



## Legislation Details (With Text)

**File #:** 20-1437      **Version:** 1      **Name:** Resolution: Chasan Lamparello Mallon & Cappuzzo, P.C. (Litigation Defense) (2021)  
**Type:** Resolution      **Status:** Adopted  
**File created:** 11/5/2020      **In control:** Law  
**On agenda:** 5/19/2021      **Final action:** 5/19/2021

**Title:** Dept./ Agency: Law  
Action:  Ratifying    Authorizing    Amending  
Type of Service: Professional Services Contract  
Purpose: To provide legal services concerning Litigation Matters.  
Entity Name: Chasan Lamparello Mallon & Cappuzzo, P.C.  
Entity Address: 300 Lighting Way, Suite 200, Secaucus, New Jersey 07094  
Contract Amount: Not to exceed \$100,000.00  
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
5/19/2021	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**, the City's Corporation Counsel caused to be published on the City of Newark's website, a Notice of Request for Qualifications (RFQ) for Litigation Defense Counsel Services on or about September 21, 2020; and

**WHEREAS**, the City of Newark received a total of twenty (20) proposals in response to the RFQ for Litigation Defense Counsel Services; and

**WHEREAS**, Chasan Lamparello Mallon & Cappuzzo, P.C., 300 Lighting Way, Suite 200, Secaucus, New Jersey 07094, submitted a proposal which was found, based upon price and other factors, to be in the best interest of the City of Newark to accept for the purpose of providing Legal Services concerning Litigation Defense Counsel Services; and

**WHEREAS**, the City of Newark wishes to enter into a contract with Chasan Lamparello Mallon & Cappuzzo, PC, to provide Legal Services concerning Litigation Defense Counsel Services, in an amount not to exceed One Hundred Thousand Dollars and Zero Cents (\$100,000.00), for the period of January 1, 2021 through December 31, 2021, which shall cover those existing matters currently being handled by Chasan Lamparello Mallon & Cappuzzo, 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 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 of the City of Newark and/or his designee, the Corporation Counsel, are authorized on behalf of the City of Newark to enter into and execute a contract with Chasan Lamparello Mallon & Cappuzzo, P.C., 300 Lighting Way, Suite 200, Secaucus, New Jersey 07094, to provide Legal Services concerning Litigation Defense Counsel Services, in an amount not to exceed One Hundred Thousand Dollars and Zero Cents (\$100,000.00), for the period of January 1, 2021 through December 31, 2021, which shall cover those existing matters currently being handled by Chasan Lamparello Mallon and Cappuzzo, P.C., as well as, new matters that may arise during the contract term.
2. The contract is ratified from January 1, 2021, to the date of adoption of this authorizing resolution.

3. This contract is being awarded pursuant to the Fair and Open Procedures of the State Pay-to-Play, 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 the City of Newark's Contractor Pay-to-Play Reform Ordinance, Newark, New Jersey Municipal Code § 2:4-22C.
4. This is a contract which shall be awarded in one (1) fiscal year although the date on which it properly takes effect falls in the next fiscal year. Accordingly, this contract is subject to the availability and appropriation of sufficient funds in the year in which it takes effect pursuant to New Jersey Administrative Code 5:30-5.5(e). Funds for this contract in the amount not to exceed One Hundred Thousand Dollars and Zero Cents (\$100,000.00) and shall be provided from the City of Newark 2021 Budget, Law Department.
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 Twenty-Five Thousand Dollars and Zero Cents (\$25,000.00) 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. The Corporation Counsel shall file a copy of the executed agreement herein authorized in the Office of the City Clerk, and the same 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 authorizes the Mayor of the City of Newark and/or his designee, the Corporation Counsel, to enter into and execute a contract to provide Legal Services for Litigation Defense Counsel Services with Chasan Lamparello Mallon and Cappuzzo, P.C., 300 Lighting Way, Suite 200, Secaucus, New Jersey 07094, in an amount not to exceed \$100,000.00, for the period of January 1, 2021 through December 31, 2021.