



BOROUGH OF RIVERDALE NEW JERSEY



Resolution No: 02-2016

Date of Adoption: January 1, 2016

TITLE:

RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR BOROUGH ATTORNEY SERVICES FOR THE CALENDAR YEAR 2016

WHEREAS, the Borough of Riverdale has a need to acquire Borough Attorney services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is 1 year from January 1, 2016 to December 31, 2016; and,

WHEREAS, Robert Oostdyk has submitted a proposal December 22, 2015 indicating he will provide Borough Attorney services for an annual retainer of \$25,000.00; and,

WHEREAS, Robert Oostdyk has completed and submitted a Business Entity Disclosure Certification which certifies that neither he nor the firm of Murphy McKeon, PC has not made any reportable contributions to a candidate or candidate committee in the Borough of Riverdale in the previous one-year, and that this contract will prohibit him and the law firm of Murphy McKeon, PC from making any reportable contributions through the term of the contract; and

WHEREAS, the governing body of the Borough of Riverdale pursuant to N.J.A.C. 5:30-5.5(b), the certification of available funds, shall either certify the full maximum amount against the budget at the time the contract is awarded, or no contract amount shall be chargeable or certified until such time as the goods or services are ordered or otherwise called for prior to placing the order, and a certification of availability of funds is made by the Chief Finance Officer.

NOW THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Riverdale authorizes the Mayor to enter into a contract with Robert Oostdyk as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

RECORD OF COUNCIL VOTE

Motion – by Councilman: _____ Second - by Councilman: _____

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

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|----------|--|--|--|--|------------|--|--|--|--|
| Astarita | | | | | Pellegrini | | | | |
| Revis | | | | | Desai | | | | |
| Clinton | | | | | Oswald | | | | |

A.J. Jalloh, Borough Clerk

Paul M. Carelli, Mayor

This resolution, when adopted, must remain in the possession of the Borough Clerk. Certified copies are available.



**BOROUGH OF RIVERDALE
DETERMINATION OF VALUE FORM AND CERTIFICATION OF FUNDS
PURSUANT TO NON-FAIR AND OPEN CONTRACT AWARDS**

Prior to the governing body formally considering a resolution awarding a non-fair and open contract, an appropriate official must certify in writing that the estimated amount of the contract to be awarded exceeds \$17,500. The appropriate official may be the purchasing agent, financial officer, chief administrative officer, or an appointed or elected official with knowledge of the contract.

The determination of the amount is based on the value of the full contract life, not the amount spent annually. Therefore a two-year contract for \$10,000 a year awarded through a non-fair and open process falls under this requirement. A single one year contract for \$10,000, however, does not. The determination should be kept on file and made part of the resolution awarding the contract.

Contract For: Borough Attorney
Contract to be awarded to: Robert Oostdyk (MURPHY McKEON , P.C.)
Contract Period: One Year
January 1, 2016, through December 31, 2016

CERTIFICATION

I hereby certify that the estimated amounts of the contracts to be awarded exceed \$17,500.

I hereby further certify that funds to cover the expenditures for the above-reference contracts will be encumbered by purchase orders on an as-needed basis (as required pursuant to N.J.A.C. 5:30-5.4.).

By: _____
Kenneth Sesholtz, Chief Financial Officer

Certified Date: _____

recruited and employed, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status so affectional or sexual orientation. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates or pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause.

The contractor or subcontractor, where applicable, will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regarding to age, race, creed, color, national origin, ancestry, marital status or sex.

The contractor or subcontractor, where applicable, will send to each labor union or representative or workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer advising the labor union or workers' representative of the contractor's commitments under this act and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The contractor or subcontractor, where applicable, agrees to comply with the regulations promulgated by the Treasurer pursuant to P.L. 1975, c. 127, as amended and supplemented from time to time and the Americans With Disabilities Act.

The contractor or subcontractor agrees to make good faith efforts to employ minority and women workers consistent with the applicable county employment goals established in accordance with N.J.A.C. 17:27-5.2, or a binding determination of the applicable county employment goals determined by the Division, pursuant to N.J.A.C. 17:27-5.2.

