

RESOLUTION NO. 2013- 348

A RESOLUTION AUTHORIZING AN AGREEMENT FOR
PROFESSIONAL LEGAL SERVICES WITH DECOTIIS,
FITZPATRICK & COLE, LLP, TEANECK, NJ.

WHEREAS, the Vineland Municipal Electric Utility desires to enter into a professional legal services contract for legal support for compliance with and close out of the Consent Decree with USEPA, Appeal/settlement of the Diesel Starter Engine air violations, compliance with Spill Pollution Prevention and Countermeasure (SPCC) issues with USEPA, to be assigned air permit violations/appeals, bid Protest litigation by Concord Engineering and other legal support as needed; 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, the purchasing agent has determined and certified in writing that the value of said services will exceed \$17,500.00; and

WHEREAS, it has been recommended that a contract be awarded to DeCotiis, FitzPatrick & Cole, LLP, Teaneck, NJ, to provide said professional legal services in an amount not to exceed \$50,000.00, for a period of one year from September 1, 2013 through August 31, 2014; and

WHEREAS, DeCotiis, FitzPatrick & Cole, LLP has completed and submitted a Business Entity Disclosure Certification for Non-Fair and Open Contract which certifies that DeCotiis, FitzPatrick & Cole, LLP 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 DeCotiis, FitzPatrick & Cole, LLP 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 availability of funds for said Professional Services Contract to be awarded herein have been certified by the City Comptroller; and

WHEREAS, the Local Public Contract Law (N.J.S.A. 40A: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.

NOW, THEREFORE, BE IT RESOLVED by the City 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 DeCotiis, FitzPatrick & Cole, LLP, Teaneck, NJ for Professional Legal Services with respect to said legal issues in an amount not to exceed \$50,000.00.
2. That this Agreement is awarded without competitive bidding as a Professional Service in accordance with N.J.S.A. 40A: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 this Resolution.
4. That a Notice of this action shall be printed once in the Daily Journal.

Adopted:

President of Council

ATTEST:

City Clerk

NOTICE OF CONTRACT AWARDED

The City of Vineland has awarded a contract without competitive bidding as a Professional Service pursuant to N.J.S.A. 40A:11-5(1)(a) and as a Non-Fair and Open process, pursuant to N.J.S.A. 19:44A-20.5. This contract and the resolution authorizing it, Resolution No. _____, are available for public inspection in the office of the City Clerk.

Awarded to: DeCotiis, FitzPatrick & Cole, LLP, Teaneck, NJ

Services: Professional legal services with respect to legal issues for the Vineland Municipal Electric Utility, for a period of one year from September 1, 2013 through August 31, 2014

Cost: Not to exceed \$50,000.00

BY ORDER OF THE CITY COUNCIL OF

CITY OF VINELAND

KEITH PETROSKY, CITY CLERK

CITY OF VINELAND

August 6, 2013

CERTIFICATION OF AVAILABILITY OF FUNDS

We, the undersigned officials of the City of Vineland, do hereby certify, to the best of our knowledge and belief that there now exists adequate funds to award a Professional Legal Services contract to DeCotiis, FitzPatrick & Cole, LLP, Teaneck, NJ with respect to continuing legal support for the Vineland Municipal Electric Utility for compliance with and close out of the Consent Decree with USEPA, Appeal/settlement of the Diesel Starter Engine air violations, compliance with Spill Pollution Prevention and Countermeasure (SPCC) issues with USEPA, to be assigned air permit violations/appeals, bid Protest litigation by Concord Engineering and other legal support as needed, in an amount not to exceed \$50,000.00, for a period of one year from September 1, 2013 through August 31, 2014. Such funds for the contract to be awarded herein are valid only to the amount available in the Calendar Year 2013 Budget of the City of Vineland Electric Utility. The full amount is contingent upon necessary funds being appropriated by the governing body for calendar year 2014.

Roxanne Tosto
City Comptroller

Susan Baldosaro
Principal Accountant

Joseph Isabella
Director of Municipal Utilities

Account No(s):


Check one & initial:

Encumber

Supplement

**MEMORANDUM****July 25, 2013**

TO: DENISE MONACO
ASSISTANT BUSINESS ADMINISTRATOR

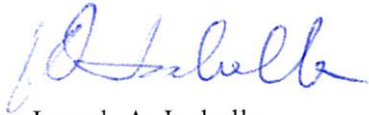
FROM: HARRY A. MALONEY, III, P.E.
ASSISTANT GENERAL MANAGER, E.U. 

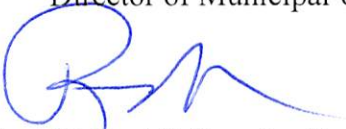
SUBJECT: REQUEST FOR LEGAL PROFESSIONAL SERVICES AGREEMENT
FOR LEGAL AND DEP/EPA SUPPORT

Vineland Municipal Electric Utility requests that a Legal Professional Services Contract be awarded again to DeCotiis, FitzPatrick & Cole, LLP, Glenpointe Centre West, 500 Frank W. Burr Boulevard, Teaneck, New Jersey 07666. The amount to be awarded is for an amount not to exceed \$50,000.00. The purpose of this contract is for continued legal support for compliance with and close out of the Consent Decree with USEPA, compliance with Spill Pollution Prevention and Countermeasure (SPCC) issues with USEPA, any air permit violations/appeals, and other matters that may arise from time-to-time.

This is a non-fair and open award and professional services request. The Pay-to-Play paperwork should be submitted to Purchaser. DeCotiis, FitzPatrick & Cole, LLP has over 10 years of professional experience in utility concerns. They have performed and are performing VMEU legal work for DEP/EPA. Therefore, the firm can continue legal work without delay.

Please prepare a resolution authorizing the Director of Law to make any minor changes to the contract as needed after Council approves it.


Approved by: Joseph A. Isabella
Director of Municipal Utilities


Approved by: Richard P. Tonetta, Esq.
City Solicitor

HAM:djb

Attachment

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



7-25-13
(DATE)

1. Service (detailed description): Legal Professional Service
For Legal & DEP/EPA Support

2. Amount to be Awarded: \$ 50,000

- Encumber Total Award
- Encumber by Supplemental Release

3. Amount Budgeted: \$ 50k

4. Budgeted: By Ordinance No. _____
Or Grant: Title & Year _____ E923

5. **Account Number to be Charged: 002-0-54-90-9006-2-7023409

6. Contract Period: 1 year - 9-1-13 8-31-14

7. Date To Be Awarded: 8-13-13

8. Recommended Vendor and Address: DeCotiis, FitzPatrick,
Cole LLP

9. Justification for Vendor Recommendation:(attach additional information for Council review)
Continue Legal Support for DEP, EPA
Matters. See Attached Letter

- Non-Fair & Open (Pay-to-Play documents required)
- Fair & Open: How was REP advertised? _____

10. Evaluation Performed by: HAMIL

11. Approved by: [Signature]
[Signature]

12. Attachments:
- Awarding Proposal
 - Other: _____

- Send copies to:
Purchasing Division
Business Administration

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