

RESOLUTION NO. 18-65

**TOWNSHIP OF MIDDLETOWN
COUNTY OF MONMOUTH**

**RESOLUTION AWARDING PROFESSIONAL SERVICE
CONTRACT FOR WORKERS COMPENSATION COUNSEL
PURSUANT TO THE NON-FAIR AND OPEN PROCESS**

WHEREAS, pursuant to § 4-32E of the Code of the Township of Middletown there exists a need to appoint an individual or law firm to serve as special counsel to the Township of Middletown to handle workers compensation matters as may be needed; and

WHEREAS, while the Local Public Contracts Law (N.J.S.A. 40A:11-5(1)(a)) does not require competitive bidding for this position it was nevertheless advertised pursuant to the Fair and Open Process (N.J.S.A. 19:44A-20.5) with two bids having been received for the position of workers compensation counsel; and

WHEREAS, nevertheless, the law firm of Capehart & Scatchard PA did not submit a bid, but has been recommended by the Township Administrator to continue work on certain workers compensation matters; and

WHEREAS, subject to the certification of availability of funds by the Chief Financial Officer, the law firm of Capehart & Scatchard PA is highly qualified and agreed to continue to provide legal services in relation workers compensation matters; and

WHEREAS, the law firm of Capehart & Scatchard PA has agreed to perform at rates of \$155 to \$95 per hour, estimated not to exceed \$17,500, exclusive of fees for witnesses, experts, filing fees, legal research, or other reasonable allowable expenses.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey that the law firm of Capehart & Scatchard PA is hereby awarded a professional services contract for the provision of legal services as Special Workers Compensation Counsel to the Township as needed during 2018 for an estimated amount not to exceed \$17,500 pursuant to the non-fair and open process, therefore, requiring a political contribution certification to be provided within 10 days of the award of this contract.

BE IT FURTHER RESOLVED that the Mayor and the Clerk are hereby authorized and directed to execute Agreements for the provision of such professional services, a copy of which shall be maintained by the Clerk and advertised in the Township's official newspaper pursuant to law.

MIDDLETOWN TOWNSHIP COMMITTEE

Committee Member	Approved	Opposed	Abstain	Absent
A. Fiore				
S. Murray				
A. Perry				
G. Scharfenberger				
K. Settembrino				

CERTIFICATION

I, Heidi R. Brunt, Township Clerk of the Township of Middletown, hereby certify the foregoing to be a true copy of a resolution adopted by the Middletown Township Committee at their meeting held January 7, 2018.

WITNESS, my hand and the seal of the Township of Middletown this 7th day of January, 2018.

HEIDI R. BRUNT, TOWNSHIP CLERK