

RESOLUTION NO. 04-17

THE BRICK TOWNSHIP MUNICIPAL UTILITIES AUTHORITY

January 23, 2017

**A RESOLUTION AUTHORIZING THE RETENTION AND PAYMENT
OF FLEISHER FORENSICS FOR EXPERT WITNESS SERVICES
(NON-FAIR AND OPEN CONTRACT) ON BEHALF OF THE
AUTHORITY FOR LITIGATION SUPPORT IN PENDING MATTER
BTMUA V. AM LINER EAST, ET AL, DOCKET NO.: OCN-L-1424-15**

WHEREAS, the Brick Township Municipal Utilities Authority (hereinafter referred to as the "Authority") is plaintiff in a Superior Court action under Docket No.: OCN-L-1424-15; and

WHEREAS, expert witness litigation support services are recommended by Legal Counsel Ben A. Montenegro for prosecution of the Authority's claims; and

WHEREAS, Fleisher Forensics provides the necessary services required by the Authority; and

WHEREAS, the terms of engagement are as set forth in the 9/6/16 Fee Agreement by Fleisher Forensics; and

WHEREAS, the Authority authorized the award and execution of contract to Fleisher Forensics via Resolution 74-16 in a total amount not to exceed \$15,000.00 without additional action by the Authority; and

WHEREAS, the Authority has determined it requires the expert witness professional services of Fleisher Forensics in excess of \$17,500.00 to prosecute its claims; and

WHEREAS, the award of this Contract is a non-fair and open professional service contract, and therefore exempt from public bidding requirements set forth in the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq; subject to the requirements/compliance with N.J.S.A. 19:44A-20 et seq.; and

WHEREAS, the anticipated term of this contract is one (1) year; and

WHEREAS, Fleisher Forensics has completed and submitted a Business Entity Disclosure Certification which certifies that Fleisher Forensics has not made any reportable contributions to a political or candidate committee in the Township in the previous one (1) year, and that the contract will prohibit Fleisher Forensics from making any reportable contributions through the term of the contract; and

WHEREAS, the C.F.O., John Clifford, has reviewed and confirmed that sufficient funds exist within the 2017-2018 budget to fund the payment of said services.

NOW, THEREFORE, BE IT RESOLVED this 23rd day of January, 2017, by the Brick Township Municipal Utilities Authority as follows:

1. The Authority authorizes the award of contract (non-fair and open) to Fleisher Forensics in an increased total amount not to exceed \$35,000.00 without additional action by the Authority.
2. The Authority authorizes and directs the Chairman, Secretary, Q.P.A. and Executive Director to execute any and all necessary documents in order to implement the intent of this Resolution.

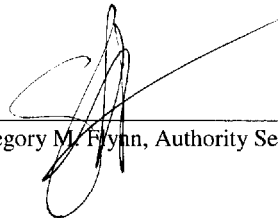
3. The Business Disclosure Entity Certification and the Determination of Value shall be placed on file with this resolution.

4. A copy of this Resolution shall be forwarded by the Administrative Secretary of the Authority to the following:

- (a) George Cevasco, Chairman;
- (b) Chris Theodos, Executive Director;
- (c) Fleisher Forensics; and
- (d) John Clifford, C.F.O.; and
- (e) Nicholas C. Montenegro, Esquire

CERTIFICATION

I certify that the foregoing Resolution was duly adopted by the Brick Township Municipal Utilities Authority at a public meeting held on the 23rd day of January, 2017, a quorum being present and voting in the majority.



Gregory M. Flynn, Authority Secretary