



City of Newark

City Hall
920 Mayor Kenneth A.
Gibson Boulevard
Newark, New Jersey 07102

Legislation Details (With Text)

File #: 17-2136 **Version:** 1 **Name:** Law Offices of Montell Figgins (Litgation Defense)
Type: Resolution **Status:** Adopted
File created: 12/7/2017 **In control:** Law
On agenda: 3/21/2018 **Final action:** 3/27/2018

Title: Dept/ Agency: Law
Action: Ratifying Authorizing Amending
Type of Service: Professional Services Contract
Purpose: To Provide Legal Services concerning Litigation Defense Matters
Entity Name: Law Offices of Montell Figgins
Entity Address: 17 Academy Street, Suite 305, Newark, New Jersey 07102
Contract Amount: An amount not to exceed \$25,000.00
Funding Source: 2018 Budget/ Law Department
Contract Period: January 1, 2018 through December 31, 2018
Contract Basis: Bid State Vendor Prof. Ser. EUS
 Fair & Open No Reportable Contributions RFP RFQ
 Private Sale Grant Sub-recipient n/a
Additional Information:

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
3/27/2018	1	Municipal Council	Adopt	Pass
3/21/2018	1	Municipal Council	No Action Taken	

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WHEREAS, the City of Newark is involved in ongoing legal matters and therefore has a need to acquire legal services; and

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

WHEREAS, the Acting Corporation Counsel of the City of Newark caused to be published on the City of Newark's website, a Notice of Request for Qualifications for Litigation Defense Counsel ("RFQ") on or about October 27, 2017; and

WHEREAS, the City of Newark received a total of Twenty-two (22) proposals in response to the RFQ; and

WHEREAS, Law Offices of Montell Figgins, 17 Academy Street, Suite 305, Newark, New Jersey, 07102, submitted a proposal in response to the request and it was found, based upon price and other factors, to be in the best interest of the City of Newark to accept the proposal for the purpose of providing legal services concerning Litigation Defense Matters; and

WHEREAS, as part of their proposal, the Firm in advertently submitted the required, executed and notarized, City forms on its letterhead; and

WHEREAS, Paragraph 1.5 of the RFQ, entitled "Rights of the Law Department" states, in pertinent part, that "[t]he Law Department reserves, holds and may exercise, at its sole discretion the following rights and options with regard this RFQ and the procurement process in accordance with the provisions of the applicable law: [t]o determine that any Qualification Statement received complies or fails to comply with the terms of this RFQ, and [t]o waive any technical non-conformance with the terms of this RFQ."; and

WHEREAS, after a complete review of the Firm's proposal and the applicable law, the Law Department determines that the Qualification Statement and proposal submitted by the Firm complies with the terms of this RFQ and it waives the Firm's technical non-conformance in providing the executed and notarized documents on its letterhead; and

WHEREAS, the Firm has since corrected this technical error and provided the required executed and notarized documents without it being on the Firm's letterhead; and

WHEREAS, the City of Newark wishes to enter into a new contract with Law Offices of Montell Figgins, to provide legal services concerning Litigation Defense Matters in an amount not to exceed Twenty-Five Thousand Dollars and Zero Cents (\$25,000.00), for the period of January 1, 2018 through December 31, 2018, which shall cover new matters that may arise during the contract term; and

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

WHEREAS, this contract is for an amount over \$17,500.00 and is being awarded as a fair and open contract pursuant to N.J.S.A. 19:44A-20.5; and

WHEREAS, the Municipal Council adopted the Contractor Pay-to-Play Reform Ordinance, R.O. 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.

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

1. The Mayor of the City of Newark and/or his designee, the Acting Corporation Counsel, are hereby authorized and directed on behalf of the City of Newark to execute a contract with Law Offices of Montell Figgins, 17 Academy Street, Suite 305, Newark, New Jersey 07102, to provide legal services concerning Litigation Defense Matters in an amount not to exceed Twenty-Five Thousand Dollars and Zero Cents (\$25,000.00), for the period of January 1, 2018 through December 31, 2018 which shall cover new matters that may arise during the contract term.
2. The term of this contract shall be January 1, 2018 through December 31, 2018 for such matters that may arise during the contract term.
3. This contract is being awarded pursuant to the fair and open procedures of the State Pay-to-Play Law (N.J.S.A. 19:44A-20.5) and pursuant to the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-5(1)(a)(i)).
4. This is a contract which shall be awarded in one fiscal year although the date on which it properly takes effect falls in the next fiscal year. Accordingly, this contract is subject to the availability and appropriation of sufficient funds in the year in which it takes effect. New Jersey Administrative Code 5:30-5.5(e). Funds for this contract in the amount not to exceed \$25,000.00 shall be provided from the City of Newark Budget, Law Department.
5. A copy of the executed agreement herein authorized shall be filed in the Office of the City Clerk by the Acting Corporation Counsel and shall be made available for public inspection.
6. 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 Acting Corporation Counsel, to enter into a contract for legal services for Litigation Defense Matters with Law Offices of Montell Figgins, 17 Academy Street, Suite 305, Newark, New Jersey 07102, in an amount not to exceed Twenty-Five Thousand Dollars (\$25,000.00), for the period of January 1, 2018 through December 31, 2018.