



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 19-0879, 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: Chasan, Lamparello, Mallon & Cappuzzo, P.C.

Entity Address: 300 Lighting Way, Suite 200, Secaucus, New Jersey 07094

Contract Amount: Not to exceed \$25,000.00

Funding Source: 2019 Budget/Law Department

Contract Period: April 1, 2019 through March 31, 2020

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

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

() Private Sale () Grant () Sub-recipient () N/A

Additional Information:

Partial Certification of Funds in the amount of \$15,000.00.

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, Chasan Lamparello Mallon & Cappuzzo, P.C. agreed to serve as Special Counsel to the City of Newark, in the matter of Mack-Cali, et al. v. City of Newark, et al., Docket No.: A-003097-18 currently pending in the Appellate Division, Superior Court of New Jersey; and

WHEREAS, given the allegations in the Complaint and complexity of this matter, it is more efficient and cost-effective for Chasan Lamparello Mallon & Cappuzzo, P.C. to handle this litigation on behalf of the City of Newark; and

WHEREAS, Chasan Lamparello Mallon & Cappuzzo, P.C. submitted a proposal 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, the Mayor and/or his designee, the Corporation Counsel, wish to enter into a contract with Chasan Lamparello Mallon & Cappuzzo, P.C. to provide legal services, as it pertains to this matter, in an amount not to exceed Twenty-Five Thousand Dollars and Zero Cents (\$25,000.00),

for the period of April 1, 2019 through March 31, 2020; 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; and

WHEREAS, Chasan Lamparello Mallon & Cappuzzo, 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 competitive bidding must be published in a local newspaper; and

WHEREAS, the Municipal Council adopted the Contractor Pay-to-Play Reform Ordinance, 6PSF-a, 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 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 and/or his designee, the Corporation Counsel, are authorized and directed on

behalf of the City of Newark to execute a contract with Chasan Lamparello Mallon & Cappuzzo, P.C. with local offices located at 300 Lighting Way, Suite 200, Secaucus, New Jersey 07094, to provide legal services concerning Mack-Cali, et al. v. City of Newark, et al., in an amount not to exceed Twenty-Five Thousand Dollars and Zero Cents (\$25,000.00), for the period of April 1, 2019 through March 31, 2020 to cover the above mentioned matter.

2. The Municipal Council ratifies this contract for the period April 1, 2019 to the date of adoption of this resolution.
3. Pursuant to N.J.A.C. 5:30-5.5(a), Temporary Budget, attached hereto is the Chief Finance Officer's Certification, which states partial funds in the amount of \$15,000.00 are available in the 2019 Temporary Budget the balance to be provided in the 2019 Adopted Budget. The Certification shall be filed, along with the original resolution and the executed contract in the Office of the City Clerk.
4. 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.
5. 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 Corporation Counsel, to enter into a contract for legal services for Special Counsel with Chasan Lamparello Mallon & Cappuzzo, P.C. for an amount not to exceed Twenty-Five Thousand Dollars and Zero Cents (\$25,000.00), for the period of April 1, 2019 to March 31, 2020.