

**PENNINGTON BOROUGH
RESOLUTION 2023-1.1**

**RESOLUTION APPOINTING HODULIK AND MORRISON, A DIVISION OF PKF O'CONNOR
DAVIES AS BOROUGH AUDITOR FOR THE YEAR 2023**

WHEREAS, the Borough of Pennington has a need to appoint a Borough Auditor and to contract for related professional auditing services in the year 2023, including conduct of audits for 2022;

WHEREAS, Hodulik and Morrison, P.A. a Division of PKF O'Connor Davies, has served as Borough Auditor and is prepared to continue to serve in this capacity in accordance with a mutually acceptable contract for professional services;

WHEREAS, the Borough Clerk has determined and has certified in writing that the anticipated value of such contract for professional services, having a term of one (1) year, would exceed \$17,500;

WHEREAS, approval of such contract would comply with the Local Pay-To-Play Law, N.J.S.A. 19:44A-20.5, effective January 1, 2006, which except in prescribed circumstances prohibits the award of contracts with a value in excess of \$17,500 to any person or business entity which makes reportable contributions to local political or candidate committees representing members of the governing body;

WHEREAS, the appointee has made no such political contribution and shall make no such contribution during the term of the contract;

WHEREAS, approval of such contract would also comply with Chapter 15, Article I of the Code of the Borough of Pennington which prohibits certain political contributions by professional business entities regardless of the value of the contract;

WHEREAS, Hodulik and Morrison, a Division of PKF O'Connor Davies, has completed and submitted a sworn Business Entity Disclosure Certification which certifies that the firm has made and shall make no political contribution prohibited by the relevant provisions of either the statute or the Borough Code concerning pay-to-play;

WHEREAS, this contract is being awarded as a professional services contract in compliance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq., without advertising for proposals or competitive bidding, because the services contracted for are of such a qualitative nature as will not reasonably permit the drawing of specifications or the receipt of competitive bids;

WHEREAS, Hodulik and Morrison, P.A. a Division of PKF O'Connor Davies, proposes to continue to serve as Borough Auditor for fees not to exceed in the aggregate \$39,850.00 for the following services: annual audit of the Borough (\$24,500.00); preparation of annual financial statement (\$6,500.00); preparation of annual debt statement (\$1,350.00); audit of the Pennington Library (\$5,500.00) and Municipal Budget (ADS) \$2,000.00;

WHEREAS, Hodulik and Morrison, a Division of PKF O'Connor Davies, shall perform such additional professional services as may be requested from time to time by the Borough at the following hourly rates: Principal - \$190.00; Manager - \$175.00; Senior Associates - \$140.00; Associate - \$115.00 - \$130.00, and as further set forth in the attached letter of engagement dated December 12, 2022 provided aggregate fees under this contract, including expenses, shall not exceed \$39,850.00 without the prior written approval of Borough Council;

WHEREAS, Hodulik & Morrison, a Division of PKF O'Connor Davies, shall comply with requirement for Anti-Discrimination and Affirmative Action as set forth in the annexed Schedule A;

WHEREAS, the Chief Financial Officer of the Borough has certified that funds are available for the purpose of this contract under Finance, Library and in the Water/Sewer Utility budget;

WHEREAS, the Local Public Contracts Law requires that a resolution authorizing an award of contract for professional services without competitive bid be publicly advertised following adoption;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that Hodulik and Morrison, P.A. be appointed as Borough Auditor of the Borough of Pennington for a period of one year in compliance with applicable law;

BE IT FURTHER RESOLVED, that the Mayor, with the attestation of the Borough Clerk, is hereby authorized to enter into a professional services agreement with Hodulik and Morrison, P.A., a Division of PKF O'Connor Davies, by accepting the annexed letter of engagement dated December 12, 2022 with such amendments as to form required by the Borough Attorney;

NOW, BE IT FURTHER RESOLVED, that a copy of this resolution shall be published in the Hopewell Valley News as required by law within ten (10) days of its adoption.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone									
Chandler					Marciante				
Gnatt					Stern				

This is to certify that the foregoing is a true copy of a Resolution adopted by the Borough Council of the Borough of Pennington at a meeting on January 4, 2023.

Elizabeth Sterling, Borough Clerk