



Legislation Text

File #: 23-1194, Version: 1

Dept/ Agency: Law

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

Type of Service: Professional Services Contract

Purpose: To provide legal services as Special Counsel.

Entity Name: Pashman, Stein, Walder, Hayden, P.C.

Entity Address: 21 Main Street, Suite 200, Hackensack, New Jersey 07601

Contract Amount: Not to exceed \$100,000.00

Funding Source: 2023 Budget/Department of Water and Sewer Utilities/Bus. Unit NW037, Dept. 750, Div./Proj. 7502, Acct. 71260, B2023

Contract Period: January 1, 2023 through December 31, 2023

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:

This Professional Services Contract will provide legal services as Special Counsel for the City of Newark regarding an appeal of its assessment of the Third and Fourth Quarter 2018 User Charges against Passaic Valley Sewerage Commission.

WHEREAS, the City of Newark (the "City") has a need to acquire Legal Services; and

WHEREAS, Legal Services are Professional Services exempted from the requirements for public bidding, pursuant to Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, Pashman Stein Walder Hayden P.C. with offices located at 21 Main Street, Suite 200, Hackensack, New Jersey 07601, has agreed to serve as Special Counsel for the City regarding an appeal of its assessment of the Third and Fourth Quarter 2018 User Charges against Passaic Valley Sewerage Commission; and

WHEREAS, given the complexity of this matter it is more efficient and cost-effective for Pashman Stein Walder Hayden P.C. to handle this matter on behalf of the City; and

WHEREAS, Pashman Stein Walder Hayden P.C., has agreed to provide legal services at the same rate as the prior contract and provide legal services in this matter; and

WHEREAS, the Mayor of the City of Newark and/or his designee, Corporation Counsel, wishes to enter into and execute a contract with Pashman Stein Walder Hayden P.C., 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 January 01, 2023 through December 31, 2023; 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, the 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, Pashman Stein Walder Hayden P.C. 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 in the prior year and that the contract will prohibit Pashman Stein Walder Hayden P.C. 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 adopted on 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 Mayor of the City of Newark and/or his designee, the Corporation Counsel, are authorized and directed on behalf of the City of Newark to enter into and execute a contract with Pashman Stein Walder Hayden P.C. with offices located at 21 Main Street, Suite 200, Hackensack, New Jersey 07601, to provide legal services concerning the City’s appeal of its assessment of the Third and Fourth Quarter 2018 User Charges against Passaic Valley Sewerage Commission in an amount not to exceed One Hundred Thousand Dollars and Zero Cents (\$100,000.00) for the period of January 1, 2023 through December 31, 2023.
2. The Municipal Council ratifies this contract from the period of January 1, 2023 to the date of adoption of this resolution.
3. 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) and as a Non-Fair and Open Contract in accordance with N.J.S.A. 19:44A-20.5.
4. Attached hereto is a Partial Certification of Funds from the Municipal Comptroller of the City

of Newark, which states: (1) that there are sufficient funds, in the amount of Thirty Thousand Dollars and Zero Cents (\$30,000.00), for the purpose set forth herein. The Certification of Funds shall be filed along with the original Resolution in the Office of the City Clerk.

5. The Business Disclosure Entity Certification and Determination of Value shall be filed with 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 legal advertisements and as required by law within ten (10) days of adoption of this resolution.
8. There shall be no amendments or changes of this resolution without approval of the Municipal Council.
9. There shall be no advance payments on this contract, pursuant to N.J.S.A. 40A:5-16.

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 with Pashman Stein Walder Hayden P.C., 21 Main Street, Suite 200, Hackensack, New Jersey 07601, to provide legal services concerning the City's appeal of its assessment of the Third and Fourth Quarter 2018 User Charges against Passaic Valley Sewerage Commission in an amount not to exceed \$100,000.00, for the period of January 1, 2023 through December 31, 2023.