



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 21-1205, Version: 1

Dept./ Agency: Law

Action: Ratifying Authorizing Amending

Type of Service: Professional Service Contract

Purpose: To provide Special Legal Services for Collective Bargaining and Labor Negotiations.

Entity Name: Scarinci Hollenbeck, LLC

Entity Address: 1100 Valley Brook Avenue, P.O. Box 790, Lyndhurst, New Jersey 07071

Contract Amount: Not to exceed \$100,000.00

Funding Source: 2021 Budget/Law Department

Contract Period: March 1, 2021 through February 28, 2022

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 ("City") is involved in on-going Collective Bargaining and Labor Negotiations 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, the firm of Scarinci Hollenbeck, LLC, 1100 Valley Brook Avenue, Lyndhurst, New Jersey 07071, has agreed to serve as Special Legal Counsel to the City in Collective Bargaining and Labor Negotiation matters or other related Labor and Employment matters as assigned by the City; and

WHEREAS, given the number of labor unions and specialized areas of law involved in labor negotiations, it is more efficient and cost-effective for the firm of Scarinci Hollenbeck, LLC, to provide special counsel to the Personnel Department; and

WHEREAS, Scarinci Hollenbeck submitted a Proposal to provide Legal Services concerning Collective Bargaining and Labor Negotiations and related Labor and Employment matters as assigned by the City, and it was found to be in the best interest of the City of Newark to accept the Proposal; and

WHEREAS, the Law Department wishes to enter into a contract with the firm of Scarinci Hollenbeck, LLC to provide Legal Services, as it pertains to Collective Bargaining and Labor Negotiations, in an amount not to exceed One Hundred Thousand Dollars and Zero Cents (\$100,000.00), for the period of March 1, 2021 through February 28, 2022; 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 Contract 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, Scarinci Hollenbeck, LLC 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, 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 Corporation Counsel, on behalf of the City of Newark is authorized to enter into and execute a contract with Scarinci Hollenbeck, LLC, 1100 Valley Brook Avenue, Lyndhurst, New Jersey 07071, to provide legal services concerning Collective Bargaining and Labor Negotiations in an amount not to exceed One Hundred Thousand Dollars and Zero Cents (\$100,000.00), for the period of March 1, 2021 through February 28, 2022.
2. Attached hereto is the Chief Financial Officer's Certification, which states that funds in the amount of One Hundred Thousand Dollars and Zero Cents (\$100,000.00) are available in the 2021 Budget, Business Unit NW011, Dept. 040, Div/Proj. 0401, Activity A, Account # 71260, Budget Ref. B2021. The Certification shall be filed along with the original resolution in the Office of the City Clerk.
3. 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.
4. The contract will contain language prohibiting any contributions in violation of any state or local law.
 5. The Determination of Value and Business Entity Disclosure Certification are attached and shall be filed with the Office of the City Clerk.
 6. The Corporation Counsel shall file a copy of the executed Agreement herein authorized in the Office of the City Clerk and 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 its passage.
 8. 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 authorizes the Corporation Counsel, on behalf of the City of Newark, to enter into and execute a contract with Scarinci Hollenbeck, LLC, 1100 Valley Brook Avenue, Lyndhurst, New Jersey 07071 to serve as Special Legal Counsel concerning Collective Bargaining and Labor Negotiations in an amount not to exceed \$100,000.00 for the period of March 1, 2021 through February 28, 2022.