



# City of Newark

City Hall  
920 Broad Street  
Newark, New Jersey 07102

## Legislation Text

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File #: 18-1352, Version: 1

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**Dept/ Agency:** Law

**Action:**  Ratifying  Authorizing  Amending

**Type of Service:** Professional Services Contract

**Purpose:** Special Counsel

**Entity Name:** Beveridge and Diamond, P.C.,

**Entity Address:** 1350 I Street, NW, Suite 700, Washington, D.C. 20005

**Contract Amount:** Not to exceed \$100,000.00

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

**Contract Period:** August 1, 2018 through July 31, 2019

**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**, Beveridge & Diamond, P.C., 1350 I Street, NW, Suite 700, Washington, D.C. 20005, has agreed to serve as Special Counsel to the City of Newark, Department of Water and Sewer Utilities, Mayor Ras J. Baraka and Director Andrea Adebowale, in the matter of Newark Education Workers Caucus & Natural Resources Defense Council v. City of Newark, et als., Docket No.:18-11025, filed in the United States District Court for the District of New Jersey; and

**WHEREAS**, given the allegations in the Complaint and complexity of this matter, it is more efficient and cost-effective for Beveridge & Diamond, P.C., to handle this litigation on behalf of the City of Newark, Department of Water and Sewer Utilities, Mayor Ras J. Baraka and Director Andrea Adebowale; and

**WHEREAS**, Beveridge & Diamond, P.C. submitted a proposal to to provide legal services concerning this matter, and it was found to be in the best interest of the City of Newark to accept the proposal for the purpose of representing the City's interests and provide legal services for this limited litigation matter; and

**WHEREAS**, due to potential conflicts of interests, the Business Administrator shall be authorized to execute the contract with the Corporation Counsel, in lieu of the Mayor; and

**WHEREAS**, the Business Administrator and the Corporation Counsel wish to enter into a contract with Beveridge & Diamond, 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 August 1, 2018 through July 31, 2019; 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 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**, Beveridge & Diamond, 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 of Newark in the prior year, and the contract will prohibit them 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 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 Business Administrator and the Corporation Counsel, on behalf of the City of Newark, are authorized to enter into and execute a contract with Beveridge & Diamond, P.C., 1350 I Street, NW, Suite 700, Washington, D.C. 20005, to provide legal services concerning Newark Education Workers Caucus & Natural Resources Defense Council v. City of Newark, et als., Docket No.:18-11025, filed in the United States District Court for the District of New Jersey in an amount not to exceed One Hundred Thousand Dollars and Zero Cents (\$100,000.00), for the period of August 1, 2018 through July 31, 2019.
2. The Municipal Council ratifies this contract for the period August 1, 2018 to the date of adoption of this resolution.

3. This contract is being awarded under the City's 2018 Budget. Attached hereto is the Chief Financial Officer's Certification, which states that partial funds in the amount of \$50,000.00 are available in the 2018 Budget, Business Unit NW011, Dept. 040, Div/Proj. 0401, Activity A, Account #7120, Budget Ref. B2018 the balance to be provided in the 2018 and 2019 Budgets. The Certification shall be filed along with the original resolution in the Office of the City Clerk.
4. The Determination of Value and Business Entity Disclosure Certification are attached and shall be filed with the Office of the City Clerk.
5. This contract is being awarded pursuant to the Non-Fair and Open Procedures of the Pay-to-Play Law (N.J.S.A. 19:44A-20.5 et seq.) and the Contractor Pay-to-Play Ordinance, 2:4-22C and pursuant to the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-5(1)(a)(i)) because these services are to be rendered by person(s) licensed as attorneys by the State of New Jersey, N.J.S.A. 40A:11-5.
6. The contract will contain language prohibiting any contributions in violation of any State or local law.
7. 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.
8. 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 its passage.
9. There shall be no amendments or changes of this contract without approval of the Municipal Council and there shall be no advance payments on this contract in accordance with N.J.S.A. 40A:5-16.

### **STATEMENT**

This resolution hereby ratifies and authorizes the Business Administrator and the Corporation Counsel on behalf of the City of Newark, to enter into and execute a contract with Beveridge & Diamond, P.C., 1350 I Street, NW, Suite 700, Washington, D.C. 20005, to provide legal services concerning Newark Education Workers Caucus & Natural Resources Defense Council v. City of Newark, et als., Docket No.:18-11025 filed in the United States District Court for the District of New Jersey in an amount not to exceed One Hundred Thousand Dollars and Zero Cents (\$100,000.00) for the period of August 1, 2018 through July 31, 2019.