



## Legislation Text

File #: 24-0516, Version: 1

**Dept/ Agency:** Water and Sewer Utilities

**Action:** ( ) Ratifying (X) Authorizing ( ) Amending

**Type of Service:** Professional Services Contract

**Purpose:** To provide for Legal Representation in a civil action for damages due to water contamination against Defendants, who manufactured, marketed, distributed, and/or sold products containing per- and polyfluoroalkyl substances ("PFAS"), including, but not limited to aqueous film-forming foam ("AFFF"), a firefighting product used to control and extinguish aviation, marine, fuel, and other flammable liquid fires and contains perfluorooctanoic acid ("PFOA") and/or perfluorooctane sulfonic acid ("PFOS").

**Entity Name:** Stag Liuzza, LLC and Murphy Orlando, LLC

**Entity Address:** 365 Canal Street, Suite 2850, New Orleans, Louisiana 70130 and 494 Broad Street, 5<sup>th</sup> Floor, Newark, New Jersey 07102

**Contract Amount:** Undetermined, no municipal funds will be expended

**Funding Source:** Funds, penalties, attorney's fee recovered through the Multi-District Litigation

**Contract Period:** One (1) year commencing upon adoption of the Municipal Council

**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:**

**WHEREAS**, the City of Newark (the "City") is committed to delivering clean drinking water to its customers; and

**WHEREAS**, the City is also committed to identifying parties and taking reasonable steps to avoid passing on the costs to its consumers for the treatment and remediation of contamination; and

**WHEREAS**, Stag Liuzza , L.L.C., 365 Canal Street, Suite 2850, New Orleans, LA 70130, is a law firm that has put together a team of uniquely qualified and experienced attorneys (collectively the "Firm") who have joined together to assist public entities facing the challenges posed by contamination with per- and polyfluoroalkyl substances ("PFAS"); and

**WHEREAS**, Murphy Orlando, L.L.C., 494 Broad Street, 5<sup>th</sup> Floor, Newark, NJ 07102, is a law firm that will assist the Firm and serve as local counsel for the Firm; and

**WHEREAS**, the Firm is comprised of experienced attorneys in both in PFAS litigation and in the representation of public entities and water suppliers in cases involving groundwater contamination; 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**, the actions contemplated by this Resolution result in the award of a non-fair and open contract in accordance with N.J.S.A. 19:44A-20.5; 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**, Stag Liuzza and Murphy Orlando completed and submitted to the City Business Entity Disclosure Certifications which certify that they are in compliance with State Pay to Play statute; and

**WHEREAS**, the City has determined it to be in the City's best interest to enter into the Agreement with the Firm for the purpose of providing legal services related to the filing and litigation of a civil action for damages due to water contamination against Defendants who manufactured, marketed, distributed, and/or sold products containing per-and polyfluoroalkyl substances ("PFAS"), including but not limited to aqueous film-forming foam ("AFFF"), a firefighting product used to control and extinguish aviation, marine, fuel, and other flammable liquid fires and contains perfluorooctanoic acid ("PFOA") and/or perfluorooctane sulfonic acid ("PFOS.")

**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 Director of the Department of Water and Sewer Utilities are authorized to execute a contract with Stag Liuzza, LLC 365 Canal Street, Suite 2850, New Orleans, LA 70130 and Murphy Orlando, LLC 494 Broad Street, 5<sup>th</sup> Floor, Newark, NJ 07102 to represent the City of Newark for the purpose of providing legal services related to the filing and litigation of a civil action for damages due to water contamination against Defendants who manufactured, marketed, distributed, and/or sold products containing per-and polyfluoroalkyl substances, including but not limited to aqueous film-forming foam, a firefighting product used to control and extinguish aviation, marine, fuel, and other flammable liquid fires and contains perfluorooctanoic acid and/or perfluorooctane sulfonic acid for the period of one year commencing upon adoption of this authorizing Resolution.
2. No Municipal Funds to be expended. Fees to the Law Firms (as further detailed in the contract) is one of two options, the higher of: [i] Fees set by the Court or by Agreement with Defendants; or [ii] contingency fee basis.
3. A copy of the executed Contract, Business Entity Disclosure Certifications and Determination of Value shall be filed in the Office of the City Clerk by the Department of Water and Sewer Utilities and shall be made available for public inspection.
4. 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**

Resolution authorizing the Mayor of the City of Newark and/or his designee ,the Director of the Department of Water and Sewer Utilities to enter into a contract with Stag Liuzza, LLC and Murphy Orlando, LLC to represent the City of Newark for the purpose of providing legal services related to the filing and litigation of a civil action for damages due to water contamination against Defendants who manufactured, marketed, distributed, and/or sold products containing per-and polyfluoroalkyl substances, including but not limited to aqueous film-forming foam, a firefighting product used to control and extinguish aviation, marine, fuel, and other flammable liquid fires and contains perfluorooctanoic acid and/or perfluorooctane sulfonic acid for the period of one year commencing upon adoption of this authorizing resolution.