



Legislation Details (With Text)

**File #:** 17-2124      **Version:** 1      **Name:** Eric S. Pennington - Professional Services Contract to Provide Legal Services for Conflict Counsel  
**Type:** Resolution      **Status:** Adopted  
**File created:** 12/7/2017      **In control:** Law  
**On agenda:** 12/27/2017      **Final action:** 12/27/2017

**Title:** Dept/ Agency: Law  
Action: ( ) Ratifying (X) Authorizing ( ) Amending  
Type of Service: Professional Services Contract  
Purpose: To provide legal services concerning Conflict Matters  
Entity Name: Eric S. Pennington, PC d.b.a. Pennington Law Group  
Entity Address: 76 South Orange Avenue, Suite 213, South Orange, New Jersey 07079  
Contract Amount: An amount not to exceed \$50,000.00  
Funding Source: City of Newark Budget/Law Department  
Contract Period: January 1, 2018 through December 31, 2018  
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:**

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
12/27/2017	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 Acting Corporation Counsel of the City of Newark caused to be published on the City of Newark's website, a Notice of Request for Qualifications ("RFQ") for Conflict Counsel Services on or about October 27, 2017; and

**WHEREAS**, the City of Newark received a total of fifteen (15) proposals in response to the RFQ; and

**WHEREAS**, Eric S. Pennington, PC d.b.a. Pennington Law Group, 76 South Orange, Suite 213, South Orange, New Jersey 07079, submitted a proposal and it was found, based upon price and other factors, to be in the best interest of the City of Newark to accept the proposal for the purpose of providing legal services concerning Conflict Counsel Services; and

**WHEREAS**, the City of Newark wishes to enter into a new contract with Eric S. Pennington, PC d.b.a. Pennington Law Group to provide legal services concerning conflict matters in an amount not to exceed Fifty Thousand Dollars and Zero Cents (\$50,000.00), for the period of January 1, 2018 to December 31, 2018, which shall cover those existing matters currently being handled by Eric S. Pennington, P, d.b.a. Pennington Law Group, as well as new matters that may arise during the contract term; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-5(1)(a)(i)) requires the City of Newark to print in the official newspaper a brief notice of Professional Services Contracts that are awarded without public advertising for bids and bidding; and

**WHEREAS**, this contract is for an amount over \$17,500.00 and 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

**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 (i) a candidate, candidate committee or joint candidate committee of any candidate for elective municipal office in the City of Newark or a holder of public office having ultimate responsibility for the award of a contract, or (ii) to any City of Newark or County of Essex political committee or action committee that regularly engages in the support of City of Newark Municipal or County of Essex candidates, candidate committees, joint candidates committees, political committees, political party committee, (hereinafter "PAC), in excess of the thresholds specified in subsection (g) within one (1) calendar year immediately preceding the date of the contract or agreement.

**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 Acting Corporation Counsel, are authorized on behalf of the City of Newark to execute a contract with Eric S. Pennington, PC d.b.a. Pennington Law Group, 76 South Orange Avenue, Suite 213, South Orange, New Jersey 07079, to provide legal services concerning conflict matters in an amount not to exceed Fifty Thousand Dollars and Zero Cents (\$50,000.00), for the period of January 1, 2018 to December 31, 2018, which shall cover those existing matters currently being handled by Eric S. Pennington, PC, d.b.a. Pennington Law Group, as well as new matters that may arise during the contract term.

2. The term of this contract shall be January 1, 2018 to December 31, 2018 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)).
4. This is a contract which shall be awarded in one 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. N.J.A.C. 5:30-5.5(e). Funds for this contract in the amount not to exceed \$50,000.00 shall be provided from the City of Newark Budget, Law Department.
5. A copy of the executed agreement herein authorized shall be filed in the Office of the City Clerk by the Acting Corporation Counsel and shall be made available for public inspection.
6. 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 Acting Corporation Counsel, to enter into a contract for legal services for conflict counsel services with Eric S. Pennington, PC d.b.a. Pennington Law Group, 76 South Orange, Suite 213, South Orange, New Jersey 07079 in an amount not to exceed Fifty Thousand Dollars and Zero Cents (\$50,000.00), for the period of January 1, 2018 to December 31, 2018.