



Legislation Details (With Text)

File #: 20-0460 **Version:** 1 **Name:** Resolution: Bond Counsel Legal Services - Wilentz, Goldman & Spitzer, P.A.
Type: Resolution **Status:** Adopted
File created: 3/23/2020 **In control:** Law
On agenda: 4/21/2020 **Final action:** 4/21/2020

Title: Dept/ Agency: Law
Action: () Ratifying (X) Authorizing () Amending
Type of Service: Professional Services Contract
Purpose: To provide Bond Counsel Legal Services.
Entity Name: Wilentz, Goldman & Spitzer, P.A.
Entity Address: 90 Woodbridge Center Drive, Suite 900, Woodbridge, New Jersey 07095
Contract Amount: Not to exceed \$200,000.00
Funding Source: City of Newark Bond/Note Proceeds
Contract Period: Twelve (12) months from the issuance of the Notice to Proceed
Contract Basis: () Bid () State Vendor (X) Prof. Ser. () EUS
() Fair & Open (X) 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
4/21/2020	1	Municipal Council	Adopt	Pass

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Additional Information:

WHEREAS, the City of Newark (the "City") as the largest municipality in the State of New Jersey faces novel issues on a daily basis and has a need to acquire Bond Counsel Legal Services; and

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

(i); and

WHEREAS, Wilentz, Goldman & Spitzer, P.A. (“Wilentz”), a law firm with a diverse practice and specific expertise in issues involving municipal government, submitted a proposal to provide Bond Counsel Legal Services and it was found to be in the interest of the City to accept the proposal for the purpose of providing Bond Counsel Legal Services; and

WHEREAS, the Mayor and the Corporation Counsel wish to enter into a contract with Wilentz to provide Bond Counsel Legal Services in an amount not to exceed Two Hundred Thousand Dollars and Zero Cents (\$200,000.00), for a twelve (12) month period commencing upon issuance of Notice to Proceed; and

WHEREAS, Ordinance 6PSF-a adopted on March 16, 2016, and its amending Ordinance 6PSF-c adopted on May 10, 2018, provides for the use of the redevelopment escrow fees paid by developers to defray the various costs, such as those associated with Redevelopment Area Bonds (RAB), incurred by the City for redevelopment projects; and

WHEREAS, the Corporation Counsel has determined and certified in writing that the value of this contract will exceed Seventeen Thousand Five Hundred Dollars and Zero Cents (\$17,500.00) as such the actions contemplated by this resolution shall result in the award of a Non-Fair and Open Contract, pursuant N.J.S.A. 19:44A-20.5; and

WHEREAS, Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., requires a resolution, from the Governing Body, authorizing the award of contracts for professional services without public bidding; publication in a local newspaper and further requires that the contract itself must be available for public inspection; and

WHEREAS, Wilentz has completed and submitted a Business Entity Disclosure Certification, which certifies that Wilentz has not made any reportable contributions to the a political or a candidate committee in the City of Newark in the previous one (1) year, and the contract will prohibit Wilentz from making any reportable contributions through the term of the contract; 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 contribution to a Newark Municipal Candidate and County of Essex 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 and/or his designee, the Corporation Counsel, are authorized to enter into and execute a contract with Wilentz, Goldman and Spitzer, P.A., 90 Woodbridge Center Drive, Suite 900, Woodbridge, New Jersey 07095, to provide Bond Counsel Legal Services in an amount not to exceed Two Hundred Thousand Dollars and Zero Cents (\$200,000.00), for a twelve (12) month

period commencing upon issuance of Notice to Proceed.

2. This professional services contract is being awarded without competitive bidding, an exception to public bidding pursuant to Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(i), since attorneys are licensed by the State of New Jersey.

3. This contract is awarded pursuant to the Non-Fair and Open Procedures of the State Pay-to-Play Law, N.J.S.A. 19:44A-20.5 and Wilentz has certified on the Business Entity Disclosure Certificate that it has not made or solicited a contribution in violation of the City of Newark Contractor Pay-to-Play Reform Ordinance, Newark, New Jersey Municipal Code §2:4-22C.

4. This contract is paid from Bond and Note proceeds on a percentage basis after Bonds and Notes are sold and after receipt of the funds from the sale by the City. This is also an open-ended contract to be used as needed during the term of the contract. Thus, for those expenditures not covered by Bond and Note proceeds, certification of the availability of sufficient funds, as required by N.J.A.C. 5:30-5.5(b)(2), shall be executed before liability is incurred each time a service is requested. If operating under a Temporary Budget, the City shall comply with N.J.A.C. 5:30-5.5(a)(1); and for those expenditures covered by the City's escrow Ordinances (6PSF-a adopted on March 16, 2016 and 6PSF-c adopted on May 10, 2018), the fees shall be paid in accordance with the funding agreements entered into between the City of Newark and the respective developers.

5. The Determination of Value and Business Entity Disclosure Certification are attached and will be filed together with this resolution with the Office of the City Clerk.

6. Corporation Counsel shall file a fully- executed copy of the contract with the Office of the City Clerk, and it shall be made available for public inspection.

7. There shall be no advance payments made against this contract in accordance with N.J.S.A. 40A:5-16.

8. A notice of this action shall be published in the newspaper authorized by law to be published as a legal advertisement and as required by law within ten (10) days of adoption of this resolution.

STATEMENT

This resolution hereby authorizes the Mayor and/or his designee, the Corporation Counsel, to enter into and execute a contract, on behalf of the City of Newark, with Wilentz, Goldman and Spitzer, 90 Woodbridge Center Drive, Suite 900, Woodbridge, New Jersey 07095, to provide Bond Counsel Legal Services in an amount not to exceed Two Hundred Thousand Dollars and Zero Cents (\$200,000.00), for a twelve (12) month period commencing upon issuance of Notice to Proceed, and which provides for the use of the redevelopment escrow fees paid by developers to defray the various costs such as those associated with Redevelopment Area Bonds (RAB), incurred by the City of Newark on Redevelopment Projects.