

RESOLUTION NO. 2015-144

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH JEFFREY R. SURENIAN & ASSOCIATES, BRIELLE, NEW JERSEY, REGARDING THE NEW JERSEY COUNCIL ON AFFORDABLE HOUSING (COAH) OBLIGATIONS.

WHEREAS, as a result of the ongoing litigation regarding the New Jersey Council on Affordable Housing (COAH) and the impact Court decisions have and will continue to have upon the City of Vineland; and

WHEREAS, as a result of the proposed adoption of new COAH rules, the City is in need of special counsel to provide legal services and advice in addressing the City's responsibility with respect to its affordable housing obligations; and

WHEREAS, the City of Vineland has a need to acquire such professional services as a Non-Fair and Open Contract pursuant to N.J.S.A. 19:44A-20.5; and

WHEREAS, Jeffrey R. Surenian & Associates, Inc., Brielle, New Jersey, is a law firm specializing in matters related to COAH and municipal affordable housing obligations; and

WHEREAS, the maximum amount authorized for said services are Five Thousand (\$5,000.00) Dollars, for the contract period May 27, 2015 through May 26, 2016; and

WHEREAS, Jeffrey R. Surenian & Associates, Inc. has completed and submitted a Business Entity Disclosure Certification for Non-Fair and Open Contract which certifies that Jeffrey R. Surenian & Associates, Inc. has not made any reportable contributions to a political or candidate committee in the City of Vineland in the previous one year and that the contract will prohibit Jeffrey R. Surenian & Associates, Inc. from making any reportable contributions through the term of the contract to a political or candidate committee in the City of Vineland; and

WHEREAS the Local Public Contract Law N.J.S.A. 40A:11-1, et seq, requires that the Resolution authorizing the award of a contract for Professional Services without competitive bidding and the contract itself must be available for public inspection.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Vineland as follows:

1. The Mayor and Clerk are authorized to execute a Professional Services Agreement with Jeffrey R. Surenian & Associates, Brielle, New Jersey, for legal services with respect to the City's affordable housing obligations. Said Agreement shall be in the form hereto marked Exhibit "A."

2. This Agreement shall be awarded without competitive bidding as a Professional Services in accordance with N.J.S.A. 40A:11-50 (1) (a) of the Local Public Contract Law because the contract is for a service performed by a person authorized by law to practice a recognized profession that is regulated by law.

3. That the Business Disclosure Entity Certification and the Political Contribution Disclosure Form be placed on file with the Resolution.

4. That a Notice of this action shall be printed once in the Daily Journal.

Adopted:

\_\_\_\_\_  
President of Council

ATTEST:

\_\_\_\_\_  
City Clerk

**REQUEST FOR RESOLUTION FOR CONTRACT AWARDS  
UNDER 40A:11-5 EXCEPTIONS  
(PROFESSIONAL SERVICES, EUS, SOFTWARE MAINTENANCE, ETC)**

3/12/15

(DATE)

1. Service (detailed description): REGARDING THE NEW JERSEY COUNCIL ON AFFORDABLE HOUSING (COAH) OBLIGATIONS

2. Amount to be Awarded: \$ Not to Exceed \$5,000.00

- Encumber Total Award  
 Encumber by Supplemental Release

3. Amount Budgeted: \$ \_\_\_\_\_

4. Budgeted: By Ordinance No. \_\_\_\_\_  
Or Grant: Title & Year \_\_\_\_\_

5. \*\*Account Number to be Charged: \_\_\_\_\_

6. Contract Period: May 27, 2015 - May 26, 2016


7. Date To Be Awarded: March 24, 2015

8. Recommended Vendor and Address: Jeffrey R. Surenian and Associates  
707 Union Ave., Suite 301, Brielle, NJ 08730

9. Justification for Vendor Recommendation:(attach additional information for Council review)  
Law Firm specializes in COAH Compliance  
\_\_\_\_\_  
\_\_\_\_\_


- Non-Fair & Open (Pay-to-Play documents required)  
 Fair & Open: How was RFP advertised? \_\_\_\_\_

