

CITY OF VINELAND

RESOLUTION NO. 2020-353

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT BY AND BETWEEN THE CITY OF VINELAND AND THE LAW FIRM OF SURENIAN, EDWARDS & NOLAN LLC, BRIELLE, NEW JERSEY FOR LEGAL REPRESENTATION WITH RESPECT TO VINELAND'S AFFORDABLE HOUSING OBLIGATIONS

WHEREAS, the City of Vineland has received Substantive Certification of its Housing Element and Fair Share Plan pursuant to N.J.S.A. 52:27D-301 et seq., N.J.A.C. 5:96 and N.J.A.C. 5:97 and is considering certain changes to its Affordable Housing Trust Fund Spending Plan (Plan) for the period of 2020 through 2025 as part of the Council on Affordable Housing COAH) rules as well as other matters related to Vineland's Affordable Housing Obligations; and

WHEREAS, the City of Vineland has a need to acquire such professional legal services to assist the City in providing legal advice and representation to best consider the spending of funds collected and deposited in the Trust Fund, including the development of new affordable housing, preparation of project operating manuals to implement a Market to Affordable Sale Program and to implement a Rental Rehabilitation Program, and establish guidelines for affordable housing units for assisted living and/or senior rental units, all to further meet the City's Affordable Housing obligations as required by COAH and the Superior Court of New Jersey mandates in the Mount Laurel decision and its amendments; and

WHEREAS, the Law Firm of Surenian, Edwards & Nolan, LLC, (Surenian) with offices in Brielle, New Jersey has served the City of Vineland in implementing the City's prior round obligations under COAH mandates and is familiar with the needs and obligations of the City and also has expertise in the administration of Affordable Housing Trust Fund Spending obligations; and

WHEREAS, Surenian has submitted a proposed Professional Services Agreement to provide the City with legal advice and representation as needed, a copy which is attached hereto and made a part hereof in an amount not to exceed \$17,500.00 for a period commencing upon the adoption of this Resolution and until January 30, 2021; and

WHEREAS, the availability of funds for said Professional Services Contract to be awarded have been certified by the City Comptroller; 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 Surenian, Edwards & Nolan LLC, Brielle, New Jersey for Professional Services for Legal Representation and Advice for the Affordable Housing Trust Fund Spending Plan for Period 2020 through 2025 and for other matters related to the City’s Affordable Housing Obligations in an amount not to exceed \$17,500.00, for specified services, plus reimbursable expenses, for a contract expiring January 30, 2021.
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, 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

CONTRACT FOR PROFESSIONAL SERVICES

This Agreement is made this _____ day of _____ 2020, by and between:

City of Vineland, a Municipal Corporation of the State of New Jersey

City of Vineland
640 East Wood Street, 6th Floor
Vineland, NJ 08360

Hereinafter referred to as "**City**"

And: Surenian, Edwards & Nolan 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) a New Jersey court of competent jurisdiction, and/or (b) the New Jersey Council on Affordable Housing ("COAH").

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

- (a) \$200.00 per hour for all time spent by Jeffrey R. Surenian
- (b) \$185.00 per hour for all time spent by a partner
- (c) \$175.00 per hour for all time spent by an attorney with at least ten years of experience as a lawyer;
- (d) \$150.00 per hour for all time spent by an attorney with less than ten years 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. In the event that the bills exceed the amount budgeted, City shall either make another appropriation or advise Special Counsel to stop work immediately.

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 1

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 2

State of New Jersey Business Registration Certificate; Certificate of Employee Information Report; Workers Compensation and Employers Liability Policy; and Business Entity Disclosure Certification; and

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 September 1, 2020 to April January 31, 2021.

CITY OF VINELAND

ATTEST:

By _____,
Mayor

Date:

SURENIAN, EDWARDS & NOLAN LLC

By _____
Jeffrey R. Surenian, Managing Member

Date: