

Resolution of the City of Newark, N.J.

7R7-a 010919

NO. 7R7-ADate of Adoption JAN 09 2019

Title Page

Dept/ Agency: Office of the Mayor**Action:** (X) Ratifying (X) Authorizing () Amending**Type of Service:** Professional Service Contract**Purpose:** To Serve as a Per Diem Municipal Public Defender for the Newark Municipal Court Representing Indigent Defendants**Entity Name:** Anthony N. Barbieri, P.C.**Entity Address:** 832 Clifton Avenue, Clifton, New Jersey 07013**Contract Amount:** An amount not to exceed \$17,000.00**Funding Source:** 2019 Budget/Office of the Mayor**Contract Period:** January 1, 2019 through December 31, 2019**Contract Basis:** () Bid () State Vendor (X) Prof. Ser. () EUS

(X) Fair & Open () No Reportable Contributions () RFP () RFQ

() Private Sale () Grant () Sub-recipient () N/A

Additional Information:

Approved as to Form and Legality on Basis of Facts Set Forth

Factual contents certified by

Corporation Counsel_____
Title

Council Member _____ presents the following Resolution:

Resolution of the City of Newark, N.J.

JAN 09 2019

NO. 7R7A

Date of Adoption _____

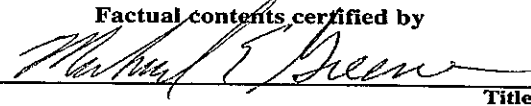
Approved as to Form and Legality on Basis of Facts Set Forth



Corporation Counsel



Factual contents certified by



Title

Council Member council of the whole presents the following Resolution:

WHEREAS, the City of Newark is in need of Per Diem Attorneys to serve as Municipal Public Defenders to be assigned to cases in the Newark Municipal Court; and

WHEREAS, legal services are professional services exempt from the requirement of public bidding, pursuant to Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, the City of Newark desires to enter into a contract with Anthony N. Barbieri, P.C., 832 Clifton, New Jersey 07013, for Anthony N. Barbieri, Esq. to serve as a Per Diem Municipal Public Defender for the Newark Municipal Court, providing representation to indigent defendants for an amount not to exceed seventeen thousand dollars (\$17,000.00), for the period commencing on January 1, 2019 and terminating on December 31, 2019; and

WHEREAS, the State Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., requires that notice of award of contracts for "Professional Services" without competitive bidding must be published in a local newspaper; and

WHEREAS, this contract is for an amount under seventeen thousand five hundred dollars (\$17,500.00) and therefore is not subject to the fair and open procedures of the State Pay-to-Play Law, N.J.S.A. 19:44A-20.5; and

WHEREAS, this contract is being awarded as a Professional Service, pursuant to the provisions of the State Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, the Municipal Council adopted the Contractor Pay-to-Play Reform Ordinance, Newark, New Jersey, Municipal Code § 2:4-22C, which forbids the award of a contract to a Business Entity, as defined therein, which has made or solicited political contributions to Newark Municipal Candidates, office holders having ultimate responsibility for the award of a contract, candidate committees of the aforementioned candidates; and political or political party committees of the City of Newark or County of Essex; and continuing political committees or political action committees regularly engaged in the support of the City of Newark municipal or County of Essex elections; and certain other political party or candidate committees, in excess of certain thresholds.

JAN 09 2019

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:

1. The Mayor and/or his designee, the Chief Municipal Public Defender, are hereby authorized to enter into and execute a Professional Services contract with Anthony N. Barbieri, P.C., 832 Clifton Avenue, Clifton, New Jersey 07013, to serve as a Per Diem Municipal Public Defender for the Newark Municipal Court, representing indigent defendants for an amount not to exceed seventeen thousand dollars (\$17,000.00), for the period commencing on January 1, 2019 and terminating on December 31, 2019.
2. This contract is for an amount under seventeen thousand five hundred dollars (\$17,500.00) and therefore is not subject to State Pay-to-Play Law, N.J.S.A. 19:44A-20.5.
3. This contract is being awarded as a Professional Service, pursuant to the provisions of the State Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(i), because service required must be performed by someone who is licensed to practice law in the State of New Jersey and is in compliance with the Contractor Pay-to-Play Reform Ordinance, Newark, New Jersey, Municipal Code § 2:4-22C.
4. This contract is being awarded as an open-end contract with a certification of availability of funds executed each time services are used and charged against contract, pursuant to N.J.A.C. 5:30-5.5(b)(2).
5. The contract between the City of Newark and Anthony N. Barbieri, P.C. is ratified from January 1, 2019, through the date of adoption of this authorizing resolution.
6. The Chief Municipal Public Defender shall file a copy of the fully executed contract herein authorized in the Office of the City Clerk and it shall be made available for public inspection.
7. A notice of this action shall be published in the newspaper authorized by law to publish a legal advertisement and as required by law within ten (10) days of the adoption of this Resolution.

STATEMENT

This resolution ratifies and authorizes the Mayor and/or his designee, the Chief Municipal Public Defender, to enter into and execute a professional services contract with Anthony N. Barbieri, P.C., 832 Clifton Avenue, Clifton, New Jersey 07013, to serve as a Per Diem Municipal Public Defender for the Newark Municipal Court, representing indigent defendants for an amount not to exceed seventeen thousand dollars (\$17,000.00), for the period commencing on January 1, 2019 and terminating on December 31, 2019.

CERTIFIED TO BY ME THIS

JAN 11 2019

Do not use space below this line

RECORD OF COUNCIL VOTE ON FINAL PASSAGE

Council Member	AYE	NAY	NV	AB	Council Member	AYE	NAY	NV	AB	Council Member	AYE	NAY	NV	AB
Amador	✓				McCallum, Jr.	✓				Quintana, Vice Pres.	✓			
Gonzalez	✓				McIver	✓				Ramos, Jr.	✓			
James	✓				Osborne				✓	Crump, President	✓			
✓ Indicates Vote					AB - Absent					NV - Not Voting				

Adopted at a meeting of the Municipal Council of the City of Newark, N.J.,

JAN 09 2019

Anthony N. Barbieri

President of the Council

Kenneth L. Crump

076

18-1871
City Clerk