



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 23-1080, Version: 1

Dept/ Agency: Offices of Municipal Council/City Clerk

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

Type of Service: Professional Services Contract

Purpose: To provide legal services, consultation and representation of the Municipal Council and the City Clerk, including Production of Records and/or Documents for Federal and/or State Agencies.

Entity Name: Arleo & Donohue, LLC

Entity Address: 622 Eagle Rock Avenue, West Orange, New Jersey 07052

Contract Amount: Not to exceed \$50,000.00

Funding Source: 2023 Budget/Office of the City Clerk/NW011-020-0201-96110-B2023

Contract Period: June 22, 2023 through June 21, 2024

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

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

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

Additional Information:

Partial Certification of Funds in the amount of \$25,000.00.

WHEREAS, the Municipal Council and the City Clerk has a need for legal services, as it pertains to consultation and representation on matters including, but not limited to the production of records and/or documents for Federal and/or State agencies; and

WHEREAS, the City of Newark (the "City") wishes to enter into a contract with Arleo & Donohue, L.L.C., 622 Eagle Rock Avenue, West Orange, New Jersey 07052, to provide legal services, as it pertains to consultation and representation to the Municipal Council and the City Clerk, on matters including, but not limited to the production of records and/or documents for Federal and/or State agencies, in an amount not to exceed Fifty Thousand Dollars and Zero Cents (\$50,000.00), for the period commencing June 22, 2023 through June 21, 2024; and

WHEREAS, Legal Services is essential for the Municipal Council and the City Clerk to continue consultation and representation of the Municipal Council and the City Clerk, including Production of Records and/or Documents for Federal and/or State Agencies; 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, The City Clerk has determined and certified in writing that the value of this contract will not exceed \$50,000.00, Bus. Unit: NW011, Dept. 020, Div./Proj.: 0201, Acct: 96110, Ref.: 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, Arleo & Donohue, L.L.C., has completed and submitted a Business Entity Disclosure Certification which certifies that Arleo & Donohue, L.L.C. has not made any reportable contributions to a political or candidate committee in the City of Newark in the previous year, and the contract will prohibit Arleo & Donohue, L.L.C. 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, 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

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:

1. The City Clerk is hereby authorized to enter into and execute a contract with Arleo & Donohue, L.L.C., 622 Eagle Rock Avenue, West Orange, New Jersey 07052, to provide legal services, as it pertains to consultation and representation to the Municipal Council and the City Clerk, on matters including, but not limited to the production of records and/or documents for Federal and/or State agencies, in an amount not to exceed Fifty Thousand Dollars and Zero Cents (\$50,000.00), for the period commencing June 22, 2023 through June 21, 2024.
2. Pursuant to N.J.A.C. 5:30-5(a), Budget, attached hereto is the Chief Finance Officer's Certification, which states funds in the amount of Twenty-Five Thousand Dollars And Zero Cents \$25,000.00 are available in the 2023 Budget, Business Unit: NW011; Dept.: 020; Div./Proj.: 0201; Activity: A; Account #: 96110; Budget Ref.: B2023. The Certification shall

be filed, along with the original resolution and the executed contract in the Office of the City Clerk.

3. 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.
4. Arleo & Donohue, L.L.C., has represented that they are qualified by their training and experience to provide the required legal services, which the City Clerk certifies is essential and necessary to conduct the Department's affairs.
5. There shall be no advance payments made against this contract in accordance with N.J.S.A. 40A:5-16.
6. 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.
7. The contract is ratified from June 22, 2023, to the date of adoption of this authorizing resolution.
8. The contract will contain language prohibiting any contributions in violation of any state or local law.
9. A copy of the executed agreement herein authorized shall be filed in the Office of the City Clerk and shall be made available for public inspection.
10. There shall be no amendments or changes to this contract without approval of the Municipal Council.
11. 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 City Clerk to enter into a contract with Arleo & Donohue, L.L.C., 622 Eagle Rock Avenue, West Orange, New Jersey 07052, to provide legal services, as it pertains to consultation and representation to the Municipal Council and the City Clerk on matters including, but not limited to the production of records and/or documents for Federal and/or State agencies, in an amount not to exceed \$50,000.00, for the period commencing June 22, 2023 through June 21, 2024. This authorization shall be ratified to June 22, 2023 from the date of adoption of this Resolution.