



Legislation Details (With Text)

**File #:** 17-2140      **Version:** 1      **Name:** Eric S. Pennington Professional Services Contract to Provide Legal Services Litigation Defense Counsel  
**Type:** Resolution      **Status:** Adopted  
**File created:** 12/7/2017      **In control:** Law  
**On agenda:** 12/27/2017      **Final action:** 12/27/2017

**Title:** Dept/ Agency: Law  
Action: ( ) Ratifying (X) Authorizing ( ) Amending  
Type of Service: Professional Services Contract  
Purpose: To provide legal services concerning Litigation Defense Matters.  
Entity Name: Eric S. Pennington, P.C.  
Entity Address: 76 South Orange Avenue, Suite 213, South Orange, New Jersey 07079  
Contract Amount: An amount not to exceed \$100,000.00  
Funding Source: City of Newark Budget/ Law Department  
Contract Period: January 1, 2018 through December 31, 2018  
Contract Basis: ( ) Bid ( ) State Vendor (X) Prof. Ser. ( ) EUS  
(X) Fair & Open ( ) No Reportable Contributions ( ) RFP (X) RFQ  
( ) Private Sale ( ) Grant ( ) Sub-recipient ( ) n/a  
Additional Information:

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
12/27/2017	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 of 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 ("RFQ") for Litigation Defense Counsel Services 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**, Eric S. Pennington, P.C., 76 South Orange Avenue, Suite 213, South Orange, New Jersey 07079, 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 Litigation Defense Counsel Services; and

**WHEREAS**, the City of Newark wishes to enter into a new contract with Eric S. Pennington, P.C., to provide legal services concerning Litigation Defense Matters in an amount not to exceed One Hundred Thousand Dollars and Zero Cents (\$100,000.00), for the period of January 1, 2018 through December 31, 2018, which shall cover those existing matters currently being handled by Eric S. Pennington, P.C. 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 pursuant to the fair and open procedures of the State Pay-to-Play Law, N.J.S.A. 19:44A-20.5; 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 (i) a candidate, candidate committee or joint candidate committee of any candidate for elective municipal office in the City of Newark or a holder of public office having ultimate responsibility for the award of a contract, or (ii) to any City of Newark or County of Essex political committee or action committee that regularly engages in the support of City of Newark Municipal or County of Essex candidates, candidate committees, joint candidates committees, political committees, political party committee, (hereinafter "PAC), in excess of certain specified thresholds within one (1) calendar year immediately preceding the date of the contract or agreement.

**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 authorized on behalf of the City of Newark to execute a contract with Eric S. Pennington, P.C., 76 South Orange Avenue, South Orange, New Jersey 07079, to provide legal services concerning litigation defense matters in an amount not to exceed One Hundred Thousand Dollars and Zero Cents (\$100,000.00), for the period of January 1, 2018 through December 31, 2018, which shall cover those existing matters currently being handled by Eric S. Pennington, P.C. as well as 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)) and is in compliance with the City of Newark's Contractor Pay-to-Play Reform Ordinance, Newark, New Jersey, Municipal Code § 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. N.J.A.C. 5:30-5.5(e). Funds for this contract in the amount not to exceed One Hundred Thousand Dollars and Zero Cents (\$100,000.00), 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 authorizes the Mayor of the City of Newark and/or his designee, the Acting Corporation Counsel, to enter into a contract for legal services for Litigation Defense Counsel Services with Eric S. Pennington, P.C., 76 South Orange Avenue, Suite 213, South Orange, New Jersey 07079, in an amount not to exceed One Hundred Thousand Dollars and Zero Cents (\$100,000.00), for the period of January 1, 2018 through December 31, 2018.