

RESOLUTION NO. 2017- 47

A RESOLUTION AWARDED A PROFESSIONAL SERVICES CONTRACT TO McMANIMON, SCOTLAND & BAUMANN, LLC, ROSELAND, NJ TO PROVIDE BOND COUNSEL SERVICES.

WHEREAS, there exists a need for Professional Municipal Bond Counsel Services; 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 is considered in the best interest of the City of Vineland to retain the law firm of McManimon, Scotland & Baumann, LLC, Roseland, NJ as Bond Counsel to the City for the period February 1, 2017 through January 31, 2018 in accordance with the fee schedule submitted; and

WHEREAS, McManimon , Scotland & Baumann, LLC has completed and submitted a Business Entity Disclosure Certification for Non-Fair and Open Contract which certifies that McManimon, Scotland & Baumann, LLC 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 McManimon, Scotland & Baumann, LLC 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 Chief Financial Officer; 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 McManimon, Scotland & Baumann, LLC, Roseland, NJ, for Professional Municipal Bond Counsel Services, for the period February 1, 2017 through January 31, 2018.
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

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



November 22, 2016

(DATE)

1. Service (detailed description): Bond Counsel

2. Amount to be Awarded: \$ _____

- Encumber Total Award
 Encumber by Supplemental Release

3. Amount Budgeted: \$ _____

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

5. **Account Number to be Charged: Multiple

6. Contract Period: Feb. 1, 2017 - Jan. 31, 2018
January 1, 2017 - December 31, 2017 *SMB*

7. Date To Be Awarded: Before January 1, 2017

8. Recommended Vendor and Address: McManimon, Scotland & Baumann LLC
75 Livingston Avenue, Roseland, NJ 07068

9. Justification for Vendor Recommendation:(attach additional information for Council review)
Ed McManimon is well respected in the Financial community in the State of New Jersey and his experience has proven to be a valuable resource to the City. He and his staff continue to provide excellent service to the City in all aspects of Financing.

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

10. Evaluation Performed by: Susan M. Baldosaro

11. Approved by: *Susan Baldosaro*
Chief Financial Officer

12. Attachments:

- Awarding Proposal
 Other: Fee Schedule

- Send copies to:
Purchasing Division
Business Administration

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

McMANIMON, SCOTLAND & BAUMAN, LLC

Municipal Summary of Fees

1. **Ordinances and Certified Records of Proceedings:** For services rendered in connection with the preparation or review of each bond ordinance and the compiling of a certified record of proceedings in connection therewith, a fee of \$600.
2. **Note Sales:** For services rendered in connection with each note sale, a fee equal to the hourly rates reflected in paragraph 7 below, with a minimum fee of \$.50 per thousand dollars of notes issued up to \$15,000,000 of notes issued and \$.40 per \$1,000 of notes in excess of \$15,000,000. If more than one series of notes are issued, there will be an additional charge of \$500 for each such additional series
3. **Bond Sales:** For services rendered in connection with each bond sale, a fee of \$3,500, plus \$1.00 per thousand dollars of bonds issued for the first \$15,000,000 of bonds issued and \$.75 per thousand dollars of bonds issued in excess of \$15,000,000. If there is more than 1 series of bonds issued, there will be an additional charge of \$1,000 for each such additional series.
4. **Refunding Bond Issue:** In the event of a refunding bond issue consistent with the provisions of the Internal Revenue Code to provide for the payment of a prior issue of bonds, there will be an additional fee of \$5,000 for each refunded issue.
5. **Arbitrage Compliance:** For services rendered in connection with arbitrage compliance and related tax analysis, a fee of \$250.
6. **Credit Enhancement:** In the event that a letter of credit, bond insurance, or similar credit enhancement facility is used in connection with either a bond or note issue, an additional fee of \$1,000 will be charged.
7. **Hourly Fees:** Services rendered on an hourly basis, including preparation of an application to and an appearance before the Local Finance Board, attendance at meetings, litigation, continuing disclosure undertakings and preliminary and final official statement or other offering or disclosure document work, will be billed at the blended hourly rate of \$215 per hour for attorneys and \$135 per hour for legal assistants.
8. **Out of Pocket Expenses:** Reasonable and customary out of pocket expenses and other charges, including but not limited to, photocopying, express delivery charges, travel expenses, telecommunications, telecopy, filing fees, computer-assisted research, book binding, messenger service or other costs advanced on behalf of the Client, shall be added to the fees referred to herein.