The contractor or subcontractor agrees to inform in writing appropriate recruitment agencies in the area, including employment agencies, placement bureaus, colleges, universities, labor unions that it does not discriminate on the basis of age, creed, color, national origin, ancestry, marital status or sex, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.

The contractor or subcontractor agrees to revise any of its testing procedures, if necessary, to assure that all personnel testing conforms with the principles of job-related testing, as established by the statutes and court decisions of the State of New Jersey and as established by applicable Federal law and applicable Federal court decisions.

The contractor or subcontractor agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, creed, color, national origin, ancestry, marital status or sex, and conform with the applicable employment goals, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.

The contractor shall submit to the public agency, after notification of award but prior to execution of a goods and services contract, one of the following three documents:

Letter of Federal Affirmative Action Plan Approval

Certificate of Employee Information Report

Employee Information Report Form AA302

The contractor and its subcontractors shall furnish such reports or other documents to the Division of Contract Compliance & EEO as may be requested by the office from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Division of Contract Compliance & EEO for conducting a compliance investigation pursuant to **Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.**

Political Contribution Disclosure. This contract has been awarded to Robert H. Oostdyk, Jr., Esq. based on the merits and abilities of Robert H. Oostdyk, Jr., Esq. to provide the goods or services as described herein. This contract was not awarded through a "fair and open process" pursuant to N.J.S.A. 19:44A-20.4 et seq. As such, the undersigned does hereby attest that Murphy McKeon P.C., its subsidiaries, assigns or principals controlling in excess of 10% of the company has neither made a contribution, that is reportable pursuant to the Election Law Enforcement Commission pursuant to N.J.S.A. 19:44A-8 or 19:44A-16, in the one (1) year period preceding the award of the contract that would, pursuant to P.L. 2004, c.19, affect its eligibility to perform this contract, nor will it make a reportable contribution during the term of the contract to any political party committee in the Borough of Riverdale if a member of that political party is serving in an elective public office of the Borough of Riverdale when the contract is awarded, or to any candidate committee of any person serving in an elective public office of the Borough of Riverdale when the contract is awarded.

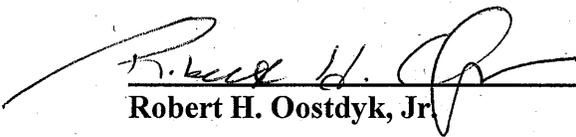
IN WITNESS WHEREOF, the Borough of Riverdale has caused these presents to be signed by its proper officers and caused its corporate seal to be hereunto affixed and Robert H. Oostdyk, Jr. has hereunto affixed his signature to day and year first above written.

Attest:

BOROUGH OF RIVERDALE

Abubakar Jalloh, Clerk

Paul Carelli, Mayor



Robert H. Oostdyk, Jr.

C. 271 POLITICAL CONTRIBUTION DISCLOSURE FORM

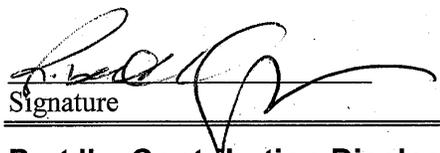
Required Pursuant To N.J.S.A. 19:44A-20.26

This form or its permitted facsimile must be submitted to the local unit no later than 10 days prior to the award of the contract.

Part I - Vendor Information

| | | | | | |
|--------------|--|--------|----|------|-------|
| Vendor Name: | Robert H. Oostdyk, Jr., Esq./ Murphy McKeon P.C. | | | | |
| Address: | 51 Route 23 South, P.O. Box 70 | | | | |
| City: | Riverdale | State: | NJ | Zip: | 07457 |

The undersigned being authorized to certify, hereby certifies that the submission provided herein represents compliance with the provisions of N.J.S.A. 19:44A-20.26 and as represented by the Instructions accompanying this form.


Signature

Robert H. Oostdyk, Jr.
Printed Name

Partner
Title

Part II - Contribution Disclosure

Disclosure requirement: Pursuant to N.J.S.A. 19:44A-20.26 this disclosure must include all reportable political contributions (more than \$300 per election cycle) over the 12-months prior to submission to the committees of the government entities listed on the form provided by the local unit.

