



Legislation Details (With Text)

**File #:** 15-1631      **Version:** 1      **Name:** Professional Service Contract (Legal Services Special Tax Counsel)  
**Type:** Resolution      **Status:** Filed  
**File created:** 8/20/2015      **In control:** Law  
**On agenda:** 9/2/2015      **Final action:** 9/9/2015

**Title:** Dept/ Agency: Law  
Action: ( ) Ratifying (X) Authorizing ( ) Amending  
Type of Service: Professional Services Contract  
Purpose: Legal Services Special Tax Counsel  
Entity Name: Medvin & Elberg, Attorneys at Law  
Entity Address: One Gateway Center, Sixth Floor, Newark, New Jersey 07102  
Contract Amount: \$50,000.00  
Funding Source: 2015 City of Newark Budget, Law Department  
Contract Period: September 2, 2015 through September 1, 2016  
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:  
Deferred to Special 7R7-k 090215

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
9/9/2015	1	Municipal Council	Adopt	Pass
9/2/2015	1	Municipal Council	Defer to a Special Meeting	Pass

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**WHEREAS**, the City of Newark is the owner of property located at the Pequannock Watershed more commonly known as the Newark Watershed which is a 35,000 acre natural resource owned by the City of Newark (“the City”); and

**WHEREAS**, the Newark Watershed is located in portions of approximately six municipalities with West Milford Township in Passaic County containing one-half of the property to the northeast; and

**WHEREAS**, Medvin & Elberg, Attorneys at Law (“Medvin & Elberg”), One Gateway Center, Sixth Floor, Newark, New Jersey 07102, have previously handled Tax Appeals concerning the City’s Watershed properties; and

**WHEREAS**, Medvin & Elberg, has knowledge and familiarity with issues specific and unique to the City’s Watershed properties and has specific expertise in issues involving Special Tax Matters and Tax Appeals; and

**WHEREAS**, Medvin & Elberg submitted a proposal to provide legal services concerning Special Tax Matters and Tax Appeals as they concern the City’s Watershed properties 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 for special tax matters and tax appeals concerning the Watershed properties; and

**WHEREAS**, the Mayor and the Corporation Counsel wish to enter into a contract with Medvin & Elberg, to provide legal services concerning Special Tax Matters and Tax Appeals as they concern the City’s Watershed properties in an amount not to exceed Fifty Thousand Dollars and Zero Cents (\$50,000.00), for the period of September 2, 2015 through September 1, 2016; 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**, Medvin & Elberg has completed and submitted a Business Entity Disclosure Certification which certifies that Medvin & Elberg 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 Medvin & Elberg 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**, 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. The Mayor of the City of Newark and his designee, the Corporation Counsel, are authorized to execute a contract with Medvin & Elberg, Attorneys at Law, One Gateway Center, Sixth Floor, Newark, New Jersey 07102 to provide legal services concerning Special Tax Matters and Tax Appeals as they concern the City's Watershed properties, in an amount not to exceed Fifty Thousand Dollars and Zero Cents (\$50,000.00), for the period of September 2, 2015 through September 1, 2016.
2. 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), 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.
3. Attached is a Certification of Funds from the Acting Comptroller of the City of Newark which states that there are available sufficient and legally appropriated funds for the purposes stated herein. Funds for this contract are provided for in the 2015 City of Newark Budget, Law Department.
4. The Determination of Value and Business Entity Disclosure Certification are attached and will be filed with the Office of the City Clerk.
5. 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.
6. 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 of the City of Newark and his designee, the Corporation Counsel, to enter into a contract with Medvin & Elberg, Attorneys at Law, One Gateway Center, Sixth Floor, Newark, New Jersey 07102, to provide legal services concerning Special Tax Matters and Tax Appeals as they concern the City's Watershed properties, in an amount not to exceed Fifty Thousand Dollars and Zero Cents (\$50,000.00), for the period of September 2, 2015 through September 1, 2016.