



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 18-1871, Version: 1

Dept/ Agency: Office of the Mayor

Action: Ratifying Authorizing Amending

Type of Service: Professional Service Contract

Purpose: To serve as a Per Diem Municipal Public Defender for the Newark Municipal Court representing indigent defendants

Entity Name: Anthony N. Barbieri, P.C.

Entity Address: 832 Clifton Avenue, Clifton, New Jersey 07013

Contract Amount: Not to exceed \$17,000.00

Funding Source: 2019 Budget/Office of the Mayor

Contract Period: January 1, 2019 through December 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 in need of Per Diem Attorneys to serve as Municipal Public Defenders to be assigned to cases in the Newark Municipal Court; and

WHEREAS, legal services are professional services exempt from the requirement of public bidding, pursuant to Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, the City of Newark desires to enter into a contract with Anthony N. Barbieri, P.C., 832 Clifton, New Jersey 07013, for Anthony N. Barbieri, Esq. to serve as a Per Diem Municipal Public Defender for the Newark Municipal Court, providing representation to indigent defendants for an amount not to exceed seventeen thousand dollars (\$17,000.00), for the period commencing on January 1, 2019 and terminating on December 31, 2019; and

WHEREAS, the State Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., requires that notice of award of contracts for "Professional Services" without competitive bidding must be published in a local newspaper; and

WHEREAS, this contract is for an amount under seventeen thousand five hundred dollars (\$17,500.00) and therefore is not subject to the fair and open procedures of the State Pay-to-Play Law, N.J.S.A. 19:44A-20.5; and

WHEREAS, this contract is being awarded as a Professional Service, pursuant to the provisions of the State Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, the Municipal Council adopted the Contractor Pay-to-Play Reform Ordinance, Newark, New Jersey, Municipal Code § 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 and/or his designee, the Chief Municipal Public Defender, are hereby authorized to enter into and execute a Professional Services contract with Anthony N. Barbieri, P.C., 832 Clifton Avenue, Clifton, New Jersey 07013, to serve as a Per Diem Municipal Public Defender for the Newark Municipal Court, representing indigent defendants for an amount not to exceed seventeen thousand dollars (\$17,000.00), for the period commencing on January 1, 2019 and terminating on December 31, 2019.
2. This contract is for an amount under seventeen thousand five hundred dollars (\$17,500.00) and therefore is not subject to State Pay-to-Play Law, N.J.S.A. 19:44A-20.5.
3. This contract is being awarded as a Professional Service, pursuant to the provisions of the State Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(i), because service required must be performed by someone who is licensed to practice law in the State of New Jersey and is in compliance with the Contractor Pay-to-Play Reform Ordinance, Newark, New Jersey, Municipal Code § 2:4-22C.
4. This contract is being awarded as an open-end contract with a certification of availability of funds executed each time services are used and charged against contract, pursuant to N.J.A.C. 5:30-5.5(b)(2).
5. The contract between the City of Newark and Anthony N. Barbieri, P.C. is ratified from January 1, 2019, through the date of adoption of this authorizing resolution.
6. The Chief Municipal Public Defender shall file a copy of the fully executed contract herein authorized in the Office of the City Clerk and it shall be made available for public inspection.
7. 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 Chief Municipal Public Defender, to enter into and execute a professional services contract with Anthony N. Barbieri, P.C., 832 Clifton Avenue, Clifton, New Jersey 07013, to serve as a Per Diem Municipal Public Defender for the Newark Municipal Court, representing indigent defendants for an amount not to exceed seventeen thousand dollars (\$17,000.00), for the period commencing on January 1, 2019 and terminating on December 31, 2019.