



# City of Newark

City Hall  
920 Mayor Kenneth A.  
Gibson Boulevard  
Newark, New Jersey 07102

## Legislation Details (With Text)

**File #:** 17-0468      **Version:** 1      **Name:** BERNARDO W. HENRY, ESQ.  
**Type:** Resolution      **Status:** Adopted  
**File created:** 3/17/2017      **In control:** Mayor's Office  
**On agenda:** 4/19/2017      **Final action:** 4/19/2017

**Title:** Dept/ Agency: Office of the Mayor  
Action:  Ratifying    Authorizing    Amending  
Type of Service: Professional Service Contract  
Purpose: To serve as Per Diem Public Defender for the Newark Municipal Court representing indigent defendants  
Entity Name: Bernado W. Henry, Esq.  
Entity Address: 214 Oakwood Avenue, Orange, New Jersey 07050  
Contract Amount: An amount not to exceed \$17,000.00  
Funding Source: 2017 Budget/Office of the Mayor  
Contract Period: January 1, 2017 through December 31, 2017  
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
4/19/2017	1	Municipal Council	Adopt	Pass

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**Additional Information:**

**WHEREAS**, the City of Newark 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**, legal services are professional services, exempt from the requirement for public bidding, pursuant to the Local Public Contracts Law, N.J.S.A. 11-5(1)(a)(i); and

**WHEREAS**, the City of Newark desires to enter into a contract with Bernado W. Henry, Esq., 214 Oakwood Avenue, 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, 2017 and terminating December 31, 2017; and

**WHEREAS**, this contract is for an amount under \$17,500.00 and therefore is not subject to State Pay-to-Play Law (N.J.S.A. 19:44A-20.5); and

**WHEREAS**, this contract is being awarded as a Professional Service pursuant to the provisions of the State Local Public Contracts Law (N.J.S.A.:11-5(1)(a)(i); and

**WHEREAS**, the State Local Public Contracts Law, (N.J.S.A. 40A:11-1, et seq.) requires a resolution authorizing the award of contracts for "Professional Services" without complete bidding must be published in a local newspaper; 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 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 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 Chief Municipal Public Defender, are hereby authorized to enter into and execute a Professional Services Contract with Bernado W. Henry, Esq., 214 Oakwood Avenue, 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, 2017 and terminating December 31, 2017.
2. This contract is for an amount under \$17,500.00 and therefore is not subject to State Pay-to-Play Law N.J.S.A. 19:44A-20.5.
3. This contract is being awarded as a Professional Service pursuant to the provisions of the State Local Public Contracts Law (N.J.S.A. 40A:11-5(1)(a)(i) because 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, R.O. 2:4-22C.
4. This contract is being awarded as an open-ended contract under N.J.A.C. 5:30-5.5(b), and pursuant to N.J.A.C. 5:30-5.5(b)(2), a certification of availability of funds shall be executed each time services are used and charged against the contract.
5. The contract between the City of Newark and Bernado W. Henry, Esq. is ratified from

January 1, 2017 through the date of the 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. 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 and/or his designee, the Chief Municipal Public Defender, to enter into and execute a Professional Services Contract with Bernado W. Henry, Esq., 214 Oakwood Avenue, 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, 2017 and terminating December 31, 2017.