10. Evaluation Performed by: Richard P. Tonetta

11. Approved by: Richard P. Tonetta  


12. Attachments:

- Awarding Proposal  
 Other: Firm's Prof. Serv. Contract

- Send copies to:  
Purchasing Division  
Business Administration 

\*\* If more than one account #, provide break down

## **CONTRACT FOR PROFESSIONAL SERVICES**

---

This Agreement is made this \_\_\_\_\_ day of \_\_\_\_\_ 2015, by and between:

**City of Vineland, a Municipal Corporation of the State of New Jersey**  
640 E. Wood Street  
PO Box 1508  
Vineland, NJ 08362-1508

hereinafter referred to as "City"

And: **Jeffrey R. Surenian and Associates, LLC**  
707 Union Avenue, Suite 301  
Brielle New Jersey, 08730,

hereinafter referred to as "Special Counsel", "Contractor" or "Firm".

### **WITNESSETH:**

1. City hereby appoints and employs the Special Counsel to assist the City and its legal counsel in helping the City address its responsibilities with respect to its affordable-housing obligations in any proceeding involving (a) the New Jersey Council on Affordable Housing ("COAH"), and/or (b) a New Jersey court of competent jurisdiction.

2. Special Counsel shall bill the City at the following rates:

- (a) \$175.00 per hour for all time spent by Jeffrey R. Surenian;
- (b) \$160.00 per hour for all time spent by Counsel, which is defined as an attorney with at least six years of experience representing municipalities in Mount Laurel matters and at least ten years of experience as a lawyer;
- (c) \$150.00 per hour for all time spent by Senior Associates, defined as an attorney with at least three years of experience representing municipalities in Mount Laurel matters;
- (d) \$140.00 per hour for all time spent by Junior Associates defined as an attorney with less than three years of experience as an attorney; and
- (e) \$70.00 per hour for all paralegal work.

3. City shall pay all disbursements incurred by Firm, at the Firm's normal rate, such as, but not limited to, photocopying and printing charges (at \$0.25 per page); facsimile charges (at \$1.00 per page); telephone charges; travel expenses (at standard IRS rate, plus tolls); scanning charges (at \$0.25 per page); messenger fees; filing fees; recording fees, etc.

4. Special Counsel shall bill City on a monthly basis. The amount of this contract is limited to \$5,000. In the event it is anticipated that the cost of services will exceed \$5,000, it shall notify the City. The City shall then either allocate more monies or the Firm shall be permitted to stop work once the \$5,000 limit is reached. If the Firm must stop work because the \$5,000 has been depleted and because no more monies have been allocated, the Firm shall not be responsible for any loss caused by the cessation of work.

5. City shall pay all bills within forty-five (45) days from date mailed.

6. As a prerequisite to payment, Special Counsel shall complete and execute vouchers provided by the City, which Firm shall be free to submit with each bill, so that said bill may be paid upon approval.

7. Attached hereto and incorporated herein are:

**Exhibit A**

Mandatory Affirmative Action Compliance Notice N.J.S.A. 10:5-31 and N.J.A.C. 17:27; Appendix A Americans with Disabilities Act of 1990 Equal Opportunity for Individuals with Disability; and Mandatory Equal Employment Opportunity Language N.J.S.A. 10:5-31 et seq. (P.L. 1975, C. 127) N.J.A.C. 17-27;

**Exhibit B**

State of New Jersey Business Registration Certificate;  
Certificate of Employee Information Report; Workers

Compensation and Employers Liability Policy; and Business Entity Disclosure Certification; and

Exhibit C

Certificate of Good Standing for Jeffrey R. Surenian, Michael A. Jedziniak, and Erik C. Nolan.

8. Any portion or clause of this Agreement that is deemed unenforceable shall be severed from this Agreement with the surviving portion remaining in full force and effect.

9. The terms of this Contract shall be in effect from January 1, 2015 until December 31, 2015.

CITY OF VINELAND

ATTEST:

By \_\_\_\_\_, Mayor

JEFFREY R. SURENIAN AND ASSOCIATES, LLC

By Jeffrey R. Surenian  
Jeffrey R. Surenian, Managing Member

Sworn and subscribed to before me on this 12 day of Feb., 2015

Jacalyn A. Springer  
A Notary Public of New Jersey  
My commission expires:  
**JACALYN A. SPRINGER**  
A Notary Public of New Jersey  
My Commission Expires Sept. 15, 2018