



Legislation Details (With Text)

**File #:** 18-1350      **Version:** 1      **Name:** Tompkins McGuire Wachenfeld & Barry, LLP Agreement to Provide Professional Legal Services  
**Type:** Resolution      **Status:** Adopted  
**File created:** 8/20/2018      **In control:** Law  
**On agenda:** 9/19/2018      **Final action:** 9/19/2018

**Title:** Dept/ Agency: Law  
Action:  Ratifying    Authorizing    Amending  
Type of Service: Professional Services Contract  
Purpose: Special Counsel  
Entity Name: Tompkins, McGuire, Wachenfeld & Barry, LLP  
Entity Address: 3 Becker Farm Road, 4th Floor, Roseland, New Jersey 07068-1726  
Contract Amount: Not to exceed \$75,000.00  
Funding Source: 2018 Budget/Law Department  
Contract Period: August 1, 2018 through July 31, 2019  
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
9/19/2018	1	Municipal Council	Adopt	Pass

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**Additional Information:**

**WHEREAS**, the City of Newark 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**, Tompkins McGuire Wachenfeld & Barry, LLP, t 3 Becker Farm Road - 4<sup>th</sup> Floor, Roseland, New Jersey 07068-1726, has agreed to serve as Special Counsel to the former Business Administrator, Jack Kelly and the Personnel Director, Kecia Daniels, in the matter of Willie Parker v. City of Newark, et als., 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 Tompkins McGuire Wachenfeld & Barry, LLP, to handle this litigation on behalf of the former Business Administrator and Personnel Director; and

**WHEREAS**, Tompkins McGuire Wachenfeld & Barry, LLP submitted a proposal to continue to provide legal services concerning this matter, and it was found to be in the best interest of the City of Newark to accept the proposal for the purpose of representing the former Business Administrator and Personnel Director's interests and provide legal services for this limited litigation matter; and

**WHEREAS**, the current Business Administrator and the Corporation Counsel wish to enter into a contract with Tompkins McGuire Wachenfeld & Barry, LLP to provide legal services, as it pertains to this matter, in an amount not to exceed Seventy-Five Thousand Dollars and Zero Cents (\$75,000.00), for the period of August 1, 2018 through July 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 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**, Tompkins McGuire Wachenfeld & Barry, LLP 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, 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 of the City of Newark and the Corporation Counsel, are authorized to execute a contract with Tompkins McGuire Wachenfeld & Barry, LLP, 3 Becker Farm Road - 4<sup>th</sup> Floor, Roseland, New Jersey 07068-1726, to provide legal services concerning Willie Parker v. City of Newark, et als., Docket No.:17-04615 filed in the United States District Court for the District of New Jersey in an amount not to exceed Seventy-Five Thousand Dollars and Zero Cents (\$75,000.00), for the period of August 1, 2018 through July 31, 2019.
2. The Municipal Council ratifies this contract for the period August 1, 2018 to the date of adoption of this resolution.
3. This contract is being awarded under the City's 2018 Budget. Attached hereto is the Chief Financial Officer's Certification which states that partial funds in the amount of \$25,000.00 are available in the 2018 Budget, Business Unit NW011, Dept. 040, Div./Proj. 0401, Account# 71260 Budget Ref B2018, the balance to be provided in the 2018 and 2019 budgets. The Certification shall be filed along with the original resolution 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 Business Administrator of the City of Newark and the Corporation Counsel, to enter into a contract with Tompkins McGuire Wachenfeld & Barry, LLP, to provide legal services concerning the Willie Parker v. City of Newark, et als., Docket No.:17-04615 filed in the United States District Court for the District of New Jersey in an amount not to exceed Seventy-Five Thousand Dollars and Zero Cents (\$75,000.00), for the period of August 1, 2018 through July 31, 2019.