



# City of Newark

City Hall  
920 Broad Street  
Newark, New Jersey 07102

## Legislation Text

File #: 21-0574, Version: 1

**Dept./ Agency:** Law

**Action:**  Ratifying  Authorizing  Amending

**Type of Service:** Professional Service Contract

**Purpose:** To provide legal services as Special Counsel.

**Entity Name:** Pashman Stein Walder Hayden

**Entity Address:** 21 Main Street, Suite 200, Hackensack, New Jersey 07601

**Contract Amount:** Not to exceed \$200,000.00

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

**Contract Period:** October 1, 2020 through October 1, 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:**

Special Legal Counsel for the City of Newark regarding an appeal of its assessment of the Third and Fourth Quarter 2018 User Charges against Passaic Valley Sewerage Commission.

**WHEREAS**, the City of Newark (the "City") has a need to acquire Legal Services; and

**WHEREAS**, Legal Services are Professional Services exempted from the requirements for public bidding, pursuant to Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(i); and

**WHEREAS**, Pashman Stein Walder Hayden with offices located at 21 Main Street, Suite 200, Hackensack, New Jersey 07601, has agreed to serve as Special Counsel for the City regarding an appeal of its assessment of the Third and Fourth Quarter 2018 User Charges against Passaic Valley Sewerage Commission; and

**WHEREAS**, given the complexity of this matter it is more efficient and cost-effective for Pashman Stein Walder Hayden to handle this matter on behalf of the City; and

**WHEREAS**, Pashman Stein Walder Hayden submitted a Proposal to provide legal services concerning this matter and it was found to be in the best interest of the City to accept the Proposal for the purpose of representing the City's interests and provide legal services for this limited matter; and

**WHEREAS**, the Mayor of the City of Newark and/or his designee, Corporation Counsel, wishes to enter into and execute a contract with Pashman Stein Walder Hayden to provide legal services, as it pertains to this matter, in an amount not to exceed Two Hundred Thousand Dollars and Zero Cents (\$200,000.00), for the period of October 1, 2020 through October 1, 2021; 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 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, which has been determined and certified in writing to have a value in excess of \$17,500.00; and

**WHEREAS**, Pashman Stein Walder Hayden 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 in the prior year and that the contract will prohibit Pashman Stein Walder Hayden 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 public bidding must be published in a local newspaper; and

**WHEREAS**, the Municipal Council adopted the Contractor Pay-to-Play Reform Ordinance, 6PSF-a adopted 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 Mayor of the City of Newark and/or his designee, the Corporation Counsel, are authorized and directed on behalf of the City of Newark to enter into and execute a contract with Pashman Stein Walder Hayden with offices located at 21 Main Street, Suite 200, Hackensack, New Jersey 07601, to provide legal services concerning the City’s appeal of its assessment of the Third and Fourth Quarter 2018 User Charges against Passaic Valley Sewerage Commission in an amount not to exceed Two Hundred Thousand Dollars and Zero Cents (\$200,000.00) for the period of October 1, 2020 through October 1, 2021.
2. The Municipal Council ratifies this contract from the period of October 1, 2020 to the date of adoption of this resolution.
3. 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) and as a Non-Fair and Open Contract in accordance with N.J.S.A. 19:44A-20.5.
4. Pursuant to N.J.A.C. 5:30-5.5(a), Temporary Budget, attached is a Partial Certification of funds from the Director of the Department of Finance/Chief Financial Officer certifying

that funds in the amount of Ten Thousand Dollars and Zero Cents (\$10,000.00), shall be charged to the following: Account Code Line: Business Unit NW011, Dept. 040, Div/Proj. 0401, Account #71260. The remainder of the funding for this contract will be subject to appropriation in the 2021 Budget.

5. The Business Disclosure Entity Certification and Determination of Value shall be filed with the Office of the City Clerk.
6. 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.
7. A notice of this action shall be published in the newspaper authorized by law to publish legal advertisements and as required by law within ten (10) days of adoption of this resolution.
8. There shall be no amendments or changes of this resolution without approval of the Municipal Council.
9. There shall be no advance payments on this contract, pursuant to N.J.S.A. 40A:5-16.

### **STATEMENT**

This resolution ratifies and authorizes the Mayor of the City of Newark and/or his designee, the Corporation Counsel, to enter into and execute a contract with Pashman Stein Walder Hayden, with offices located at 21 Main Street, Suite 200, Hackensack, New Jersey 07601, to provide legal services concerning the City's appeal of its assessment of the Third and Fourth Quarter 2018 User Charges against Passaic Valley Sewerage Commission in an amount not to exceed \$200,000.00, for the period of October 1, 2020 through October 1, 2021.