement Authority (the "Authority") has been duly created by resolution of the County of Morris (the "County"), State of New Jersey (the "State"), and exists in good standing as a public body corporate and politic under and pursuant to all applicable law, including the county improvement authorities law, constituting Chapter 183 of the Pamphlet Laws of 1960 of the State, as amended from time to time (codified at N.J.S.A. 40:37A-44 et seq., the "Act"); and

**WHEREAS**, the Authority is authorized pursuant to the Local Public Contracts Law N.J.S.A. 40:11A-1 *et seq.* (the "Public Contracts Law") to enter into contracts as deemed necessary for the efficient operation of the Authority; and

**WHEREAS**, in order to carry out the operations of the Authority, including without limitation, general operations, the negotiation, sale and issuance of bonds, notes or other obligations of the Authority to finance projects permitted under the Act, and the operation, maintenance and management of the Authority's Renewable Energy Programs, the Authority needs to contract for the services of a general counsel, bond counsel and special energy counsel (the "Services"); and

**WHEREAS**, the Authority desires to engage the services of an attorney or firm to provide those Services; and

**WHEREAS**, pursuant to N.J.S.A. 19:44A-20.1 *et seq.*, an authority may not award contracts with a value in excess of \$17,500.00 to a business entity which has made reportable contributions in excess of \$300.00, in the aggregate, to the member municipality's political parties or to any candidate's committee of any person serving in an elective public office of the member municipality when such contract was awarded, unless said business entity is awarded a contract under a fair and open process; and

**WHEREAS**, the Authority prepared and publicly advertised a Request for Proposals ("RFP") on February 16, 2023, for the Services in accordance with the procedures of a fair and open process established by N.J.S.A. 19:44A-20.4 *et seq.*; and

**WHEREAS**, in response to the RFP issued by the Authority, the Authority received a proposal submitted by McManimon, Scotland & Baumann, LLC, located in

Roseland, New Jersey, (the "Proposal"), which Proposal is on file with the Authority and attached hereto as Exhibit A; and

**WHEREAS**, it is the finding of the Authority, after careful consideration of the Proposal, that the Proposal meets the Authority's needs for the Services; and

**WHEREAS**, the Authority desires to appoint McManimon, Scotland & Baumann, LLC, as General Counsel, Bond Counsel and Special Energy Counsel for a period of one (1) year, unless extended as permitted by law, at rates as described in the Proposal; and

**WHEREAS**, the Authority desires to authorize the Chairperson of the Authority to execute a contract with McManimon, Scotland and Baumann, LLC for the Services.

**NOW THEREFORE BE IT RESOLVED** by the Board of Commissioners of the Authority as follows:

**Section 1.** The aforementioned recitals are incorporated herein as though fully set forth at length.

**Section 2.** The Authority hereby awards the contract to perform the Services for a term not to exceed one (1) year, unless extended as permitted by law at rates as described in the Proposal (the "Contract") to McManimon, Scotland & Baumann, LLC.

**Section 3.** The Chairperson is hereby authorized and directed to execute the Contract with McManimon, Scotland & Baumann, LLC.

**Section 4.** Subject to the second sentence of this section, this resolution shall take effect immediately. In accordance with N.J.S.A. 40:37A-50, the Secretary of the Authority is hereby authorized and directed to submit to each member of the Board of Freeholders, by the end of the fifth business day following this meeting, a copy of the minutes of this meeting. The Secretary is hereby further authorized and directed to obtain from the Clerk of the Board of Freeholders a certification from the Clerk stating that the minutes of this meeting have not been vetoed by the Director of the Board of Freeholders.

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**Exhibit A**

**Proposal**

***MOVED/SECONDED:***

Resolution moved by Commissioner \_\_\_\_\_.

Resolution seconded by Commissioner \_\_\_\_\_.

***VOTE:***

<b>Commissioner</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Leary				
Ramirez				
Bauer				
Sandman				
Gallop				

This Resolution was acted upon at the Regular Meeting of the Authority held remotely on April 19, 2023 by audio and video in accordance with notice promulgated by the Authority in accordance with applicable law.

Attested to this 19th day of April, 2023

By: \_\_\_\_\_  
Secretary of the Authority

***FORM and LEGALITY:***

This Resolution is approved as to form and legality as of April 19, 2023.

By: \_\_\_\_\_  
Matthew D. Jessup, Member, McManimon, Scotland & Baumann, LLC  
Counsel to the Authority  
Resolution No. 23-15