



Legislation Details (With Text)

**File #:** 14-1551      **Version:** 1      **Name:** Legal Counsel for In Rem Foreclosure  
**Type:** Resolution      **Status:** Filed  
**File created:** 9/22/2014      **In control:** Law  
**On agenda:** 11/6/2014      **Final action:** 11/6/2014  
**Title:** Dept/ Agency: Law  
Action: ( ) Ratifying (X) Authorizing ( ) Amending  
Type of Service: Professional Services Contract  
Purpose: Legal Services - In Rem Tax Foreclosure Proceedings  
Entity Name: Goldenberg, Mackler, Sayegh, Montz, Pfeffer, Bonchi & Gill, P.C. and Eric M. Bernstein & Associates, LLC  
Entity Address: 660 New Road, Suite 1A, Northfield, New Jersey 08225 and 34 Mountain Boulevard, Building A, P.O. Box 4922, Warren, New Jersey 07059  
Contract Amount: \$350,000.00  
Funding Source: Insurance Fund  
Contract Period: One-Year Contract from Issuance of Notice to Proceed  
Contract Basis: ( ) Bid ( ) State Vendor (X) Prof. Ser. ( ) EUS  
(x) Fair & Open ( ) No Reportable Contributions ( ) RFP (x) RFQ  
( ) Private Sale ( ) Grant ( ) Sub-recipient ( ) n/a  
Additional Information:

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
11/6/2014	1	Municipal Council	Adopt	Pass

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**Additional Information:**

**WHEREAS**, the Municipal Council of the City of Newark authorized the commencement of an In Rem Tax Foreclosure Proceeding, by Resolution 7R5-b (AS), May 20, 2014 for the foreclosure of tax sale certificates for 1,140 properties identified on the 2014 Tax Foreclosure List; and

**WHEREAS**, given the need to timely file In Rem Foreclosure Complaints and secure title to the properties in question for the purpose of recovering monies due and owing the City of Newark, there is a need to procure the services of legal counsel to supplement the resources available to the Law Department; 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 Corporation Counsel of the City of Newark caused to be published on the City of Newark's website, a Notice of RFQ-Legal Services for In Rem Foreclosure Proceedings, on August 14, 2014; and

**WHEREAS**, three (3) law firms submitted proposals in response to the notice and RFQ; and

**WHEREAS**, after a review of the proposals, the Corporation Counsel recommends an award of multiple vendor contracts for legal services: two contracts, for two vendors, for a maximum, cumulative amount not to exceed \$350,000.00 for both vendors, for a period of one (1) year from the date of the issuance of a formal notice to proceed by Corporation Counsel; and

**WHEREAS**, Corporation Counsel requests authority to execute contracts with each of the following law firms:

(1) Goldenberg, Mackler, Sayegh, Mintz, Pfeffer, Bonchi & Gill, P.C. (Keith A. Bonchi, Esq., lead counsel), 660 New Road, Suite 1A, Northfield, New Jersey 08225; and

(2) Eric M. Bernstein & Associates, LLC (Eric Martin Bernstein, Esq., lead counsel), 34 Mountain Boulevard., Building A, P.O. Box 4922, Warren, New Jersey 07059.; and

**WHEREAS**, these contracts are for an amount over \$17,500.00 and are being awarded as fair and open contracts 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 contracts; and

**WHEREAS**, the Municipal Council adopted the Contractor Pay-to-Play Reform Ordinance, R.O. 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 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 hereby authorized and directed on behalf of the City of Newark to execute multiple vendor award professional service contracts for two vendors, for a maximum, cumulative amount not to exceed \$350,000.00 for both vendors, with the following law firms:
  - (a) **Goldenberg, Mackler, Sayegh, Mintz, Pfeffer, Bonchi & Gill, P.C.** (Keith A. Bonchi, Esq., lead counsel), 660 New Road, Suite 1A, Northfield, New Jersey 08225; and
  - (b) **Eric M. Bernstein & Associates, LLC** (Eric Martin Bernstein, Esq., lead counsel), 34 Mountain Boulevard., Building A, P.O. Box 4922, Warren, New Jersey 07059.
2. The term of each contract shall be for a period of one year, commencing on the date of the issuance of a formal Notice to Proceed, by Corporation Counsel, for such matters that may be assigned by Corporation Counsel or her designee during the contract term.
3. These contracts are 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 and the Business Entity has certified that it has not made or solicited a contribution in violation of the Contractor Pay-to-Play Reform Ordinance, 2:4-22C.
4. Pursuant to N.J.A.C. 5:30:5-5 (a), Temporary Budget, a partial certification of the availability of sufficient funds (in the prorated amount of seventy five thousand dollars (\$75,000.00) for each of the law firms in the temporary budget for the City of Newark, Law Department, for the last quarter of 2014, issued by the Acting Chief Financial Officer, is attached. Additional Certifications of Funds shall be prepared and filed with the City Clerk for the remaining balances. . The contract contains a provision that it is subject to the appropriation of additional, sufficient funds past such date, in compliance with N.J.A.C. 5:30:5-5 (a).
5. The funds for these contracts shall be paid from the following line items:  
Business Unit Dept. Id Div./Proj. 025 25T 9T25 Account# 59771
6. A copy of the executed agreements 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 authorizes the Mayor and/or his designee, the Corporation Counsel, on behalf of the City of Newark, to enter into and execute multiple vendor award contracts with **Goldenberg, Mackler, Sayegh, Mintz, Pfeffer, Bonchi & Gill, P.C.** (Keith A. Bonchi, Esq., lead counsel), 660 New Road, Suite 1A, Northfield, New Jersey 08225; and **Eric M. Bernstein & Associates, LLC** (Eric Martin Bernstein, Esq., lead counsel), 34 Mountain **Boulevard.**, Building A, P.O. Box 4922, Warren,

New Jersey 07059, to provide legal services for the 2014 In Rem Tax Foreclosure Proceeding, in a maximum, cumulative amount not to exceed Three Hundred Fifty Thousand Dollars (\$350,000.00), for two vendors.