

CITY OF VINELAND

RESOLUTION NO. 2016-_____

RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH RYAN SCERBO, ESQ. TEANECK, NEW JERSEY FOR ANALYSIS AND RECOMMENDATIONS REGARDING THE CREATION AND MEMBERSHIP OF AND TO THE NEW JERSEY PUBLIC POWER AUTHORITY FOR THE CITY OF VINELAND.

WHEREAS, the New Jersey Legislators adopted the Municipal Shared Services Energy Authority Act, N.J.S.A. 40A: 66-1 et seq., allowing municipalities that own and maintain electric generation facilities to join a public power authority so as to provide a method of purchasing product and creating generation in a more economical way, based upon larger numbers, by combining the needs of each municipal utility in one but maintaining home ownership and control of the respective utility; and

WHEREAS, on October 20, 2016, the Local Finance Board in the Department of Community Affairs approved the creation of the New Jersey Public Power Authority (NJ PPA) to meet the requirements of the above statute and the NJ PPA has requested the City of Vineland, execute an Intermunicipal Agreement establishing the New Jersey Public Power Authority and to become a member thereof; and

WHEREAS, it is necessary to seek legal guidance from a professional with knowledge and experience in the issues dealing with the laws of the State of New Jersey as they pertain to public power, the Board of Public Utilities and its interaction with the Federal Energy Regulatory Commission (FERC) to determine whether joining the NJ PPA is in the best interest of the City of Vineland Electric Utility and its ratepayers; and

WHEREAS, Ryan Scerbo, Esq., Teaneck, New Jersey, is an attorney licensed to practice law in the State of New Jersey and specializes in matters pertaining to public power and municipally owned utilities, with years of experience and has provided a billing rate of \$195 per hour with an amount not to exceed \$20,000.00; and

WHEREAS, Ryan Scerbo, Esq. has/shall complete and submit a Business Entity Disclosure Certification for Non-Fair And Open Contract which certifies that the firm 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 Ryan Scerbo, Esq. or his firm from making any reportable contributions through the term of the contract or its extension to a political or candidate committee in the City of Vineland; and

WHEREAS, the availability of funds for said Professional Services Contract to be awarded have been certified by the Chief Financial Officer; and

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

CITY OF VINELAND

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

1. That the Mayor and Clerk are hereby authorized and directed to execute a Non-Fair and Open Agreement pursuant to N.J.S.A. 19:44A – 20.5 with Ryan Scerbo, Esq. of the Law Firm of DeCotiis FitzPatrick & Cole LLP, Teaneck, New Jersey, for professional legal services so as to provide an analysis and recommendation regarding the creation and membership of and to the New Jersey Public Power Authority for the City of Vineland and shall bill at an hourly rate of \$195.00 and an amount not to exceed \$20,000.00, for the specified services for a contract not to exceed one year beginning November 9, 2016.
2. That this Professional Services Agreement is awarded without competitive bidding in accordance with NJSA 40 A: 11 – 5 (1)(a) of the Local Public Contracts Law because said services to be rendered or performed require knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction distinguished from general academic instruction or apprenticeship and training.
3. That the Business Disclosure Entity Certification, the Political Contribution Disclosure Form and the Determination of Value 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