

BURLINGTON COUNTY MUNICIPAL JOINT INSURANCE FUND

Resolution No. 2017-04

**A RESOLUTION AWARDING CONTRACTS TO WORKERS' COMPENSATION
ASSIGNED DEFENSE COUNSEL AND APPROVED ASSOCIATES**

WHEREAS, the Burlington County Municipal Joint Insurance Fund (BURLCOJIF) has been organized pursuant to *N.J.S.A. 40A:10-36 et. seq.*; and

WHEREAS, the Fund Commissioners of the Burlington County Municipal Joint Insurance Fund find that it is necessary and appropriate to obtain certain legal services so that the claims filed against the member municipalities of the Burlington County Municipal Joint Insurance Fund and for which the Burlington County Municipal Joint Insurance Fund is obligated to provide a legal defense may be properly defended; and

WHEREAS, the BURLCOJIF, under the "Fair and Open" process, advertised a Request for Qualifications (RFQ) for three (3) Contracts for Assigned Defense Counsel with terms of six (6) months, one (1) year and one (1) year, and the responses to the RFQ were to be submitted to the Executive Director's Office by April 20, 2016; and

WHEREAS, the BURLCOJIF received eight (8) responses to the Workers' Compensation RFQ and all responses were referred to the BURLCOJIF Finance Committee for evaluation and scoring; and

WHEREAS, on May 21, 2016, the BURLCOJIF Finance Committee reviewed, discussed and evaluated all responses that were received to the RFQ, and subsequently, each member of the Committee individually completed the evaluation and scoring process, and it was determined that certain firms were recommended to be awarded Contracts in accordance with the RFQ, and on June 21, 2016, Resolution #2016-23 was adopted Awarding Contracts to Workers' Compensation Assigned Defense Counsel and Approved Associates; and

WHEREAS, the BURLCOJIF Finance Committee and Executive Committee have recommended that Contracts be awarded to the same firms for 2017, which shall be the second Contract for one (1) year under the RFQ which authorized one (1) six month Contract and two (2), one (1) year Contracts.

NOW, THEREFORE, BE IT RESOLVED, by the Commissioners of the Burlington County Municipal Joint Insurance Fund assembled in a public session on January 17, 2017, that the following Law Firms and Attorneys are hereby designated as Workers' Compensation Assigned Defense Counsel and Approved Associates for the Burlington County Municipal Joint Insurance Fund and each firm shall be awarded a one (1) year Contract in accordance with the RFQ under the "Fair and Open" process:

Workers' Compensation Claims:

1. Pietras, Saracino, Smith & Meeks, LLP, with James G. Pietras, Esquire; Christopher J. Saracino, Esquire, Benjamin F. Smith, Esquire, Jody L. Meeks, Esquire and Joseph A. Vastano, Jr., Esquire as Assigned Defense Counsel at a rate of \$125.00 per hour of attorney time; a Paralegal rate of \$65.00 per hour; a maximum of \$55.00 per court appearance; and \$115.00 per hour for Occupational cases.

2. Affanato Marut, LLC with Michael S. Affanato, Esquire and Michelle K. Marut, Esquire as Assigned Defense Counsel at a rate of \$125.00 per hour of attorney time; Elizabeth Tomasso Mosteller, Esquire and Megan C. Davis, Esquire as Approved Associates at a rate of \$110.00 per hour of attorney time; a Paralegal rate of \$65.00 per hour; a maximum of \$55.00 per court appearance; and \$115.00 per hour for Occupational cases.

3. Capehart & Scatchard, P.A. with John H. Geaney, Esquire, Claire Y. Ringel, Esquire, Thomas J Walls, Jr., Esquire, Melissa Bialos Floyd, Esquire and Michael L. Bileci, Esquire as Assigned Defense Counsel at a rate of \$125.00 per hour of attorney time; a Paralegal rate of \$65.00 per hour; a maximum of \$55.00 per court appearance; and \$115.00 per hour for Occupational cases.

Note that the above rates include all reasonable office expenses (e.g.) postage, faxes, telephone, copies, etc., and in conformance with the Litigation Management Guidelines.

BE IT FURTHER RESOLVED that assignment of specific claims for defense of Workers' Compensation claims shall be made by the Fund Solicitor and Claims Administrator for the Burlington County Municipal Joint Insurance Fund, and they shall supervise and coordinate the defense of these matters in accordance with the Litigation Management Guidelines of the Burlington County Municipal Joint Insurance Fund.

BE IT FURTHER RESOLVED that the assignment of cases for defense made in accordance with prior Resolutions of the Burlington County Municipal Joint Insurance Fund shall continue with the Assigned Defense Counsel so assigned, subject to the authorization of the Fund Solicitor for the Burlington County Municipal Joint Insurance Fund to supervise the defense of these matters and to reassign the defense matters where appropriate.

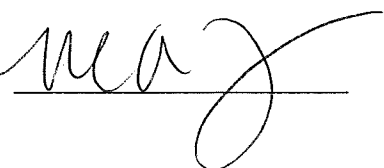

BE IT FURTHER RESOLVED that this contract is being awarded following a "Fair and Open" process pursuant to NJSA 19:44A-20.1 et. seq.

BE IT FURTHER RESOLVED that the Fund Chairman and Secretary are hereby authorized to execute the Contracts with the Assigned Defense Counsel Law Firms to provide Legal Services to the Fund.

BE IT FURTHER RESOLVED that the copies of this Resolution shall be provided to the Executive Director, Fund Solicitor, and Claims Administrator of the Burlington County Municipal Joint Insurance Fund and those herein appointed for their information and attention.

This Resolution was duly adopted by the Burlington County Municipal Joint Insurance Fund at a public meeting held on January 17, 2017.

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Attest:  By: 

Date: Jan. 17, 2017