



Legislation Details (With Text)

**File #:** 19-2018      **Version:** 2      **Name:** Bernardo Henry, Esq., 2020  
**Type:** Resolution      **Status:** Adopted  
**File created:** 12/23/2019      **In control:** Mayor's Office  
**On agenda:** 3/4/2020      **Final action:** 2/25/2020

**Title:** Dept/ Agency: Office of the Mayor  
Action:  Ratifying    Authorizing    Amending  
Type of Service: Professional Service Contract  
Purpose: To serve as Per Diem Public Defender for the Newark Municipal Court representing Indigent Defendants.  
Entity Name: Bernardo Henry, Esq.  
Entity Address: 214 Oakwood Avenue, Suite 3, Orange, New Jersey 07050  
Contract Amount: Not to exceed \$17,000.00  
Funding Source: 2020 Budget/Office of the Mayor  
Contract Period: January 1, 2020 through December 31, 2020  
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
2/25/2020	1	Municipal Council	Adopt	Pass

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**Additional Information:**

**WHEREAS,** the City of Newark (the "City") 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,** the City desires to enter into and execute a contract with Bernardo W. Henry, Esq., 214 Oakwood Avenue, Suite 3, Orange, New Jersey 07050, to serve as a Per Diem Municipal

Public Defender for the Newark Municipal Court, representing indigent defendants, for an amount not to exceed \$17,000.00, for the period commencing January 1, 2020 and terminating December 31, 2020; and

**WHEREAS**, this contract is for an amount under \$17,500.00 and therefore is not subject to 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 City of Newark's Municipal Council adopted Contractor Pay-to-Play Reform Ordinance, R.O. 2:4-22C, which requires reporting of political contributions to Newark Municipal Candidates and prohibits certain political contributions during the duration of the contract; and

**WHEREAS**, the State Local Public Contracts Law, (N.J.S.A. 40A:11-1, et seq.) requires a resolution authorizing the award of contracts for "Professional Services".

**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 Bernardo W. Henry, Esq., 214 Oakwood Avenue, Suite 3, Orange, New Jersey 07050, to serve as a Per Diem Municipal Public Defender for the Newark Municipal Court, representing indigent defendants, for an amount not to exceed \$17,000.00, for the period commencing January 1, 2020 and terminating December 31, 2020.
2. This contract is for an amount under \$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 the required service 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, R.O. 2:4-22C.
4. This contract is being awarded as open-ended contract under N.J.A.C. 5:30-5.5(b), and pursuant to N.J.A.C. 5:30-5.5(b)(2), a certification of availability of funds shall be executed each time services are used and charged against contract.
5. The contract between the City and Bernardo W. Henry, Esq., shall be ratified from January 1, 2020 through the date of the 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 authorizes the Mayor and/or his designee, the Chief Municipal Public Defender to enter into and execute a professional services contract with Bernardo W. Henry, Esq., 214 Oakwood Avenue, Suite 3, Orange, New Jersey 07050, to serve as a Per Diem Municipal Public Defender for the Newark Municipal Court, representing indigent defendants for an amount not to exceed \$17,000.00, for the period commencing January 1, 2020 and terminating December 31, 2020.