

**RESOLUTION AWARDING NON-FAIR AND OPEN PROFESSIONAL SERVICES CONTRACT
LESLIE G. LONDON, ESQ. – MCMANIMON & SCOTLAND, LLC – TOWNSHIP ATTORNEY
SERVICES – AMOUNT NOT TO EXCEED \$315,000.00 – JANUARY 1, 2009 TO DECEMBER
31, 2009**

WHEREAS, a need exists to contract for the below noted services for the Township of Franklin, County of Somerset, New Jersey as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, the Chief Financial Officer has certified in writing hereon that funds are available; and

WHEREAS, that continuation of the terms of this contract beyond June 30, 2009 is contingent upon availability of funds in the 2010 FY Budget, and in the event of unavailability of such funds, the Township of Franklin reserves the right to cancel this contract; and

WHEREAS, the Municipal Attorney has reviewed the certification of the Chief Financial Officer and is satisfied that said certification is in proper form; and

WHEREAS, McManimon & Scotland, LLC has submitted a proposal indicating they will provide Township Attorney services in a amount not to exceed \$315,000.00; and

WHEREAS, McManimon & Scotland, LLC has completed and submitted a Business Entity Disclosure Certification which certified that McManimon & Scotland, LLC has not made any reportable contributions to a political or candidate committee in the Township of Franklin in the previous one year, and that the contract will prohibit McManimon & Scotland, LLC from making any reportable contributions through the term of the contract;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset, as follows:

- (1) The Mayor and Township Clerk are hereby authorized and directed to execute the below referenced agreement with the below stated vendor, which agreement shall be maintained on file with the Township Clerk and available for public inspection.
- (2) The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.
- (3) A notice of this action shall be printed in the **LEGAL NEWSPAPER OF THE TOWNSHIP**, as required by law within ten (10) days of its passage.
- (4) The vendor shall supply the Township of Franklin with Federal Affirmative Action Plan Approval or State Certificate of Employee Information Report within the time period specified by NJAC 17:27. The Contract shall contain the Mandatory Affirmative Action Language for Professional Service Contracts required by NJAC 17:27, a copy of which

shall be attached to and incorporated in the Professional Service Agreement authorized herein.

- (5) The vendor shall agree to comply with the requirements of Title II of the Americans with Disabilities Act of 1990 and indemnify, protect and save harmless the Township from all suits, claims, losses, demands or damages of whatever kind or nature arising out of or claimed to arise out of alleged violations of the Act. A copy of the Act shall be attached to and incorporated in the Professional Service Agreement authorized herein.

VENDOR NAME: McManimon & Scotland, LLC
Leslie G. London, Esq.
ADDRESS: One Riverfront Plaza, Fourth Floor
Newark, NJ 07102
CONTRACT AMOUNT: Amount not to exceed \$315,000.00.
SERVICE: Township Attorney Services
January 1, 2009 to December 31, 2009

CERTIFICATION

I, Ann Marie McCarthy, Clerk of the Township of Franklin, in the County of Somerset, do hereby certify that the foregoing is a true and correct copy of a resolution duly adopted by the Township Council at a regular meeting held on the 5th day of February, 2009.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the seal of said Township this 6th day of February 2009.

Ann Marie McCarthy
Township Clerk

Verified and Encumbered as to

Availability of Funds:

Date: February 6, 2009

Account No.: 01-2009-0200-0155-2-00027

PO No. *As Needed*.

By: _____

Vandana Khurana, Chief Financial Officer