

RESOLUTION NO. 05-2023
AWARD OF A FAIR AND OPEN PROFESSIONAL SERVICE CONTRACT
SPECIAL COUNSEL FOR EDUCATIONAL ISSUES
PORZIO, BROMBERG & NEWMAN, P.C.
VITO A. GAGLIARDI, JR., ESQ. and KERRI A. WRIGHT, ESQ.

Councilmember Bieber introduced and offered the following Resolution for its adoption; seconded by Councilmember Booker:

WHEREAS, there exists a need to appoint a qualified Special/Conflicts Counsel for Educational Issues in the Borough of Sea Bright; and

WHEREAS, a request for proposals for the Special/Conflicts Counsel for Educational Issues was posted and advertised in the Asbury Park Press to be received on December 9, 2022; and,

WHEREAS, while the Local Public Contracts Law N.J.S.A. 40A:11-5 (1)(a) does not require competitive bidding for such professional services, the Borough nevertheless advertised pursuant to the fair and open process (N.J.S.A. 19:44A-20.5); and

WHEREAS, two (2) proposals for Special/Conflicts Counsel for Educational Issues were received on December 9, 2022 and evaluated by the Governing Body with due consideration as to qualifications, experience, compensation and other factors and criteria; and

WHEREAS, the qualifying proposal submitted by Kerri A. Wright, Esq. and Vito A. Gagliardi, Jr., Esq., Porzio, Bromberg & Newman, P.C. of Morristown, New Jersey, is being considered for the term of one year (January 1, 2023 - December 31, 2023) at a rate not to exceed \$395.00 per hour; and

CERTIFICATION OF FUNDS:

I, Michael J. Bascom, Chief Financial Officer, hereby certify that based on the amount of funds expended in the prior year for these services, it is estimated that the total 2023 appropriation for this contract will be \$75,000.00, said amount subject to unforeseen decreases or increases in litigation and other legal matters. Funds will be provided for in the 2023 Temporary Budget and in the Budget for the year 2023, when finally adopted, in the appropriation entitled Legal #3-01-20-155-000.


MICHAEL J. BASCOM, CFO

NOW THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey do hereby authorize the Mayor and Borough Clerk to execute a professional service contract with **VITO A. GAGLIARDI, JR., ESQ. and KERRI A. WRIGHT of the firm Porzio, Bromberg & Newman, P.C.** for Special Counsel for litigation relating to educational matters for one year commencing January 1, 2023 through December 31, 2023 pursuant to the rate and terms set forth in the submitted proposal, a copy of which is maintained in the Borough Clerk's office; and

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby authorized to advertise this award of contract according to law in the local newspaper and is further authorized to forward a certified copy of this resolution to the following:

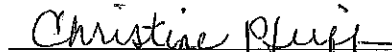
1. Porzio, Bromberg & Newman, P.C.
2. Finance Manager

Roll Call: Bieber, Booker, Catalano, Gorman, Keeler, Lamia
Yes Yes Yes Abstain Yes Yes

January 7, 2023

CERTIFICATION

I, Christine Pfeiffer, do hereby certify that the foregoing is a Resolution adopted by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, at a Council meeting held on January 7, 2023.


Christine Pfeiffer, Borough Clerk