



Legislation Details (With Text)

File #: 18-0112 **Version:** 1 **Name:** 2018 In Rem Foreclosure Title Search & Review - Action Title Research, LLC Professional Service Contract
Type: Resolution **Status:** Adopted
File created: 6/19/2018 **In control:** Law
On agenda: 8/8/2018 **Final action:** 8/8/2018

Title: Dept/ Agency: Law
Action: () Ratifying (X) Authorizing () Amending
Type of Service: Professional Services Contract
Purpose: An agreement to provide title search and review of properties in the 2018 In Rem Foreclosures
Entity Name: Action Title Research, LLC
Entity Address: 611 Route 46 West, Suite 103, Hasbrouck Heights, New Jersey 07604
Contract Amount: Not to exceed \$116,000.00
Funding Source: 2018 Budget/Law Department
Contract Period: One (1) year from issuance of a Notice to Proceed
Contract Basis: () Bid () State Vendor (X) Prof. Ser. () EUS
(X) Non-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
8/8/2018	1	Municipal Council	Adopt	Pass

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Additional Information:

WHEREAS, the City of Newark, Department of Law ("City") has determined that there is a need for Professional Service contracts for Title Searches, Review and Report of Properties on the City of Newark's, 2018 In Rem Tax Foreclosure List. Title review of these properties is necessary in

order to commence In Rem Foreclosure proceedings in the Superior Court of New Jersey; and

WHEREAS, the Mayor and the Corporation Counsel desire to contract with a vendor who has exhibited the necessary qualifications and capacity to meet the needs of the City in connection with the 2018 In Rem Tax Foreclosure proceedings and which is willing to provide the specified services at mutually agreeable prices; and

WHEREAS, the above-referenced Professional Services for Title Searches, Review and Report of Properties are exempt from the public bidding requirements of the Local Public Contracts Law, pursuant to N.J.S.A. 40A:11-5(1)(a)(i), because these services are to be rendered by a person (or persons) authorized by law to practice a recognized profession, whose practice is regulated by law, and the performance of which services requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study as distinguished from general academic instruction; and

WHEREAS, the firm, Action Title Research, LLC, 611 Route 46 West, Suite 103, Hasbrouck Heights, New Jersey, 07064, is a title company with specific expertise in providing title records, title review and related title search services involving In Rem Foreclosures; and

WHEREAS, the Mayor and the Corporation Counsel recommend entering into a contract with Action Title Research, LLC to provide Title Searches, Review and Report for Properties on the 2018 In Rem Tax Foreclosure List in an amount not to exceed One Hundred Sixteen Thousand Dollars and Zero Cents (\$116,000.00), for a period of one (1) year commencing from the issuance of a Notice to Proceed; 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 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, 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, Action Title Research, LLC has completed and submitted a City of Newark Political Contribution Disclosure Form and a Business Entity Disclosure Certification which certifies that the firm, Action Title Research, 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 Action Title Research, Inc., 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 2:4-

22C, 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, are authorized to execute and enter into a contract with Action Title Research, LLC, 611 Route 46 West, Suite 103, Hasbrouck Heights, New Jersey, 07064, to provide Title Searches, Review and Report for properties on the 2018 In Rem Tax Foreclosure List in an amount not to exceed One Hundred Sixteen Thousand Dollars and Zero Cents (\$116,000.00), for the period of one (1) year from the issuance of a Notice to Proceed.
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 in compliance with City of Newark Contractor Pay-to-Play Reform Ordinance 2:4-22C.
3. There shall be no advance payments made against this contract in accordance with N.J.S.A. 40A:5-16.
4. Pursuant to N.J.A.C. 5:30-5.5(a), Temporary Budget, attached hereto is a partial Certification of Funds from the Director of Finance which states that funds in the amount of Forty Thousand Dollars and Zero Cents (\$40,000.00) are available in the City of Newark 2018 Temporary Budget, Law Department, account code lines, Business Unit NW011, Dept. 040, Div./Proj. 0401, Account # 71260, Budget Ref. B2018. The Certification shall be filed, along with the original resolution and the executed contract in the Office of the City Clerk. The remainder of the funding for this contract will be subject to appropriation in the 2018-2019 Budgets and included in a line item for the award of this contract and said funds will be certified prior to services being provided by the contractor. There will be no expenditure of funds authorized until a Certification of Funds is obtained and a copy filed with the City Clerk
5. The Determination of Value and Business Entity Disclosure Certification are attached and will be filed with the Office of the City Clerk.
6. The Corporation Counsel shall file a copy of the executed agreement herein authorized in the Office of the City Clerk and it shall be made available for public inspection.
7. 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/or his designee, the Corporation Counsel, to enter into a contract with the firm, Action Title Research, LLC, 611 Route 46 West, Suite 103, Hasbrouck Heights, New Jersey, 07064, to provide Title Searches and Review for Properties on the 2018 In Rem Tax Foreclosure List in an amount not to exceed One Hundred Sixteen Thousand Dollars and Zero Cents (\$116,000.00), for the period of one (1) year from the issuance of a Notice to Proceed.