



# City of Newark

City Hall  
920 Mayor Kenneth A.  
Gibson Boulevard  
Newark, New Jersey 07102

## Legislation Details (With Text)

**File #:** 12-2430      **Version:** 1      **Name:** Eric S. Pennington, PC (2013)  
**Type:** Resolution      **Status:** Filed  
**File created:** 12/24/2012      **In control:** Law  
**On agenda:** 2/6/2013      **Final action:** 2/6/2013  
**Title:** Dept/ Agency: Law  
Action:  Ratifying    Authorizing    Amending  
Type of Service: Professional Services Contract  
Purpose: To provide Litigation Defense Counsel Services and Litigation Conflict Counsel  
Entity Name: Eric S. Pennington, PC  
Entity Address: One Gateway Center, 6th Floor, Newark, New Jersey 07102  
Contract Amount: Not to exceed \$150,000.00  
Funding Source: City of Newark Budget/Law Department  
Contract Period: January 1, 2013 through December 31, 2013  
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:**

**Indexes:**

**Code sections:**

| Date     | Ver. | Action By         | Action | Result |
|----------|------|-------------------|--------|--------|
| 2/6/2013 | 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,** the City of Newark issued Requests for Qualifications for Litigation Defense and Litigation Conflict Counsel on or about September 17, 2012; and

**WHEREAS**, the City of Newark received a total of thirteen (13) proposals in response to its request for Litigation Defense Counsel Services and received a total of twelve (12) proposals in response to its request for Litigation Conflict Counsel; and

**WHEREAS**, Eric S. Pennington, PC, with offices located at One Gateway Center, 6<sup>th</sup> Floor, Newark, New Jersey 07102, submitted proposals in response to both requests and it was found, based upon price and other factors, to be in the best interest of the City of Newark to accept the proposals for the purpose of providing legal services concerning Litigation Defense Counsel Services and Litigation Conflict Counsel; and

**WHEREAS**, the City of Newark wishes to enter into a new contract with Eric S. Pennington, PC, to provide legal services concerning Litigation Defense Counsel Services and Litigation Conflict Counsel Matters, in an amount not to exceed One Hundred Fifty Thousand Dollars (\$150,000.00) for the period of January 1, 2013 through December 31, 2013, which shall cover those existing matters currently being handled by Eric Pennington, PC, as well as new matters that may arise during the contract term; 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 \$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 Mayor of the City of Newark signed into law Executive Order Number MEO-07-0001 (hereinafter "Pay-to-Play Executive Order"), which requires reporting of political contributions to Newark Municipal Candidates and prohibits certain political contributions during the duration of the contract.

**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 hereby authorized and directed on behalf of the City of Newark to execute a contract with Eric S. Pennington, PC, to provide legal services concerning Litigation Defense Counsel Services and Litigation Conflict Matters, in an amount not to exceed One Hundred Fifty Thousand Dollars (\$150,000.00), for the period of January 1, 2013 through December 31, 2013, which shall cover those existing matters currently being handled by Eric S. Pennington, PC, as well as new matters that may arise during the contract term.
2. The term of this contract shall be January 1, 2013 through December 31, 2013, for such matters that may arise during the contract term.
3. 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 is in compliance with Executive Order MEO-07-0001, effective March 31, 2007.
4. The Municipal Council hereby ratifies the award of this contract from January 1, 2013 to

the date of adoption of this resolution.

5. This is an open-ended contract to be used as needed during the term of the contract. Thus, for any and all expenditures against this contract, a certification of the availability of sufficient funds, as required by N.J.A.C. 5:30-5.5(b)(2), shall be executed before a contractual liability is incurred each time an order is placed, covering the amount of the order. Funds for this contract in the amount not to exceed One Hundred Fifty Thousand Dollars (\$150,000.00) shall be provided from the City of Newark Budget, Law Department.
6. 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.
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 ratifies and authorizes the Mayor and/or his designee, the the Corporation Counsel, to enter into and execute a contract with Eric S. Pennington, PC, One Gateway Center, 6<sup>th</sup> Floor, Newark, New Jersey 07102, to provide legal services for Litigation Defense Counsel Services and Litigation Conflict Matter, in an amount not to exceed One Hundred Fifty Thousand Dollars (\$150,000.00), for the period of January 1, 2013 through December 31, 2013.