

RESOLUTION OF THE MORRIS COUNTY IMPROVEMENT AUTHORITY

TITLE:

**RESOLUTION OF THE MORRIS COUNTY IMPROVEMENT
AUTHORITY AUTHORIZING THE EXTENSION OF A
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 adopted Resolution No. 23-03 on January 18, 2023, authorizing the preparation and issuance of a request for proposals ("RFP") in connection with the Services; and

WHEREAS, the RFP was issued by the Authority on February 16, 2023; and

WHEREAS, in response to the RFP and in accordance with the procedures of a fair and open process established by N.J.S.A. 19:44A-20.5, the Authority received a proposal (the “Proposal”) submitted by McManimon, Scotland & Baumann, LLC, (“MS&B”) located in Roseland, New Jersey, which Proposal is on file with the Authority; and

WHEREAS, after careful consideration of the Proposal, the Authority adopted Resolution No. 23-15 on April 19, 2023, authorizing the award and execution of a contract to perform the Services provided in the RFP (the “Contract”) for a term not to exceed one (1) year; and

WHEREAS, pursuant to Section 1.2 of the RFP, the term of the Contract ends March 31, 2024, and the Authority maintains an option to exercise two (2) one-year extensions of the Contract; and

WHEREAS, the Authority desires to exercise its option to extend the Contract with Gabel to continue to provide the Services provided in the Proposal for a term not to exceed one (1) year.

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 extends the Contract with MS&B to perform the Services provided in the Proposal for a term not to exceed one (1) year, for the period April 1, 2024 through March 31, 2025.

Section 3. 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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MOVED/SECONDED:

Resolution moved by Commissioner _____.

Resolution seconded by Commissioner _____.

VOTE:

Commissioner	Yes	No	Abstain	Absent
Leary				
Ramirez				
Bauer				
Sandman				
Gallop				

This Resolution was acted upon at the Regular Meeting of the Authority held remotely on February 21, 2024 by audio and video in accordance with notice promulgated by the Authority in accordance with applicable law.

Attested to this 21st day of February, 2024

By: _____
Secretary of the Authority

FORM and LEGALITY:

This Resolution is approved as to form and legality as of February 21, 2024.

By: _____
Matthew D. Jessup, Member, McManimon, Scotland & Baumann, LLC
Counsel to the Authority
Resolution No. 24-06