



Legislation Details (With Text)

**File #:** 14-2195      **Version:** 1      **Name:** Professional Services Contract (Conflict counsel - Eric S. Pennington, PC)  
**Type:** Resolution      **Status:** Filed  
**File created:** 12/19/2014      **In control:** Law  
**On agenda:** 1/7/2015      **Final action:** 1/7/2015

**Title:** Dept/ Agency: Law  
Action:  Ratifying    Authorizing    Amending  
Type of Service: Professional Services Contract  
Purpose: Legal Services Conflict Counsel  
Entity Name: Eric S. Pennington, PC  
Entity Address: One Gateway Center, Suite 105, Newark, New Jersey 07102  
Contract Amount: An amount not to exceed \$85,000.00  
Funding Source: 2015 city of Newark Budget, Law Department  
Contract Period: January 1, 2015 - December 31, 2015  
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
1/7/2015	1	Municipal Council	Adopt	Pass

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**Additional Information:**

**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 Corporation Counsel of the City of Newark caused to be published on the City of Newark's website, a Notice of Request for Qualifications ("RFQ") for Conflict Counsel Services on or about October 31, 2014; and

**WHEREAS**, the City of Newark received a total of seventeen (17) proposals in response to its request; and

**WHEREAS**, Eric S. Pennington, PC, located at One Gateway Center, Suite 105, Newark, New Jersey 07102, submitted a proposal 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 Conflict Counsel Services; and

**WHEREAS**, the City of Newark wishes to enter into a new contract with Eric S. Pennington, PC to provide legal services concerning conflict matters in an amount not to exceed Eighty-Five Thousand Dollars (\$85,000.00), for the period of January 1, 2015 to December 31, 2015 which shall cover those existing matters currently being handled by Eric S. Pennington, PC as well as 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 Mayor of the City of Newark signed into law Executive Order Number MEO-07-0001 (hereinafter "Pay-to-Play Executive Order"), which requires reporting of political contributions to Newark Municipal Candidates and prohibits certain political contributions during the duration of the contract; 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 Corporation Counsel, are hereby authorized and directed on behalf of the City of Newark to execute a contract with Eric S. Pennington, PC to provide legal services concerning conflict matters in an amount not to exceed Eighty-Five Thousand Dollars (\$85,000.00), for the period of January 1, 2015 to December 31, 2015 which shall cover those existing matters currently being handled by Eric S. Pennington, PC as well as new matters that may arise during the contract term.

2. The term of this contract shall be January 1, 2015 to December 31, 2015 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)) and is in compliance with Executive Order MEO-07-0001, effective March 31, 2007; and is in compliance with the Contractor Pay-to-Play Reform Ordinance, R.O. 2:4-22C.
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 \$85,000.00, 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 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 authorizes the Mayor of the City of Newark and/or his designee, the Corporation Counsel, to enter into a contract for legal services for counsel conflict services with Eric S. Pennington, PC, One Gateway Center, Suite 105, Newark, New Jersey 07102, in an amount not to exceed Eighty-Five Thousand Dollars (\$85,000.00), for the period of January 1, 2015 to December 31, 2015.