

RESOLUTION 2016-93

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF
NEW JERSEY, AWARDING A CONTRACT FOR
PROFESSIONAL SERVICES TO FSD ENTERPRISES, LLC**

WHEREAS, the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey (hereinafter referred to as the "Township") finds itself in the need of a particular expertise in the field of wireless telecommunications consulting; and

WHEREAS, this is deemed to be a professional services contract and therefore exempt from the formal bidding requirements of the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the proposed services from FSD Enterprises, LLC are set forth in its proposal dated December 14, 2015, a true copy of which is on file at the office of the Township Clerk, and can be reviewed by the public during normal business hours; and

WHEREAS, the proposed compensation to be paid by the Township to FSD Enterprises, LLC is a \$3,000.00 retainer which is deferred until any potential tenant is identified through the bidding process, along with thirty-five (35%) percent of the first year lease payment from each carrier who connects to the telecommunications tower; and

WHEREAS, the Township finds that the proposal submitted by FSD Enterprises, LLC is acceptable and in accordance with the Township's budgetary constraints.

NOW, THEREFORE, BE IT RESOLVED, this __9th__ day of February, 2016, by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey, as follows:

1. The Township accepts the proposal of December 14, 2015 from FSD Enterprises, LLC, a true copy of which is on file at the office of the Township Clerk and can be reviewed during normal business hours.

**DASTI, MURPHY
McGUCKIN, ULAKY,
KOUTSOURIS & CONNORS**

COUNSELLORS AT LAW

620 WEST LACEY ROAD
P.O. BOX 1057
FORKED RIVER, N.J. 08731

2. This is a professional service contract and is therefore exempt from the bidding requirements as set forth in N.J.S.A. 40A:11-1 et seq.

3. In addition, the proposed contract calls for consideration substantially less than the bidding threshold of \$17,500.00. Therefore that is a reason it is also exempt from the bidding requirements set forth in N.J.S.A. 40A:11-1 et seq.

4. The Township Clerk is authorized and directed to publish in the official newspaper of the Township the appropriate notification of this professional service contract award.

5. The Township authorizes and directs the Mayor, Township Clerk, and Township Administrator to execute any and all necessary documents in order to implement the intent of this resolution.

6. A certified copy of this resolution shall be forwarded by the Township Clerk to the following:

- (a) Honorable John J. Novak, Mayor;
- (b) Martin Lisella, Township Administrator;
- (c) Jerry J. Dasti, Esquire;
- (d) Tom Lombarski, CFO, Township of Barnegat; and
- (e) FSD Enterprises, LLC.

CERTIFICATION

I certify that the foregoing Resolution was duly adopted by the Township of Barnegat at a meeting held on February 9, 2016, a quorum being present and voting in the majority.

MICHELE RIVERS, RMC, TOWNSHIP CLERK

**DASTI, MURPHY
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CERTIFICATION OF AVAILABILITY OF FUNDS

I, Tom Lombarski, Chief Financial Officer for the Township of Barnegat, do hereby certify that no amount shall be chargeable or certified until such time as goods and/or services are ordered and/or rendered. Prior to incurring the liability by placing the order and/or receiving the services, the certification of available funds shall be issued and attached to the file copy of the purchase order or other such document.

TOM LOMBARSKI,
Chief Financial Officer, Barnegat Township

Appropriation charged: _____

Date: _____

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KOUTSOURIS & CONNORS**

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Prepared by:

**DASTI, MURPHY, McGUCKIN, ULAKY,
KOUTSOURIS & CONNORS**
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