



# City of Newark

City Hall  
920 Broad Street  
Newark, New Jersey 07102

## Legislation Text

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File #: 17-2136, Version: 1

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**Dept/ Agency:** Law

**Action:**  Ratifying  Authorizing  Amending

**Type of Service:** Professional Services Contract

**Purpose:** To Provide Legal Services concerning Litigation Defense Matters

**Entity Name:** Law Offices of Montell Figgins

**Entity Address:** 17 Academy Street, Suite 305, Newark, New Jersey 07102

**Contract Amount:** An amount not to exceed \$25,000.00

**Funding Source:** 2018 Budget/ Law Department

**Contract Period:** January 1, 2018 through December 31, 2018

**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 Acting Corporation Counsel of the City of Newark caused to be published on the City of Newark's website, a Notice of Request for Qualifications for Litigation Defense Counsel ("RFQ") on or about October 27, 2017; and

**WHEREAS**, the City of Newark received a total of Twenty-two (22) proposals in response to the RFQ; and

**WHEREAS**, Law Offices of Montell Figgins, 17 Academy Street, Suite 305, Newark, New Jersey, 07102, submitted a proposal in response to the request 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 Matters; and

**WHEREAS**, as part of their proposal, the Firm in advertently submitted the required, executed and notarized, City forms on its letterhead; and

**WHEREAS**, Paragraph 1.5 of the RFQ, entitled "Rights of the Law Department" states, in pertinent part, that "[t]he Law Department reserves, holds and may exercise, at its sole discretion the following rights and options with regard this RFQ and the procurement process in accordance with the provisions of the applicable law: [t]o determine that any Qualification Statement received complies or fails to comply with the terms of this RFQ, and [t]o waive any technical non-conformance

with the terms of this RFQ.”; and

**WHEREAS**, after a complete review of the Firm’s proposal and the applicable law, the Law Department determines that the Qualification Statement and proposal submitted by the Firm complies with the terms of this RFQ and it waives the Firm’s technical non-conformance in providing the executed and notarized documents on its letterhead; and

**WHEREAS**, the Firm has since corrected this technical error and provided the required executed and notarized documents without it being on the Firm’s letterhead; and

**WHEREAS**, the City of Newark wishes to enter into a new contract with Law Offices of Montell Figgins, 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, 2018 through December 31, 2018, which shall cover 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, 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 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 Acting Corporation Counsel, are hereby authorized and directed on behalf of the City of Newark to execute a contract with Law Offices of Montell Figgins, 17 Academy Street, Suite 305, Newark, New Jersey 07102, 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, 2018 through December 31, 2018 which shall cover new matters that may arise during the contract term.
2. The term of this contract shall be January 1, 2018 through December 31, 2018 for such matters that may arise during the contract term.
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 is a contract which shall be awarded in one 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. New Jersey Administrative Code 5:30-5.5(e). Funds for this contract in the amount not to exceed \$25,000.00 shall be provided from the City of Newark Budget, Law Department.
5. A copy of the executed agreement herein authorized shall be filed in the Office of the City Clerk by the Acting 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 Mayor and/or his designee, the Acting Corporation Counsel, to enter into a contract for legal services for Litigation Defense Matters with Law Offices of Montell Figgins, 17 Academy Street, Suite 305, Newark, New Jersey 07102, in an amount not to exceed Twenty-Five Thousand Dollars (\$25,000.00), for the period of January 1, 2018 through December 31, 2018.