



Legislation Details (With Text)

File #: 15-1583 **Version:** 1 **Name:** DeCottis - Bond Counsel
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File created: 8/14/2015 **In control:** Law
On agenda: 9/2/2015 **Final action:** 9/2/2015

Title: Dept/ Agency: Law
Action: Ratifying Authorizing Amending
Type of Service: Professional Services Contract
Purpose: Bond Counsel Services
Entity Name: Decotiis Fitzpatrick & Cole, LLP
Entity Address: Glenpointe Centre West, 500 Frank W. Burr Boulevard, Suite 31, Teaneck, New Jersey 07666
Contract Amount: An amount not to exceed \$188,500.00
Funding Source: City of Newark Budget, Law Department
Contract Period: January 1, 2015 through 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
9/2/2015	1	Municipal Council	Adopt	Pass

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Additional Information:

WHEREAS, the City of Newark is involved in ongoing legal matters and has a need to acquire legal services for Bond matters; and

WHEREAS, on December 23, 2014, through Resolution 7R7-a(S), the Municipal Council authorized the Mayor and the Corporation Counsel to execute a contract with the law firm of Decotiis

Fitzpatrick & Cole, LLP (Decotiis Fitzpatrick & Cole) Glenpointe Centre West, 500 Frank W. Burr Boulevard, Suite 31, Teaneck, New Jersey 07666, for legal services for Bond matters; and

WHEREAS, there was an error in the Request for Qualifications as to the compensation method for Bond Counsel contracts; and

WHEREAS, due to the error, it is necessary to rescind Resolution 7R7-a(S) adopted on December 23, 2014 and authorize a new contract; and

WHEREAS, Decotiis Fitzpatrick & Cole submitted a proposal to provide Bond Counsel legal services and it was found, to be in the best interest of the City of Newark to accept the proposal for the purpose of providing legal services concerning Bond Matters; and

WHEREAS, the Mayor and the Corporation Counsel wish to enter into a contract with Decotiis Fitzpatrick & Cole, to provide legal services concerning Bond Matters, in an amount not to exceed One Hundred Eighty-Eight Thousand Five Hundred Dollars (\$188,500.00), for the period of January 1, 2015 through December 31, 2015; and

WHEREAS, the Corporation Counsel has determined and certified in writing that the value of this contract will exceed \$17,500.00; and

WHEREAS, this Contract is awarded without competitive bidding as an exception to public bidding, pursuant to *N.J.S.A. 40A:11-5(1)(a)(i)*, professional services; and

WHEREAS, Local Public Contracts Law *N.J.S.A. 40A:11-1*, et seq. requires a Resolution of the Governing Body authorizing the award of contracts for professional services and further requires that the contract itself must be available for public inspection; and

WHEREAS, the actions contemplated by this Resolution shall result in the award of a non-fair and open contract in accordance with *N.J.S.A. 19:44A-20.5*; and

WHEREAS, Decotiis Fitzpatrick & Cole has completed and submitted a Business Entity Disclosure Certification which certifies that Decotiis Fitzpatrick & Cole has not made any reportable contributions to a political or candidate committee in the City of Newark in the previous one year, and the contract will prohibit Decotiis Fitzpatrick & Cole from making any reportable contributions through the term of the contract; 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 public bidding must be published in a local newspaper; and

WHEREAS, 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, 6PSF-a, August 1, 2012, 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. Resolution 7R7-a(S) adopted on December 23, 2014 is rescinded.
2. The Mayor of the City of Newark and his designee, the Corporation Counsel, are authorized to execute a contract with Decotiis Fitzpatrick & Cole, LLP, Glenpointe Centre West, 500 Frank W. Burr Boulevard, Suite 31, Teaneck, New Jersey 07666 to provide legal services concerning Bond Matters, in an amount not to exceed One Hundred Eighty-Eight Thousand Five Hundred Dollars and Zero Cents (\$188,500.00), for the period of January 1, 2015 through December 31, 2015.
3. The contract is ratified from January 1, 2015 to the date of adoption.
4. This contract is awarded without competitive bidding as an exception to public bidding pursuant to the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-5(1)(a)(i)), professional services, pursuant to the non-fair and open procedures of the State Pay-to-Play Law (N.J.S.A. 19:44A-20.5), is in compliance with Executive Order MEO-07-0001, effective March 31, 2007 and the Business Entity has certified that it has not made or solicited a contribution in violation of the Contractor Pay-to-Play Reform Ordinance 2:4-22C.
5. 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 contact. 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 (2).
6. The Determination of Value and Business Entity Disclosure Certification are attached and will be filed with the Office of the City Clerk.
7. 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.
8. 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 rescinds Resolution 7R7-a(S) adopted on December 23, 2014 and ratifies and authorizes the Mayor of the City of Newark and his designee, the Corporation Counsel, to enter into a contract with Decotiis Fitzpatrick & Cole, LLP Glenpointe Centre West, 500 Frank W. Burr Boulevard, Suite 31, Teaneck, New Jersey 07666, to provide legal services concerning Bond Matters in an

amount not to exceed One Hundred Eighty-Eight Thousand Five Hundred Dollars and Zero Cents (\$188,500.00), for the period of January 1, 2015 through December 31, 2015.