



Legislation Details (With Text)

File #: 20-1457 **Version:** 1 **Name:** Law Offices of Gina Devito-Prof.Serv.-Per Diem-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 serve as a Special Municipal Prosecutor - a per diem attorney in the Newark Municipal Court.
Entity Name: The Law Office of Gina DeVito, LLC
Entity Address: 28 Valley Road, Suite 1, Montclair, New Jersey 07042
Contract Amount: Not to exceed \$135,000.00 for all six (6) vendors
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 (the “City”) operates a Municipal Court and has a need to engage attorneys as Special Municipal Prosecutors; 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 of Newark is desirous of acquiring such legal services as Fair and Open Contracts pursuant to the provisions of the Local Pay-to-Play Statute, N.J.S.A. 19:44A-20.5; 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 Municipal Prosecutor Services on or about September 21, 2020; and

WHEREAS, the City of Newark received a total of (7) proposals in response to its request; and

WHEREAS, the City of Newark wishes to award a multiple-vendor contract for the period from January 1, 2021 through December 31, 2021, to be used in the City of Newark's sole discretion on an "as needed" basis during the term of the contract; and

WHEREAS, the cumulative amount of compensation for six (6) vendors awarded contracts under this multiple award contract shall not exceed One Hundred Thirty-Five Thousand Dollars and Zero Cents (\$135,000.00) for the contract term; and

WHEREAS, each vendor shall expressly acknowledge and agree that services may be required from any and/or all of the single vendors with no single vendor receiving any promise or guarantee of minimum compensation except for a flat daily fee of \$250.00 per session should such service be required; and

WHEREAS, (7) vendors submitted proposals and it was found based upon price and other factors to be in the best interest of the City of Newark to accept six (6) proposals for the purpose of providing legal services concerning, Special Municipal Prosecutors; and

WHEREAS, the City of Newark wishes to enter into a contract with Gina DeVito, 28 Valley Road, Suite 1, Montclair, New Jersey 07042, one (1) of the (6) vendors in a multiple vendor award to provide legal services concerning Special Municipal Prosecutors, for the cumulative amount for all of the vendors not to exceed One Hundred Thirty-Five Thousand Dollars and Zero Cents (\$135,000.00), for the period of January 1, 2021 through December 31, 2021; 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 the following vendor to provide legal services in the capacity as Special Municipal Prosecutor:

The Law Office of Gina DeVito, LLC, 28 Valley Rd., Suite 1, Montclair, New Jersey 07042.

2. This is a multiple award contract and no vendor shall have any expectation as to minimum compensation under this multiple award.
3. Services may be required from any and/or all of the single vendors; however, the cumulative amount of compensation for all of the vendors shall not exceed One Hundred Thirty-Five Thousand Dollars and Zero Cents (\$135,000.00), for the period of January 1, 2021 through December 31, 2021.
4. The contract is ratified from January 1, 2021, to the date of adoption of this authorizing resolution.
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 Four Thousand Dollars and Zero Cents (\$4,000.00) 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. 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 are in compliance with the City of Newark's Contractor Pay-to-Play Reform Ordinance, Newark, New Jersey Municipal Code § 2:4-22C.
7. This multiple vendor contract shall be awarded in one (1) fiscal year although the date on which it will properly take effect falls in the next fiscal year. Accordingly, this multiple vendor 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 multiple vendor contract in a cumulative amount not to exceed One Hundred Thirty-Five Thousand Dollars and Zero Cents (\$135,000.00), shall be provided by the City of Newark 2021 Budget, Law Department.
8. A copy of the executed Agreement herein authorized shall be filed in the Office of the City Clerk by the Corporation Counsel and same shall be made available for public inspection.
9. 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 multiple vendor contracts with the following vendor:

The Law Office of Gina DeVito, LLC, 28 Valley Road, Suite 1, Montclair, New Jersey 07042,

to provide legal services in the capacity as a Special Municipal Prosecutor for the cumulative amount not to exceed \$135,000.00, for the period of January 1, 2021 through December 31, 2021.