



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 19-0662, Version: 1

Dept/ Agency: Law

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

Type of Service: Professional Services Contract

Purpose: Special Counsel

Entity Name: Scarinci & Hollenbeck, LLC.

Entity Address: 1100 Valley Brook Avenue, Lyndhurst, New Jersey 07071

Contract Amount: Amount not to exceed \$100,000.00

Funding Source: 2019 Budget/ Law Department

Contract Period: March 1, 2019 through February 28, 2020

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

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

() Private Sale () Grant () Sub-recipient () n/a

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, Scarinci & Hollenbeck, at 1100 Valley Brook Avenue, Lyndhurst, New Jersey 07071 has agreed to serve as Special Counsel to the Chief of Staff, Amiri Baraka, in the matter of Willie Parker v. City of Newark, et als., Docket No.:17-04615 filed in the United States District Court for the District of New Jersey; and

WHEREAS, the law firm of Greenbaum Rowe Smith & Davis, LLP was previously serving as Special Counsel to the Chief of Staff, Amiri Baraka and attorney Raymond A. Brown, Esquire, Counsel of record in this matter, recently joined the law firm Scarinci & Hollenbeck, LLC and has maintained responsibility for this matter; and

WHEREAS, given the allegations in the Complaint and the complexity of this matter, it is more efficient and cost-effective for Scarinci & Hollenbeck, LLC, to handle this litigation on behalf of the Chief of Staff; and

WHEREAS, Scarinci & Hollenbeck, LLC, submitted a proposal to continue to provide legal services concerning this matter, and it was found to be in the best interest of the City of Newark to accept the proposal for the purpose of representing the Chief of Staff's interests and provide legal services for this limited litigation matter; and

WHEREAS, the Business Administrator and the Corporation Counsel wish to enter into a contract with Scarinci & Hollenbeck, LLC, to provide legal services, as it pertains to this matter, in an amount not to exceed One Hundred Thousand Dollars and Zero Cents (\$100,000.00), for the period of March 1, 2019 through February 28, 2020; and

WHEREAS, this Contract is awarded without competitive bidding as an exception to public bidding, pursuant to *N.J.S.A. 40A:11-5(1)(a)(i)*, professional services; and

WHEREAS, Local Public Contracts Law *N.J.S.A. 40A:11-1*, et seq. requires a Resolution of the Governing Body authorizing the award of contracts for Professional Services and further requires that the contract itself must be available for public inspection; and

WHEREAS, the actions contemplated by this Resolution shall result in the award of a non-fair and open contract in accordance with *N.J.S.A. 19:44A-20.5*, which has been determined and certified in writing to have a value in excess of \$17,500.00; and

WHEREAS, Scarinci & Hollenbeck, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that it has not made any reportable contributions to a political or candidate committee in the City of Newark in the prior year, and the contract will prohibit them from making any reportable contributions through the term of the contract; 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 public bidding must be published in a local newspaper; and

WHEREAS, the Municipal Council adopted the Contractor Pay-to-Play Reform Ordinance, 6PSF-a, August 1, 2012, 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 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 Business Administrator and the Corporation Counsel, on behalf of the City of Newark are authorized to execute a contract with Scarinci & Hollenbeck, LLC, 1100 Valley Brook Avenue, Lyndhurst, New Jersey 07071, to provide legal services concerning Willie Parker v. City of Newark, et als., Docket No.:17-04615 filed in the United States District Court for the District of New Jersey in an amount not to exceed One Hundred Thousand Dollars and Zero Cents (\$100,000.00), for the period of March 1, 2019 through February 28, 2020.
2. The Municipal Council ratifies this contract for the period March 1, 2019 to the date of adoption of this resolution.

3. Pursuant to N.J.A.C. 5:30-5.5, Temporary Budget, attached hereto is a partial Certification of Funds from the Chief Financial Officer which states that partial Funds in the amount of \$15,500.00 are available in the 2019 Budget under Business Unit: NW011, Dept. :040, Div./Proj.:0401, Account:#71260. The remainder of the funding for this contract will be subject to appropriation in the 2019 Budget and included in a line item for the award of this contract and said funds will be certified prior to services being provided by the contractor.
4. The Determination of Value and Business Entity Disclosure Certification are attached and will be filed with the Office of the City Clerk.
5. A copy of the executed agreement herein authorized shall be filed in the Office of the City Clerk by the 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 ratifies and authorizes the Business Administrator and the Corporation Counsel, to enter into a contract with Scarinci & Hollenbeck, LLC, 1100 Valley Brook Avenue, Lyndhurst, New Jersey 07071 to provide legal services concerning the Willie Parker v. City of Newark, et als., Docket No.:17-04615 filed in the United States District Court for the District of New Jersey in an amount not to exceed One Hundred Thousand Dollars and Zero Cents (\$100,000.00), for the period of March 1, 2019 through February 28, 2020.