



Legislation Details (With Text)

File #: 14-0323 **Version:** 1 **Name:** Contract with Arelo, Donohue & Biancamano
Type: Resolution **Status:** Filed
File created: 3/7/2014 **In control:** Municipal Council and City Clerk
On agenda: 4/16/2014 **Final action:** 4/16/2014

Title: Dept/ Agency: Offices of Municipal Council/City Clerk
Action: Ratifying Authorizing Amending
Type of Service: Professional Service Contract
Purpose: Legal services to the Office of the City Clerk as a custodian of records and the Municipal Council of the City of Newark for production of records and/or documents for Federal and/or State agencies and legal representation of The Municipal Council, Council Members and the City Clerk.
Entity Name: Arleo, Donohue & Biancamano, L.L.C.
Entity Address: 622 Eagle Rock Avenue, West Orange, New Jersey 07052
Contract Amount: \$50,000.00
Funding Source: City Clerk and Municipal Council Current Budget
Contract Period: March 1, 2014 to February 28, 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:

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
4/16/2014	1	Municipal Council	Adopt	Pass

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WHEREAS, the Office of the City Clerk of the City of Newark has a need for legal services related to its function as a custodian of records; and for the representation of the Municipal Council of the City of Newark related to the production of records and/or documents for Federal and/or State

agencies; and legal representation of the Municipal Council, Council Members and the City Clerk, as a non-fair and open contract pursuant to the provisions of the Local Unit Pay to Play Reform Statute, N.J.S.A. 19:44A-20.5 et seq. and the City of Newark Executive Order on Pay-to-Play Reform, MEO-07-0001 and the Contractor Pay-to-Play Reform Ordinance, 2:4-22C; and

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

WHEREAS, Arleo, Donohue & Biancamano, L.L.C. Attorneys at Law has completed and submitted a Business Entity Disclosure Certification which certifies that Arleo, Donohue & Biancamano, L.L.C. has not made any prohibited contributions to a political or candidate committee in the previous one year, and that the contract will prohibit Arleo, Donohue & Biancamano, L.L.C. from making any prohibited contributions through the term of this contract; and

WHEREAS, the Mayor of the City of Newark issued Executive Order MEO-07-0001, which requires reporting of political contributions during the duration of the contract. The award of this contract is in compliance with Executive Order MEO-07-0001; and

WHEREAS, on August 1, 2012, the Newark Municipal Council adopted the Contractor Pay-to-Play Reform Ordinance, 2:4-22C, which forbids, inter alia, 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 candidates 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 political party committee, or (iii) to any continuing political committee or political action committee that regularly engages in the support of City of Newark municipal or County of Essex elections and/or City of Newark municipal or County of Essex candidates, candidate committees, joint candidate committees, political committees, political parties, political party committees, (hereinafter "PAC"), in excess of the thresholds specified in subsection (g) within one (1) calendar year immediately preceding the date of the contract or agreement.; and

WHEREAS, the Business Entity and any of its subcontractors, if any, have certified that it is in compliance with the aforementioned Contractor Pay-to-Play Reform Ordinance 2:4-22C; and

WHEREAS, the City of Newark wishes to enter into a contract with Arleo, Donohue & Biancamano, L.L.C., Attorneys at Law, 622 Eagle Rock Avenue, West Orange, New Jersey 07052, to provide legal services to the Office of the City Clerk as a custodian of records and the Municipal Council of the City of Newark for production of records and/or documents for Federal and/or State agencies and legal representation of the Municipal Council, Council Members and the City Clerk, in an amount not to exceed \$50,000.00, for the period of March 1, 2014 to February 28, 2015; and

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

WHEREAS, this contract has been determined and certified in writing to have a value in excess of \$17,500 and is being awarded as a non-fair and open contract pursuant to N.J.S.A. 19:44A-20.5 et seq.

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

1. The City Clerk is hereby authorized and directed on behalf of the City of Newark to execute a contract with Arleo, Donohue & Biancamano, L.L.C. Attorneys at Law, 622 Eagle Rock Avenue, West Orange, New Jersey 07052, to provide legal services to the Office of the City Clerk as a custodian of records and the Municipal Council of the City of Newark for production of records and/or documents for Federal and/or State agencies and legal representation of the Municipal Council, Council Members and the City Clerk, in an amount not to exceed \$50,000.00, for the period of March 1, 2014 to February 28, 2015.
- 2.
3. The Council ratifies this contract for the period of March 1, 2014 to the date of adoption of this resolution.
4. Pursuant to N.J.A.C. 5:30-5(a) Temporary Budget, attached hereto is the Acting Chief Financial Officer's partial certification which states the funds in the amount of \$20,000.00 are available in the 2014 Temporary Budget, Business Unit NW011, Dept ID 020, Div/Proj. 0201, Account 71280, the balance to be provided in the 2014 Adopted Budget. The certification shall be filed along with the original resolution and the executed contract in the Office of the City Clerk.
5. This contract is being awarded pursuant to the non-fair and open procedures of the Pay-to-Play Law N.J.S.A 19:44A-20.5 et seq. and the City of Newark Executive Order on Pay-to-Play Reform, ME0-07-0001 and the Contractor Pay-to-Play Reform Ordinance, 2:4-22C and pursuant to the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-5 (1)(a) (i)) because these services are to be rendered by a person (or persons) licensed as attorneys by the State of New Jersey, N.J.S.A 40A:11-5.
6. The contract will contain language prohibiting any contributions in violation of any state or local law.
7. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.
8. A copy of the executed agreement herein authorized shall be filed in the Office of the City Clerk and shall be made available for public inspection.
9. 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 10 days of its passage.
10. There shall be no amendments or changes of this contract without approval of the Municipal Council and there shall be no advance payments on this contract in accordance with N.J.S.A. 40A:5-16.

STATEMENT

This resolution authorizes the professional services contract between the City Clerk and with Arleo, Donohue & Biancamano, L.L.C. Attorneys at Law, 622 Eagle Rock Avenue, West Orange, New Jersey 07052, to provide legal services to the Office of the City Clerk as a custodian of records and the Municipal Council of the City of Newark for

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