



Legislation Details (With Text)

File #: 18-0255 **Version:** 1 **Name:** Labor/Employeement Council - Cleary Giacobbe Alfieri Jacobs, LLC
Type: Resolution **Status:** Adopted
File created: 2/21/2018 **In control:** Administration
On agenda: 4/4/2018 **Final action:** 4/4/2018

Title: Dept/ Agency: Administration/Office of the Business Administrator
Action: () Ratifying (X) Authorizing () Amending
Type of Service: Professional Service Contract
Purpose: Legal Services for Collective Bargaining and Labor Negotiations
Entity Name: Cleary Giacobbe Alfieri Jacobs, LLC.
Entity Address: 169 Ramapo Valley Road, Upper Level 105 Oakland, NJ 07436
Contract Amount: Amount not to exceed \$75,000.00
Funding Source: 2018 Budget/ Department of Administration
Contract Period: April 1, 2018 through March 31, 2019
Contract Basis: () Bid () State Vendor (X) Prof. Ser. () EUS
(X) Fair & Open (X) 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 |
|----------|------|-------------------|--------|--------|
| 4/4/2018 | 1 | Municipal Council | Adopt | Pass |

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WHEREAS, the City of Newark (“City”) is involved in ongoing legal negotiations 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, Cleary Giacobbe Alfieri Jacobs, LLC, 169 Ramapo Valley Road, Upper Level 105, Oakland, New Jersey 07436, has agreed to serve as Special Counsel to the City in Collective Bargaining and Labor Negotiations matters; and

WHEREAS, given the number of labor unions and specialized areas of law involved in labor negotiations, it is more efficient and cost-effective for Cleary Giacobbe Alfieri Jacobs, LLC, to provide special counsel to the Personnel Department; and

WHEREAS, Cleary Giacobbe Alfieri Jacobs, LLC submitted a proposal to provide legal services concerning collective bargaining and labor negotiations, and it was found to be in the best interest of the City of Newark to accept the proposal for the purpose of assisting the Personnel Department with labor negotiations; and

WHEREAS, the Business Administrator and the Personnel Director wish to enter into a contract with Cleary Giacobbe Alfieri Jacobs, LLC to provide legal services, as it pertains to labor negotiations, in an amount not to exceed Seventy- Five Thousand Dollars and Zero Cents (\$75,000.00), for the period of April 1, 2018 through March 31, 2019; 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 Contract 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, which has been determined and certified in writing to have a value in excess of \$17,500.00; and

WHEREAS, Cleary Giacobbe Alfieri Jacobs, LLC 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 Business Administrator and the Personnel Director on behalf of the City of Newark are authorized to enter into and execute a contract with Cleary Jacobbe Alfieri Jacobs, LLC, with offices located at 169 Ramapo Valley Road, Upper Level 105, Oakland, New Jersey 07436 to provide legal services concerning collective bargaining and labor negotiations in an amount not to exceed Seventy-Five Thousand Dollars and Zero Cents (\$75,000.00), for the period of April 1, 2018 through March 31, 2019.
2. This contract is being awarded under the City's 2018 Administration Budget. Attached hereto is the Chief Financial Officer's Certification, which states that funds in the amount of Seventy-Five Thousand Dollars and Zero Cents (\$75,000.00) are available in the 2018 Budget, Business Unit NW011, Dept. 030, Div/Proj. 0301, Activity A, Account # 71260, Budget Ref. B2018. The certification shall be filed along with the original resolution in the Office of the City Clerk.
3. This contract is being awarded pursuant to the Non-Fair and Open Procedures of the Pay-to-Play Law (*N.J.S.A. 19:44A-20.5 et seq.*) and the Contractor Pay-to-Play Ordinance, 2:4-22C and pursuant to the provisions of the Local Public Contracts Law (*N.J.S.A. 40A:11-5(1)(a)(i)*) because these services are to be rendered by person(s) licensed as attorneys by the State of New Jersey, *N.J.S.A. 40A:11-5*.
4. The contract will contain language prohibiting any contributions in violation of any state or local law.
5. The Determination of Value and Business Entity Disclosure Certification are attached and shall 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 Business Administrator and 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 its passage.
8. There shall be no amendments or changes of this contract without approval of the Municipal Council and there shall be no advance payments on this contract in accordance with *N.J.S.A. 40A:5-16*.

STATEMENT

This resolution hereby authorizes the Mayor and/or his designee, the Business Administrator and the Personnel Director on behalf of the City of Newark, to enter into and execute a contract with Cleary Jacobbe Alfieri Jacobs, LLC, 169 Ramapo Valley Road, Upper Level 105, Oakland, New Jersey 07436 to serve as Special Counsel to the City in Collective Bargaining and Labor Negotiations matters, and provide legal services concerning Collective Bargaining and Labor Negotiations in an

amount not to exceed \$75,000.00 for the period of April 1, 2018 through March 31, 2019.