



Legislation Details (With Text)

File #: 21-1886 **Version:** 1 **Name:** Resolution/Contract: Pashman Stein Walder Hayden (2020-2021)
Type: Resolution **Status:** Adopted
File created: 12/15/2021 **In control:** Law
On agenda: 1/20/2022 **Final action:** 1/20/2022

Title: Dept/ Agency: Law
Action: Ratifying Authorizing Amending
Type of Service: Professional Services Contract
Purpose: To provide legal services as Special Counsel.
Entity Name: Pashman Stein Walder Hayden
Entity Address: 21 Main Street, Suite 200, Hackensack New Jersey 07601
Contract Amount: Not to exceed \$100,000.00
Funding Source: 2020 and 2021 Budgets/Department of Law
Contract Period: October 1, 2020 through September 30, 2021
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
1/20/2022	1	Municipal Council	Adopt	Pass

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WHEREAS, the City of Newark (the “City”) is involved in ongoing legal matters and therefore has a need to acquire legal services; and

WHEREAS, Legal Services are Professional Services, exempt from the requirement for public bidding, pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, Pashman Stein Walder Hayden, 21 Main Street, Suite 200, Hackensack New Jersey 07601, has agreed to serve, and has served as Special Counsel to the Chief of Staff, Amiri Baraka (the “Chief of Staff”), in the matter of Willie Parker v. City of Newark, et al., Docket No.:17-04615 filed in the United States District Court for the District of New Jersey; and

WHEREAS, given the allegations in the Complaint and complexity of this matter, it is more efficient and cost-effective for Pashman Stein Walder Hayden, to handle this litigation on behalf of the Chief of Staff; and

WHEREAS, Pashman Stein Walder Hayden, submitted a proposal to continue to provide legal services concerning this matter, and did provide Legal Services in this matter which resulted in its successful resolution; and

WHEREAS, it was found to be in the best interest of the City of Newark to accept the proposal by Pashman Stein Walder Hayden for the purpose of representing the Chief of Staff’s interests and to provide legal services for this limited litigation matter; and

WHEREAS, the Mayor of the City of Newark and the Corporation Counsel wish to enter into and execute a contract with Pashman Stein Walder Hayden, to provide as Special Counsel, as it pertains to this matter, in an amount not to exceed One Hundred Thousand and Zero Cents (\$100,000.00), for the period of October 1, 2020 through September 30, 2021; 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, Pashman Stein Walder Hayden, has completed and submitted a Business Entity Disclosure Certification, which certifies that it has not made any reportable contributions to a political or candidate committee in the City of Newark in the prior year, and the contract will prohibit them 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, 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 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/or his designee, the Corporation Counsel, on behalf of the City of Newark are authorized to enter into and execute a contract with Pashman Stein Walder Hayden, 1100 Valley Brook Avenue, Lyndhurst, New Jersey 07071, to provide legal services as Special Counsel concerning Willie Parker v. City of Newark, et al., Docket No.:17-04615 filed in the United States District Court for the District of New Jersey in an amount not to exceed One Hundred Thousand Dollars and Zero Cents (\$100,000.00), for the period of October 1, 2021 through September 30, 2021
2. The Municipal Council ratifies this contract for the period October 1, 2020 to the date of adoption of this authorizing Resolution.
3. Pursuant to N.J.A.C. 5:30-5.5(c)(1), Budget, attached hereto is the Chief Finance Officer's Certification, which states partial funds in the amount of Ten Thousand Seven Hundred Seventy-Five Dollars and Zero Cents (\$10,775.00) are available in the 2020 Budget and Eighty-Two Thousand Nine Hundred Twelve Dollars and Twenty-Four Cents (\$82,912.24) are available in the 2021 Budget. The Certification shall be filed, along with the original resolution and the executed contract in the Office of the City Clerk.
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 ratifies and authorizes the Mayor of the City of Newark and/or his designee, the Corporation Counsel, on behalf of the City of Newark to enter into and execute a contract with Pashman Stein Walder Hayden, 21 Main Street, Suite 200, Hackensack New Jersey 07601, to provide legal services as Special Counsel concerning the Willie Parker v. City of Newark, et al., Docket No.:17-04615 filed in the United States District Court for the District of New Jersey in an amount not to exceed \$100,000.00, for the period of October 1, 2020 through September 30, 2021.