



## Legislation Text

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File #: 24-0562, Version: 1

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**Dept/ Agency:** Law

**Action:**  Ratifying  Authorizing  Amending

**Type of Service:** Professional Services Contract

**Purpose:** To provide legal services concerning Litigation Defense Matters.

**Entity Name:** Brooke and Berne, PLLC

**Entity Address:** 625 Broad Street, Suite 240, Newark, New Jersey 07102

**Contract Amount:** Not to exceed \$100,000.00

**Funding Source:** 2024 Budget/Law Department/Fund Code: 011, Dept.: 040, Division/Project: 0401, Account: 71260

**Contract Period:** January 1, 2024 through December 31, 2024

**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 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**, the Corporation Counsel of the City of Newark caused to be published in the Star Ledger; on the City of Newark's website, a Notice of Request for Qualifications (RFQ) for Litigation Defense Counsel Services on or about September 6, 2023; and

**WHEREAS**, the City of Newark received a total of twenty one (21) proposals in response to the RFQ for Litigation Defense Counsel Services; and

**WHEREAS**, Brooks & Berne PLLC submitted a proposal and it was found based upon price and other factors to be in the best interest of the City of Newark to accept the proposal for the purpose of providing Legal Services concerning Litigation Defense Counsel Services; and

**WHEREAS**, the City of Newark wishes to enter into a contract Brooks & Berne PLLC, to provide Legal Services concerning Litigation Defense Matters, in an amount not to exceed One Hundred Thousand Dollars and Zero Cents (\$100,000.00), for a period of January 1, 2024 through December 31, 2024, which shall cover those existing matters currently being handled Brooks & Berne PLLC, as well as new matters that may arise during the contract term; 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 over \$17,500.00 and is being awarded as a fair and open contract pursuant to N.J.S.A. 19:44A-20.5 and is in compliance with the State Pay-to-Play and the City's Pay-to-Play Ordinance; and

**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 on behalf of the City of Newark to execute a contract with Brooks & Berne PLLC, 570 Taxter Road, Suite 550. Elmsford, New York 10523, to provide Legal Services concerning Litigation Defense Matters, in an amount not to exceed One Hundred Thousand Dollars and Zero Cents (\$100,000.00), for the period of January 1, 2024 through December 31, 2024, which shall cover those existing matters currently being handled by Brooks & Berne PLLC, as well as new matters that may arise during the contract term.
2. This contract is being awarded pursuant to the fair and open procedures of the State Pay-to-Play Law (N.J.S.A. 19:44A-20.5) and pursuant to the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-5(1)(a)(i) and is in compliance with the City's Ordinance on Pay-to-Play.
3. This is a contract which shall be awarded in one (1) fiscal year although the date on which it properly takes effect falls in the next fiscal year. Accordingly, this contract is subject to the availability and appropriation of sufficient funds in the year in which it takes effect pursuant to N.J.A.C. 5:30-5.5(e). Funds for this contract in the amount not to exceed One Hundred Thousand Dollars and Zero Cents (\$100,000.00), shall be provided from the City of Newark 2024 Budget, Law Department Fund Code: 011, Dept.: 040, Division/Project: 0401, Account: 71260
4. A copy of the executed Agreement herein authorized shall be filed in the Office of the City Clerk by the Corporation Counsel and same 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 authorizes the Mayor of the City of Newark and/or his designee, the Corporation Counsel, to enter into a contract for Services for Litigation Defense Matters with Brooks & Berne PLLC, 570 Taxter Road, Suite 550. Elmsford, New York 10523, in an amount not to exceed One Hundred Thousand Dollars and Zero Cents (\$100,000.00), for the period of January 1, 2024 through December 31, 2024.