



Legislation Details (With Text)

File #: 21-0573 **Version:** 1 **Name:** Pashman Stein Walder Hayden - Professional Service Contract
Type: Resolution **Status:** Adopted
File created: 4/22/2021 **In control:** Law
On agenda: 9/1/2021 **Final action:** 9/1/2021

Title: Dept/ Agency: Law
Action: Ratifying Authorizing Amending
Type of Service: Professional Service 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 \$75,000.00
Funding Source: 2020 Budget/Law Department
Contract Period: October 1, 2020 through October 1, 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:

Special Legal Counsel for the City of Newark in the matter of Nicole Rondon v. City of Newark, Department of Health and Community Wellness of the City of Newark, Dr. Mark Wade, M.D., Director of the Department of Health and Community Wellness of the City of Newark, and John/Jane Does A through D, Docket No. 19-vs-00554 currently pending in the United State District Court for the District of New Jersey.

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
9/1/2021	1	Municipal Council	Adopt	Pass

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of New Jersey.

WHEREAS, the City of Newark (the “City”) has a need to acquire Legal Services; and

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

WHEREAS, Pashman Stein Walder Hayden, has agreed to serve as Special Legal Counsel for the City in the matter entitled: *Nicole Rondon v. City of Newark, Department of Health and Community Wellness of the City of Newark, Dr. Mark Wade, M.D., Director of the Department of Health and Community Wellness of the City of Newark, and John/Jane Does A through D*, Docket No. 19-vs-00554 (the “Rondon case”) currently pending in the United State District Court for the District of New Jersey; and

WHEREAS, given the complexity of this matter it is more efficient and cost-effective for Pashman Stein Walder Hayden, to handle this matter on behalf of the City; and

WHEREAS, Pashman Stein Walder Hayden, submitted a Proposal to provide Legal Services concerning this matter, and it was found to be in the City’s best interest to accept the Proposal for the purpose of representing the City’s interests and provide Legal Services in this matter; and

WHEREAS, the Law Department wishes to enter into a contract with the firm of Pashman Stein Walder Hayden to provide Legal Services, as it pertains to the Rondon case in an amount not to exceed Seventy-Five Thousand Dollars and Zero Cents (\$75,000.00), for the period of October 1, 2020 through October 1, 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, which has been determined and certified in writing to have a value in excess of \$17,500.00; 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, 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 adopted 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 Corporation Counsel on behalf of the City of Newark is authorized to enter into and execute a contract with Pashman Stein Walder Hayden, 21 Main Street, Suite 200, Hackensack, New Jersey 07601, to serve as Special Counsel to provide Legal Services in *Nicole Rondon v. City of Newark, Department of Health and Community Wellness of the City of Newark, Dr. Mark Wade, M.D., Director of the Department of Health and Community Wellness of the City of Newark, and John/Jane Does A through D, Docket No. 19-vs-00554* in an amount not to exceed Seventy-Five Thousand Dollars and Zero Cents (\$75,000.00), for the period of October 1, 2020 through October 1, 2021.
2. This contract is being awarded under N.J.A.C. 5:30(a)-5.5, Temporary Budget. Attached hereto is the Chief Financial Officer's Certification, which states that funds in the amount of Ten Thousand Dollars and Zero Cents (\$10,000.00) are available in the 2020 Budget, Business Unit NW011, Dept. 040, Div./Proj. 0401, Activity A, Account #71260, Budget Ref. B2020. 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. The Corporation Counsel shall file a copy of the executed agreement herein authorized shall be filed in the Office of the City Clerk 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 authorizes the Corporation Counsel on behalf of the City of Newark, to enter into and execute a contract with Pashman Stein Walder Hayden with offices located at 21 Main Street, Suite 200, Hackensack, New Jersey 07601 to serve as Special Counsel for the City in *Nicole Rondon v. City of Newark, Department of Health and Community Wellness of the City of Newark, Dr. Mark Wade, M.D., Director of the Department of Health and Community Wellness of the City of Newark, and John/Jane Does A through D, Docket No. 19-vs-00554* in an amount not to exceed \$75,000.00 for the period of October 1, 2020 through October 1, 2021.