



# City of Newark

City Hall  
920 Broad Street  
Newark, New Jersey 07102

## Legislation Text

File #: 20-1442, Version: 1

**Dept./ Agency:** Law

**Action:**  Ratifying  Authorizing  Amending

**Type of Service:** Professional Services Contract

**Purpose:** To provide legal services concerning Litigation Defense Matters.

**Entity Name:** L'Abbate, Balkan, Colavitas & Contini, LLP

**Entity Address:** 100 Eagle Rock Avenue, East Hanover, New Jersey 07936

**Contract Amount:** Not to exceed \$25,000.00

**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:**

**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**, the City's Corporation Counsel caused to be published on the City of Newark's website, a Notice of Request for Qualifications (RFQ) for Conflict Counsel Services on or about September 21, 2020; and

**WHEREAS**, the City of Newark received a total of twenty (20) proposals in response to the RFQ for Litigation Defense; and

**WHEREAS**, L'Abbate, Balkan, Colavitas & Contini, LLP, 100 Eagle Rock Avenue, East Hanover, New Jersey 07936, submitted a proposal and it was found based upon price and other factors to be in the best interest of the City of Newark to accept the proposal for the purpose of providing Legal Services concerning Litigation Defense Counsel Services; and

**WHEREAS**, the City of Newark wishes to enter into a contract with L'Abbate, Balkan, Colavitas & Contini, LLP, to provide Legal Services concerning Litigation Defense Matters, in an amount not to exceed Twenty-Five Thousand Dollars and Zero Cents (\$25,000.00), for a period of January 1, 2021 through December 31, 2021, which shall cover those existing matters currently being handled by L'Abbate, Balkan, Colavitas & Contini, LLP, if any, as well as new matters that may arise during the contract term; 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 L'Abbate, Balkan, Colavitas & Contini, LLP, 100 Eagle Rock Avenue, East Hanover, New Jersey 07936, to provide Legal Services concerning Litigation Defense Matters, in an amount not to exceed Twenty-Five Thousand Dollars and Zero Cents (\$25,000.00), for the period of January 1, 2021 through December 31, 2021, which shall cover those existing matters currently being handled by L'Abbate, Balkan, Colavitas & Contini LLP, as well as new matters that may arise during the contract term.
2. 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)) and is in compliance with the City of Newark's Contactor Pay-to-Play Reform Ordinance, Newark, New Jersey Municipal Code § 2:4-22C.
3. This is a contract which shall be awarded in one (1) fiscal year although the date on which it properly takes effect falls in the next fiscal year. Accordingly, this contract is subject to the availability and appropriation of sufficient funds in the year in which it takes effect pursuant to N.J.A.C. 5:30-5.5(e). Funds for this contract in the amount not to exceed Twenty-Five Thousand Dollars and Zero Cents (\$25,000.00) shall be provided from the City of Newark 2021 Budget, Law Department.
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 Ten Thousand Dollars and Zero Cents (\$10,000.00) 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. 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.
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 authorizes the Mayor of the City of Newark and/or his designee, the Corporation Counsel, to enter into and execute a contract for Legal Services for Litigation Defense Matters with L'Abbate, Balkan, Colavitas & Contini, LLP, 100 Eagle Rock Avenue, East Hanover, New Jersey 07936, in an amount not to exceed \$25,000.00, for the period of January 1, 2021 through December 31, 2021.