



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 23-0207, Version: 1

Dept/ Agency: Law

Action: () Ratifying (X) Authorizing () Amending

Type of Service: Professional Services Contract

Purpose: To provide Bond Counsel Services.

Entity Name: Wilentz, Goldman and Spitzer, P.A.

Entity Address: 90 Woodbridge Center Drive, Suite 900, Woodbridge, New Jersey 07095-0958

Contract Amount: Not to exceed \$200,000.00

Funding Source: City of Newark Bond Note Proceeds

Contract Period: March 1, 2023 through February 29, 2024

Contract Basis: () Bid () State Vendor (X) Prof. Ser. () EUS

() Fair & Open () No Reportable Contributions () RFP () RFQ

() Private Sale () Grant () Sub-recipient () N/A

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 September 19, 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 two (2) proposals in response to the RFQ for Bond Counsel Services; and

WHEREAS, Wilentz, Goldman & Spitzer, P.A. (“Wilentz”), 90 Woodbridge Center Drive, Suite 900, Woodbridge, New Jersey 07095-0958, 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 Wilentz, Goldman & Spitzer, P.A. 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 March 1, 2023 through February 29, 2024; 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 Wilentz, Goldman & Spitzer, P.A., 90 Woodbridge Center Drive, Suite 900, Woodbridge, New Jersey 07095-0958, 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 March 1, 2023 through February 29, 2024.
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 authorizes the Mayor of the City of Newark and/or his designee, the Corporation Counsel, to enter into and execute a contract with Wilentz, Goldman & Spitzer, P.A., 90 Woodbridge Center Drive, Suite 900, Woodbridge, New Jersey 07095-0958, to provide Bond

Counsel legal services in an amount not to exceed \$200,000.00, for the period of March 1, 2023 through February 29, 2024, 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.