



# City of Newark

City Hall  
920 Broad Street  
Newark, New Jersey 07102

## Legislation Text

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File #: 20-1459, Version: 1

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**Dept./ Agency:** Law

**Action:**  Ratifying  Authorizing  Amending

**Type of Service:** Professional Services Contract

**Purpose:** To serve as a Special Municipal Prosecutor - a per diem attorney in the Newark Municipal Court.

**Entity Name:** Connie Bentley McGhee

**Entity Address:** 292 Lafayette Street, Newark, New Jersey 07105

**Contract Amount:** Not to exceed \$135,000.00 for all six (6) vendors

**Funding Source:** 2021 Budget/Law Department

**Contract Period:** January 1, 2021 through December 31, 2021

**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 (the "City") operates a Municipal Court and has a need to engage attorneys as Special Municipal Prosecutors; 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 City of Newark is desirous of acquiring such legal services as Fair and Open Contracts pursuant to the provisions of the Local Pay- to-Play Statute, N.J.S.A. 19:44A-20.5; and

**WHEREAS**, the City's Corporation Counsel caused to be published on the City of Newark's website, a Notice of Request for Qualifications (RFQ) for Municipal Prosecutor Services on or about September 21, 2020; and

**WHEREAS**, the City of Newark received a total of seven (7) proposals in response to its request; and

**WHEREAS**, the City of Newark wishes to award a multiple-vendor contract for the period from January 1, 2021 through December 31, 2021, to be used in the City of Newark's sole discretion on an "as needed" basis during the term of the contract; and

**WHEREAS**, the cumulative amount of compensation for six (6) vendors awarded contracts under this multiple award contract shall not exceed One Hundred Thirty-Five Thousand Dollars and Zero Cents (\$135,000.00) for the contract term; and

**WHEREAS**, each vendor shall expressly acknowledge and agree that services may be

required from any and/or all of the single vendors with no single vendor receiving any promise or guarantee of minimum compensation except for a flat daily fee of \$250.00 per session should such service be required; and

**WHEREAS**, seven (7) vendors submitted proposals and it was found based upon price and other factors to be in the best interest of the City of Newark to accept six (6) proposals for the purpose of providing legal services concerning, Special Municipal Prosecutors; and

**WHEREAS**, the City of Newark wishes to enter into a contract with Connie Bentley McGhee, 292 Lafayette Street, Newark, New Jersey 07105, one (1) of the (6) vendors in a multiple vendor award to provide legal services concerning Special Municipal Prosecutors, for the cumulative amount for all of the vendors not to exceed One Hundred Thirty-Five Thousand Dollars and Zero Cents (\$135,000.00), for the period of January 1, 2021 through December 31, 2021; 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 for an amount over \$17,500.00 and is being awarded as a Fair and Open Contract pursuant to N.J.S.A. 19:44A-20.5; 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 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.

**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 the following vendor to provide legal services in the capacity as Special Municipal Prosecutor:

Connie Bentley McGhee, 292 Lafayette Street, Newark, New Jersey 07105

2. This is a multiple award contract and no vendor shall have any expectation as to minimum compensation under this multiple award.
3. Services may be required from any and/or all of the single vendors; however, the cumulative amount of compensation for all of the vendors shall not exceed One Hundred and Thirty-Five Thousand Dollars and Zero Cents (\$135,000.00), for the period of January 1, 2021 to December 31, 2021.
4. The contract is ratified from January 1, 2021, to the date of adoption of this authorizing

resolution.

5. Pursuant to N.J.A.C. 5:30-5.5(a), Temporary Budget, attached is the Chief Finance Officer's Certification, which states partial funds in the amount Five Thousand Dollars and Zero Cents (\$5,000.00) are available in the 2021 Temporary Budget, the balance to be provided in the 2021 Adopted Budget. The Certification shall be filed, along with the original resolution and the executed contract in the Office of the City Clerk.
6. These contracts are being awarded pursuant to the Fair and Open Procedures of the State Pay-to-Play Law (N.J.S.A. 19:44A-20.5) and pursuant to the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-5(1)(a)(i)) and are in compliance with the City of Newark's Contractor Pay-to-Play Reform Ordinance, Newark, New Jersey Municipal Code § 2:4-22C.
7. This multiple vendor contract shall be awarded in one (1) fiscal year although the date on which it will properly take effect falls in the next fiscal year. Accordingly, this multiple vendor contract is subject to the availability and appropriation of sufficient funds in the year in which it takes effect pursuant to New Jersey Administrative Code 5:30-5.5(e). Funds for this multiple vendor contract in a cumulative amount not to exceed One Hundred and Thirty-Five Thousand Dollars and Zero Cents (\$135,000.00) shall be provided by the City of Newark 2021 Budget, Law Department.
8. The Corporation Counsel shall file a copy of the executed Agreement herein authorized in the Office of the City Clerk and the same shall be made available for public inspection.
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.

### **STATEMENT**

This resolution authorizes the Mayor of the City of Newark and/or his designee, the Corporation Counsel, to enter into and execute a multiple vendor contract with the following vendor:

Connie Bentley McGhee, 292 Lafayette Street, Newark, New Jersey 07105,

to provide legal services in the capacity as a Special Municipal Prosecutor for the cumulative amount not to exceed \$135,000.00, for the period of January 1, 2021 through December 31, 2021.