



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 17-2228, Version: 1

Dept/ Agency: Office of the Mayor

Action: Ratifying Authorizing Amending

Type of Service: Professional Service Contract

Purpose: To Serve as Per Diem Public Defender for the Newark Municipal Court, Representing Indigent Defendants

Entity Name: Bernardo W. Henry, Esq.

Entity Address: 214 Oakwood Avenue, Orange, New Jersey 07050

Contract Amount: An Amount not to Exceed \$17,000.00

Funding Source: 2018 Budget/Office of the Mayor

Contract Period: January 1, 2018 through December 31, 2018

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 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 desires to enter into a contract with Bernardo W. Henry, Esq. for him 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 and Zero Cents (\$17,000.00), for the period commencing January 1, 2018 and terminating on December 31, 2018; 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 under \$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.: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 (i) a candidate,

candidate committee or joint candidate committee of any candidate for elective municipal office in the City of Newark or a holder of public office having ultimate responsibility for the award of a contract, or (ii) to any City of Newark or County of Essex political committee or action committee that regularly engages in the support of City of Newark Municipal or County of Essex candidates, candidate committees, joint candidates committees, political committees, political party committee, (hereinafter "PAC"), in excess of certain specified thresholds within one (1) calendar year immediately preceding the date of the contract or agreement; and

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 authorized on behalf of the City of Newark to enter into and execute a Professional Services contract with Bernardo W. Henry, Esq., of 214 Oakwood Avenue, Orange, New Jersey 07050, 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 and Zero Cents (\$17,000.00), for the period commencing on January 1, 2018 and terminating on December 31, 2018.
2. This contract is for an amount under \$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; this contract is in compliance with the City of Newark's 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 under N.J.A.C. 5:30-5.5(b) and pursuant to N.J.A.C. 5:30-5.5(b)(2). Further, pursuant to N.J.A.C. 5:30-5(a), Temporary Budget, attached hereto is the Chief Finance Officer's Certification, which states partial funds in the amount of \$12,750.00 are available in the 2018 Temporary Budget the balance to be provided in the 2018 Adopted Budget. The Certification shall be filed, along with the original resolution and the executed contract in the Office of the City Clerk.
5. The contract between the City of Newark and Bernardo W. Henry, Esq. is ratified from January 1, 2018, through the date of the 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 of the City of Newark and/or his designee, the Chief Municipal Public Defender, to enter into and execute a professional services contract with Bernardo W. Henry, Esq., of 214 Oakwood Avenue, Orange, New Jersey 07050, for Bernardo W. Henry, Esq. 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 and Zero Cents (\$17,000.00), for the period commencing on January 1, 2018 and terminating on December 31, 2018.