



## Legislation Details (With Text)

**File #:** 22-0366      **Version:** 1      **Name:** Resolution: Decotiis, Fitzpatrick, Cole, Giblin LLP Bond Professional Legal Services Contract (2022-2023)

**Type:** Resolution      **Status:** Adopted

**File created:** 3/14/2022      **In control:** Law

**On agenda:** 8/3/2022      **Final action:** 8/3/2022

**Title:** Dept/ Agency: Law  
 Action:  Ratifying    Authorizing    Amending  
 Type of Service: Professional Services Contract  
 Purpose: To provide Bond Counsel Services.  
 Entity Name: DeCotiis, Fitzpatrick, Cole and Giblin, LLP  
 Entity Address: 61 South Paramus Road, Paramus, New Jersey 07652  
 Contract Amount: Not to exceed \$200,000.00  
 Funding Source: City of Newark Bond Note Proceeds  
 Contract Period: April 15, 2022 through April 14, 2023  
 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
8/3/2022	1	Municipal Council	Adopt	Pass

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**Additional Information:**

**WHEREAS**, the City of Newark (the “City”) as the largest municipality in the State of New Jersey faces novel issues on a daily basis and has a need to acquire Bond Counsel 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**, on or about March 16, 2022, the City's Corporation Counsel caused to be published on the City of Newark's website, a Notice of Request for Qualifications (RFQ) for Bond Counsel Services; and

**WHEREAS**, the City received a total of one (1) proposal in response to the RFQ for Bond Counsel Services; and

**WHEREAS**, DeCotiis, Fitzpatrick, Cole and Giblin, LLP ("DeCotiis"), 61 South Paramus Road, Paramus, New Jersey 07652, a law firm with a diverse practice and specific expertise in issues involving municipal government, submitted a proposal to provide Bond Counsel legal services and it was found to be in the interest of the City to accept the proposal for the purpose of providing Bond Counsel legal services; and

**WHEREAS**, the Mayor of the City of Newark and the Corporation Counsel wish to enter into and execute a contract with DeCotiis to provide Bond Counsel legal services in an amount not to exceed Two Hundred Thousand Dollars and Zero Cents (\$200,000.00), for the period of April 15, 2022 through April 14, 2023; and

**WHEREAS**, the Mayor of the City of Newark and Corporation Counsel wish to enforce Ordinance 6PSF-a adopted on March 16, 2016 and its amending Ordinance 6PSF-c adopted on May 10, 2018, which provides for the use of the redevelopment escrow fees paid by developers to defray the various costs, such as those associated with Redevelopment Area Bonds (RAB), incurred by the City of Newark for redevelopment projects; and

**WHEREAS**, this contract is being awarded as a Fair and Open Contract pursuant to N.J.S.A. 19:44A-20.5 and is in compliance with State Pay-to-Play and the City's Pay-to-Play Ordinance; 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.

**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 to enter into and execute a contract with DeCotiis, Fitzpatrick, Cole and Giblin, LLP, 61 South Paramus Road, Paramus, New Jersey 07652, to provide Bond Counsel legal services in an amount not to exceed Two Hundred Thousand Dollars and Zero Cents (\$200,000.00), for the period of April 15, 2022 through April 14, 2023.
2. The contract is ratified from April 15, 2022 to the date of adoption.
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 contract is paid from Bond and Note proceeds on a percentage basis after Bonds and Notes are sold and after receipt of the funds from the sale by the City. This is also an

open-ended contract to be used as needed during the term of the contract. Thus, for those expenditures not covered by Bond and Note proceeds, certification of the availability of sufficient funds, as required by N.J.A.C. 5:30-5.5(b)(2), shall be executed before liability is incurred each time a service is requested. If operating under a Temporary Budget, the City shall comply with N.J.A.C. 5:30-5.5(a)(1) and (2). For those expenditures covered by the City's escrow Ordinances, the fees shall be paid in accordance with the funding agreements entered into between the City of Newark and the respective developers.

5. 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.
6. A notice of this action shall be published in the newspaper authorized by law to be published as 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, the Corporation Counsel, to enter into and execute a contract with DeCotiis, Fitzpatrick, Cole and Giblin, LLP, 61 South Paramus Road, Paramus, New Jersey 07652, to provide Bond Counsel legal services in an amount not to exceed \$200,000.00, for the period of April 15, 2022 through April 14, 2023, which provides for the use of the redevelopment escrow fees paid by developers to defray the various costs, such as those associated with Redevelopment Area Bonds (RAB), incurred by the City of Newark for redevelopment projects.