



Legislation Details (With Text)

**File #:** 20-1456      **Version:** 1      **Name:** Resolution: Law Offices of Cheryl Craft - Special Municipal Prosecutor - Per Diem (2021)  
**Type:** Resolution      **Status:** Adopted  
**File created:** 11/5/2020      **In control:** Law  
**On agenda:** 4/21/2021      **Final action:** 4/21/2021

**Title:** Dept/ Agency: Law  
Action:  Ratifying    Authorizing    Amending  
Type of Service: Professional Services Contract  
Purpose: To serve as a Special Municipal Prosecutor - a per diem attorney in the Newark Municipal Court.  
Entity Name: Cheryl Craft d/b/a Law Offices of Cheryl Craft  
Entity Address: Metuchen, New Jersey 08840  
Contract Amount: Not to exceed \$135,000.00 for all six (6) vendors  
Funding Source: 2021 Budget/Law Department  
Contract Period: January 1, 2021 through December 31, 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
4/21/2021	1	Municipal Council	Adopt	Pass

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**Additional Information:**

**WHEREAS,** the City of Newark operates a Municipal Court and has a need to engage attorneys as Special Municipal Prosecutors; 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**, the City of Newark is desirous of acquiring such legal services as Fair and Open Contracts pursuant to the provisions of the Local Pay-to-Play Statute, N.J.S.A. 19:44A-20.5; and

**WHEREAS**, the City's Corporation Counsel caused to be published on the City of Newark's website, a Notice of Request for Qualifications (RFQ) for Municipal Prosecutor Services on or about September 21, 2020; and

**WHEREAS**, the City of Newark received a total of seven (7) proposals in response to its request; and

**WHEREAS**, the City of Newark wishes to award a multiple-vendor contract for the period from January 1, 2021 through December 31, 2021, to be used in the City of Newark's sole discretion on an "as needed" basis during the term of the contract; and

**WHEREAS**, the cumulative amount of compensation for six (6) vendors awarded contracts under this multiple award contract shall not exceed One Hundred Thirty-Five Thousand Dollars and Zero Cents (\$135,000.00) for the contract term; and

**WHEREAS**, each vendor shall expressly acknowledge and agree that services may be required from any and/or all of the single vendors with no single vendor receiving any promise or guarantee of minimum compensation except for a flat daily fee of Two Hundred Fifty Dollars and Zero Cents (\$250.00) per session should such service be required; and

**WHEREAS**, seven (7) vendors submitted proposals and it was found based upon price and other factors to be in the best interest of the City of Newark to accept six (6) proposals for the purpose of providing Municipal Prosecutor Services; and

**WHEREAS**, the City of Newark wishes to enter into and execute a contract with Cheryl Craft d/b/a Law Office of Cheryl Craft, one of the six (6) vendors in a multiple vendor award to provide Municipal Prosecutor Services for the cumulative amount for all of the vendors not to exceed One Hundred Thirty-Five Thousand Dollars and Zero Cents (\$135,000.00) for the period of January 1, 2021 through December 31, 2021; 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 competitive bidding must be published in a local newspaper; and

**WHEREAS**, this contract is for an amount over Seventeen Thousand Five Hundred Dollars and Zero Cents (\$17,500.00) and is being awarded as a Fair and Open Contract pursuant to N.J.S.A. 19:44A-20.5; and

**WHEREAS**, the Municipal Council adopted the Contractor Pay-to-Play Reform Ordinance, Newark, New Jersey, Municipal Code § 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 and County of Essex 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, and/or his designee, the Corporation Counsel, are authorized on behalf of the City of Newark to enter into and execute a contract with Cheryl Craft d/b/a Law Offices of Cheryl Craft, of Metuchen, New Jersey 08840, to provide Municipal Prosecutor Services.
2. This is a multiple award contract and no vendor shall have any expectation as to minimum compensation under this multiple award.
3. Services may be required from any and/or all of the single vendors; however, the cumulative amount of compensation for all of the vendors shall not exceed One Hundred and Thirty-Five Thousand Dollars and Zero Cents (\$135,000.00) for the period of January 1, 2021 through December 31, 2021.
4. The contract is ratified from January 1, 2021, to the date of adoption of this authorizing resolution.
5. Pursuant to N.J.A.C. 5:30-5.5(a), Temporary Budget, attached is the Chief Finance Officer's Certification, which states partial funds in the amount Four Thousand Dollars and Zero Cents (\$4,000.00) are available in the 2021 Temporary Budget, the balance to be provided in the 2021 Adopted Budget. The Certification shall be filed, along with the original resolution and the executed contract in the Office of the City Clerk.
6. This contract is being awarded pursuant to the Fair and Open Procedures of the State Pay-to-Play Law, (N.J.S.A. 19:44A-20.5) and pursuant to the provisions of the Local Public Contracts Law, (N.J.S.A. 40A:11-5(1)(a)(i)) and are in compliance with the City of Newark's Contractor Pay-to-Play Reform Ordinance, Newark, New Jersey Municipal Code § 2:4-22C.
7. This multiple vendor contract shall be awarded in one (1) fiscal year although the date on which it will properly take effect falls in the next fiscal year. Accordingly, this multiple vendor contract is subject to the availability and appropriation of sufficient funds in the year in which it takes effect pursuant to N.J.A.C. 5:30-5.5(e). Funds for this multiple vendor contract in a cumulative amount not to exceed One Hundred Thirty-Five Thousand Dollars and Zero Cents (\$135,000.00) shall be provided by the City of Newark 2021 Budget, Law Department.
8. 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.
9. 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 and/or his designee, the Corporation Counsel, to enter into and execute a multiple vendor contract with Cheryl Craft d/b/a Law Offices of Cheryl Craft, of Metuchen, New Jersey 08840, one of the six (6) vendors in a multiple vendor award to provide Municipal Prosecutor Services for the cumulative amount for all of the vendors not to exceed \$135,000.00 for the period of January 1, 2021 through December 31, 2021.