Check here if disclosure is provided in electronic form.

| Contributor Name | Recipient Name | Date | Dollar Amount |
|------------------|----------------|------|---------------|
| None | | | |
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Check here if the information is continued on subsequent page(s)

STOCKHOLDER DISCLOSURE CERTIFICATION

Name of Business: Murphy McKeon P.C.

I certify that the list below contains the names and home addresses of all stockholders holding 10% or more of the issued and outstanding stock of the undersigned.

OR

I certify that no one stockholder owns 10% or more of the issued and outstanding stock of the undersigned.

Check the box that represents the type of business organization:

Partnership

Corporation

Sole Proprietorship

Limited Partnership

Limited Liability Corporation

Limited Liability Partnership

Subchapter S Corporation

Sign and notarize the form below, and, if necessary, complete the stockholder list below.

Stockholders:

Name: Martin F. Murphy

Name: James L. McKeon, III

Home Address: 26 Old Fourth Drive
Oak Ridge, NJ 07438

Home Address: 4 Misty Ridge Circle
Kinnelon, NJ 07405

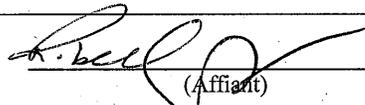
Subscribed and sworn before me this 22 day of December 2015.

(Notary Public)

DANICA M. DUVAL

A Notary Public of New Jersey

My Commission Expires November 4, 2019



(Affiant)

Robert H. Oostdyk, Jr., Partner

(Print name & title of affiant)

(Corporate Seal)

BUSINESS ENTITY DISCLOSURE CERTIFICATION
FOR NON-FAIR AND OPEN CONTRACTS
 Required Pursuant To N.J.S.A. 19:44A-20.8
BOROUGH OF RIVERDALE

Part I – Vendor Affirmation

The undersigned, being authorized and knowledgeable of the circumstances, does hereby certify that Murphy McKeon P.C. has not made and will not make any reportable contributions pursuant to N.J.S.A. 19:44A-1 et seq. that, pursuant to P.L. 2004, c. 19 would bar the award of this contract, to any of the following named candidate committee, joint candidates committee; or political party committee representing the elected officials of the Borough of Riverdale as defined pursuant to N.J.S.A. 19:44A-3(p), (q) and (r).

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| No reportable contribution has been made to any organization or candidate between 1/1/15 and the date of this contract. | |
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Part II – Ownership Disclosure Certification

I certify that the list below contains the names and home addresses of all owners holding 10% or more of the issued and outstanding stock of the undersigned.

Check the box that represents the type of business entity:

- Partnership
 Corporation
 Sole Proprietorship
 Subchapter S Corporation
 Limited Partnership
 Limited Liability Corporation
 Limited Liability Partnership

| Name of Stock or Shareholder | Home Address |
|------------------------------|--|
| Martin F. Murphy | 26 Old Fourth Drive, Oak Ridge, NJ 07438 |
| James L. McKeon, III | 4 Misty Ridge Circle, Kinnelon, NJ 07405 |
| | |
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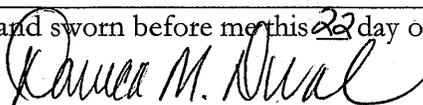
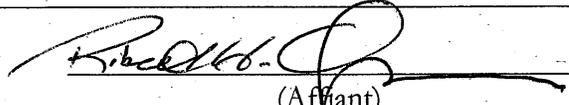
Part 3 – Signature and Attestation:

The undersigned is fully aware that if I have misrepresented in whole or part this affirmation and certification, I and/or the business entity, will be liable for any penalty permitted under law.

Name of Business Entity: Murphy McKeon P.C.

Signed: _____ Title: Partner

Print Name: Robert H. Oostdyk, Jr. Date: _____

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|---|---|
| Subscribed and sworn before me this <u>22</u> day of <u>December</u> <u>20 15</u>  My Commission expires: _____ DANICA M. DUVAL A Notary Public of New Jersey My Commission Expires November 4, 2019 |  (Affiant) Robert H. Oostdyk, Jr., Partner (Print name & title of affiant) (Corporate Seal) |
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