



Legislation Details (With Text)

**File #:** 20-0033      **Version:** 1      **Name:** Decotiis Bond Counsel Agreement 2020  
**Type:** Resolution      **Status:** Adopted  
**File created:** 1/7/2020      **In control:** Law  
**On agenda:** 2/19/2020      **Final action:** 2/19/2020

**Title:** Dept/ Agency: Law  
Action:  Ratifying    Authorizing    Amending  
Type of Service: Professional Services Contract  
Purpose: To provide Bond Counsel Legal Services.  
Entity Name: DeCotiis, Fitzpatrick, Cole & Giblin, LLP  
Entity Address: 500 Frank W. Burr Blvd., Ste. 31, Teaneck, New Jersey 07666  
Contract Amount: Not to exceed \$200,000.00  
Funding Source: City of Newark Bond Note Proceeds  
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
2/19/2020	1	Municipal Council	Adopt	Pass

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 Private Sale    Grant    Sub-recipient    n/a  
**Additional Information:**

**WHEREAS**, the City of Newark 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**, DeCotiis, Fitzpatrick, Cole & Giblin, LLP (“DeCotiis”), 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 of Newark 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 DeCotiis to provide Bond Counsel Legal Services in an amount not to exceed \$200,000.00, for the period of January 1, 2020 through December 31, 2020; and

**WHEREAS**, the Mayor and Corporation Counsel wishes to enforce Ordinance 6PSF-a March 16, 2016 and its amending Ordinance 6PSF-c May 10, 2018, 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 for redevelopment projects; 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 a professional services contract awarded without competitive bidding as an exception to public bidding, pursuant to N.J.S.A. 40A:11-5(1)(a)(i); 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 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**, the Municipal Council adopted the Contractor Pay-to-Play Reform Ordinance, 6PSF-a, on 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, committee of the aforementioned candidates; and political or political party committees of the City of Newark or County of Essex; and continuing 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 DeCotiis, Fitzpatrick, Cole & Giblin, LLP, 500 Frank W. Burr Blvd., Ste. 31, Teaneck, New Jersey 07666, to provide Bond Counsel Legal Services in an amount not to exceed \$200,000.00 for the period of January 1, 2020 through December 31, 2020.
2. The contract is ratified from January 1, 2020 to the date of adoption.
3. This contract is awarded without competitive bidding as an exception to public bidding, professional services contract, pursuant to the provisions Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(i); the Non-Fair and Open Procedures of the State Pay-to-Play Law, N.J.S.A. 19:44A-20.5; 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.

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 (2) for those expenditures covered by the City's escrow Ordinances, 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 with the Office of the City Clerk.
6. 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.
7. 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 the adoption of this resolution.

### **STATEMENT**

This resolution ratifies and authorizes the Mayor and/or his designee, the Corporation Counsel, to enter into a contract with DeCotiis, Fitzpatrick, Cole & Giblin, LLP, 500 Frank W. Burr Blvd., Ste. 31, Teaneck, New Jersey 07666, to provide Bond Counsel Legal Services in an amount not to exceed \$200,000.00, for the period of January 1, 2020 through December 31, 2020 and which provides for the use of 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.