



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 23-0846, Version: 1

Dept/ Agency: Law

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

Type of Service: Professional Services Contract

Purpose: To provide legal services concerning ongoing Citizen's Complaint Review Board (CCRB) Matters.

Entity Name: Scipio Law, LLC

Entity Address: 33 Halsey Street, 1st Floor, Newark, New Jersey 07102

Contract Amount: Not to exceed \$150,000.00

Funding Source: 2023 Budget/Law Department/Bus. Unit: NW024, Dept. 24T, Div./Proj.: 5T24, Acct: 96310, B2023

Contract Period: June 1, 2023 through May 31, 2024

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

() Fair & Open (X) Non Fair & Open () RFP () RFQ

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

Additional Information:

WHEREAS, the City of Newark (the "City") is involved in ongoing Citizen's Complaint Review Board (CCRB) matters and therefore has a need to acquire Legal Services; and

WHEREAS, the City's Corporation Counsel desires to enter into a contract with Scipio Law, LLC, whose address is 33 Halsey Street, 1st Floor, Newark, New Jersey 07102, to provide legal services concerning CCRB, in an amount not to exceed One Hundred Fifty Thousand Dollars and Zero Cents (\$150,000.00), for the period commencing on June 1, 2023 through May 31, 2024; and

WHEREAS, legal services is essential for the City of Newark and its Department of Law to continue to defend itself against ongoing CCRB matters; and

WHEREAS, Scipio Law, LLC, has represented that they are qualified by their training and experience to provide the required legal services, which the Corporation Counsel certifies is essential and necessary to conduct the Department's affairs; 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 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 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, Corporation Counsel has determined and certified in writing that the value of this contract will not exceed One Hundred Fifty Thousand Dollars and Zero Cents (\$150,000.00), Bus. Unit: NW024, Dept. 24T, Div./Proj.: 5T24, Acct: 96310, B2023; and

WHEREAS, this contract is being awarded pursuant to a “Non-Fair and Open” Process, pursuant to State Pay-to-Play Law, N.J.S.A. 19:44A-20.5; and

WHEREAS, Scipio Law, LLC, has completed and submitted a Business Entity Disclosure Certification, which certifies that Scipio Law, LLC, has not made any reportable contributions to a political or candidate committee in the City of Newark in the previous one (1) year, and the contract will prohibit Scipio Law, LLC, from making any reportable contributions through the term of the contract; and

WHEREAS, the Municipal Council adopted the Contractor Pay-to-Play Reform Ordinance, Newark, New Jersey, Municipal Code § 2:4-22C.1, 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; and

WHEREAS, the law firm has certified that it is in compliance with the aforementioned Contractor Pay-to-Play Reform Ordinance, 2:4-22C.1; 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, this contract has been determined and certified in writing to have a value in excess of \$17,500.00 and is being awarded as a Non-Fair and Open Contract, pursuant to N.J.S.A. 19:44A-20.5 et., seq., and

WHEREAS, the City wishes to engage Scipio Law, LLC, to serve as its Outside Counsel.

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 Scipio Law, LLC, 33 Halsey Street, 1st Floor, Newark, New Jersey 07102, to provide legal services concerning Citizen Complaint Review Board Matters, in an amount not to exceed One Hundred Fifty Thousand Dollars and Zero Cents (\$150,000.00); Bus. Unit: NW024,

Dept. 24T, Div./Proj.: 5T24, Acct: 96310, B2023, for the period of June 1, 2023 through May 31, 2024, which shall cover those existing matters currently being handled by Scipio Law, LLC, as well as new matters that may arise during the contract term.

2. This contract is being awarded pursuant to and in compliance with the Non-Fair and Open Procedures of the Pay-to-Play Law, N.J.S.A. 19:44A-20.5 et seq. and the City of Newark Contractor-Pay-to-Play Ordinance, 2:4-22C.1, and as an exception to the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(i) because legal counsel is a professional service.
3. Scipio Law, LLC, has represented that they are qualified by their training and experience to provide the required legal services, which the Corporation Counsel certifies is essential and necessary to conduct the Department's affairs.
4. There shall be no advance payments made against this contract in accordance with N.J.S.A. 40A:5-16.
5. The Business Entity Disclosure Certification and the Determination of Value are attached in support of this Resolution and shall be placed on file with the Office of the City Clerk by the Corporation Counsel.
6. The contract is ratified from June 1, 2023, to the date of adoption of this authorizing Resolution.
7. A copy of the executed Agreement herein authorized shall be filed in the Office of the City Clerk by the Corporation Counsel and same shall be made available for public inspection.
8. The contract will contain language prohibiting any contributions in violation of any State or Local law.
9. 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.
10. A copy of the executed contract herein authorized shall be filed in the Office of the City Clerk.

STATEMENT

This Resolution ratifies and 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 Citizen's Complaint Review Board Matters with Scipio Law, LLC, 33 Halsey Street, 1st Floor, Newark, New Jersey 07102, in an amount not to exceed \$150,000.00, for the period of June 1, 2023 through May 31, 2024, this contract is ratified from June 1, 2023, to the date of adoption of this authorizing Resolution.