



RESOLUTION 19-43

Professional Services Agreement for McManimon, Scotland & Baumann to serve as 2019 Bond Counsel and not to exceed \$50,000.00

WHEREAS, the municipality of Princeton desires to retain the professional legal services related to public finance; and

WHEREAS, McMANIMON, SCOTLAND & BAUMANN, LLC (“MSB”), with offices in Roseland, New Jersey, has submitted a proposed agreement to Princeton for purposes of performing the sought-after legal services related to public finance, as well as legal services related to redevelopment, environmental, litigation or other non-public finance services; and

WHEREAS, MSB’s inclusion of said non-public finance services in its proposed agreement notwithstanding, Princeton only seeks to retain MSB’s legal services in connection with public finance; 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, H&M 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 agreement shall be for an amount not to exceed \$50,000.00 and a term of one (1), as more specifically described in the agreement submitted by MSB, except that the agreement shall be for public finance related services only, and shall not include the non-public finance related services described therein; 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; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and 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 a professional services agreement with McMANIMON, SCOTLAND & BAUMANN, LLC, Attorneys at Law, 75 Livingston Avenue, Roseland, New Jersey, 07068, for the provision of professional legal services related to public financing only. Any language in the agreement to the contrary notwithstanding, the agreement shall not be deemed to retain MSB for services related to redevelopment, environmental, litigation or other non-public finance services. Should Princeton require such services in the future, same will be subject to separate Council approval.
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. MSB shall be paid a fee not to exceed \$50,000.00. The term of the agreement shall be one year.

4. A copy of this resolution, the executed pay-to-play forms and the agreement shall be placed on file in the Office of the Municipal Clerk.
5. A notice of this action shall be published in the official newspaper as required by law.

Councilperson	Absent	Present	1 st	2 nd	Yea	Nay	Abstain	Disqualified
Mr. Cohen		X			X			
Ms. Crumiller		X	X		X			
Ms. Fraga		X			X			
Ms. Niedergang		X			X			
Mr. Quinn		X		X	X			
Mr. Williamson		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 on January 28, 2019.

Delores A. Williams, RMC, Municipal Clerk

ATTACHMENTS:

- MSB 2019 Bond Counsel Agreement Revised for Princeton (PDF)