



Legislation Details (With Text)

File #: 21-1244 **Version:** 1 **Name:** Resolution: Bernardo W. Henry, Esq. - Per Diem Public Defender (2021)
Type: Resolution **Status:** Adopted
File created: 8/19/2021 **In control:** Mayor's Office
On agenda: 11/15/2021 **Final action:** 11/15/2021

Title: Dept/ Agency: Office of the Mayor
Action: Ratifying Authorizing Amending
Type of Service: Professional Service Contract
Purpose: To serve as a Per Diem Public Defender for Newark Municipal Court.
Entity Name: Bernardo W. Henry, Esq.
Entity Address: Orange, New Jersey 07050
Contract Amount: Not to exceed \$17,000.00
Funding Source: 2021 Budget/Office of the Mayor
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 |
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| 11/15/2021 | 1 | Municipal Council | Adopt | Pass |

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Additional Information:

WHEREAS, the City of Newark (the “City”) is in need of Per Diem Attorneys to serve as Municipal Public Defenders to be assigned to cases in the Newark Municipal Court; and

WHEREAS, Municipal Public Defenders provide legal services, which are Professional Services, and are exempt from the requirements of public bidding, pursuant to the Local Public Contracts Law, N.J.S.A.40A:11-5(1)(a)(i); and

WHEREAS, the City desires to enter into a Professional Services contract with Bernardo W, Henry, Esq., of Orange, New Jersey 07050, to serve as a Per Diem Municipal Public Defender for the Newark Municipal Court, Representing indigent defendants, for an amount not to exceed Seventeen Thousand Dollars and Zero Cents (\$17,000.00), for the period commencing January 1, 2021 and terminating December 31, 2021; and

WHEREAS, the Contract is for an amount under \$17,000.00 and therefore is not subject to State Pay-to-Play Law pursuant to N.J.S.A. 19:44A-20.5; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) requires that notice of award of contracts for “Professional Services” without competitive bidding must be published in a local newspaper; 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 Candidates 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, and the Chief Municipal Public Defender, are hereby authorized to enter into and execute a Professional Services Contract with Bernardo W, Henry, Esq., of Orange, New Jersey 07050, to serve as a Per Diem Municipal Public Defender for the Newark Municipal Court, representing indigent defendants, for an amount not to exceed Seventeen Thousand Dollars and Zero Cents (\$17,000.00), for the period commencing January 1, 2021 and terminating December 31, 2021.
2. The contract is for an amount under \$17,000.00 and therefore is not subject to State Pay-to-Play Law pursuant to N.J.S.A. 19:44A-20.5.
3. The contract is being awarded without competitive bidding as a “Professional Service” in accordance with N.J.S.A. 40A:11-5(1)(a)(i) of the Local Public Contracts Law (because the performance of the service required must be performed by someone who is licensed to practice law in the State of New Jersey, and is in compliance with the Contractor Pay-to-Play Reform Ordinance, Newark, New Jersey Municipal Code § 2:4-22C).
4. The Director of the Department of Finance issued a Certification of Funds for the contract in the amount of Seventeen Thousand Dollars and Zero Cents (\$17,000.00) and shall be paid from the 2021 City of Newark Budget/Mayor’s Office and Agencies/Municipal Courts, Business Unit: NW011; Dept.: 010; Div./Proj.: 0101; Activity: A; Account #: 71280; Budget Ref.: B2021. The Certification of Funds shall be filed along with this Resolution in the Office of the City Clerk.

5. The Municipal Council hereby ratifies the contract from January 1, 2021, to the date of adoption of this authorizing Resolution.
6. The Chief Municipal Public Defender shall file a copy of the fully-executed contract herein authorized in the Office of the City Clerk and it shall be made available for public inspection.
7. There shall be no advance payments made against the contract in accordance with N.J.S.A. 40A:5-16.
8. 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 of the City of Newark and/or his designee, and the Chief Municipal Public Defender, to enter into and execute a Professional Services contract with Bernardo W. Henry, Esq., of Orange, New Jersey 07050, to serve as a Per Diem Municipal Public Defender for the Newark Municipal Court, representing indigent defendants for an amount not to exceed \$17,000.00, for the period commencing January 1, 2021 and terminating December 31, 2021.