



RESOLUTION 20-318

Resolution Authorizing A Profession Services Agreement With Decotiis, Fitzpatrick, Cole & Giblin, LLP In An Amount Not To Exceed \$50,000.00 For Professional Legal Services (Litigation And Special Projects)

WHEREAS, Princeton wishes to retain the services of special legal counsel to provide professional legal services to Princeton from time to time as needed or requested by Princeton in consultation with the Municipal Attorney, including assisting with or handling litigation and special projects at the request of Princeton and/or the Municipal Attorney, and serving as conflict counsel if requested by Princeton in those situations where the Municipal Attorney must recuse herself; and

WHEREAS, DeCotiis, Fitzpatrick, Cole & Giblin (“CONSULTANT”) has agreed to provide the sought-after services to Princeton on an as-needed basis, in accordance with the rates set forth in CONSULTANT’s proposal dated September 11, 2020, a copy of which is on file in the office of the Princeton Clerk, for an estimated not-to-exceed cost of fifty thousand dollars (\$50,000); and

WHEREAS, Princeton has a need to acquire these services without a “fair and open process” as defined by P.L. 2004, c.19, the “Local Unit Pay-to-Play Law” and in connection therewith, CONSULTANT has completed and filed with Princeton the required Campaign Contributions Affidavit pursuant to *N.J.S.A. 19:44A-20.8*, Certification Regarding Political Contributions pursuant to *N.J.S.A. 19:44A-20.26* and affidavit pursuant section 2-87 of the Princeton Code (collectively, the “Pay-to-Play Forms”); and

WHEREAS, the term of the agreement shall be for one year from the date on which it is executed; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available to pay for said services; and

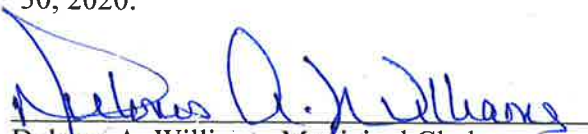
WHEREAS, the Local Public Contracts Law, *N.J.S.A.* 40A:11-5(1)(a)(i), authorizes Princeton to award this agreement as a professional services agreement, without public bidding.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Municipality of Princeton, County of Mercer, State of New Jersey, as follows:

1. The Mayor and Clerk are hereby authorized and directed to execute an agreement with CONSULTANT, to provide legal services to Princeton as described in the preamble to this resolution, at the rates set forth on pages 2-3 of CONSULTANT's proposal dated September 11, 2020 and for a not-to-exceed cost of \$50,000.
2. The agreement is awarded without competitive bidding as a professional services agreement as authorized under N.J.S.A. 40A:11-5(1)(a)(i).
3. The agreement shall terminate one year from the date of its execution or when the above-referenced services are no longer needed, whichever shall first occur.
4. A copy of this resolution, the Pay-to-Play Forms and the agreement shall be kept on file in the Office of the Clerk.
5. A notice of this action shall be published in Princeton's official newspaper as required by law.
6. This resolution shall take effect immediately.

Councilperson	Absent	Present	1 st	2 nd	Yea	Nay	Abstain	Disqualified
Mr. Cohen		X			X			
Ms. Fraga		X			X			
Ms. Niedergang		X			X			
Ms. Pirone Lambros		X			X			
Ms. Sacks		X	X		X			
Mr. Williamson		X		X	X			
Mayor Lempert		X						

I, Delores A. Williams, Municipal Clerk of Princeton, do hereby certify that the above is a true copy of a resolution adopted by the Mayor and Council of Princeton at a meeting held September 30, 2020.



Delores A. Williams, Municipal Clerk

ATTACHMENTS:

- DeCotiis PSA (legal services--litigation and special projects) (PDF)
- MGP Memo 9-23-20 re DeCotiis PSA (special counsel legal services) (PDF)