



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 14-2168, Version: 1

Dept/ Agency: Office of the Mayor

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

Type of Service: Professional Service Contract

Purpose: To serve as a Per Diem Municipal Public Defender for the Newark Municipal Court representing indigent defendants

Entity Name: Ana R. Tolentino, Esq.

Entity Address: 41 Gifford Avenue, Jersey City, New Jersey 07304

Contract Amount: 17,000.00

Funding Source: City of Newark Budget/Office of the Mayor

Contract Period: Upon adoption for a term not to exceed one (1) year

Contract Basis: () Bid () State Vendor (X) 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, the City of Newark desires to enter into a contract with **Ana R. Tolentino, Esq., 41 Gifford Avenue, Jersey City, New Jersey 07304**, to serve as a Per Diem Municipal Public Defender for the Newark Municipal Court, representing indigent defendants, for an amount not to exceed **\$17,000.00**, for the period commencing upon adoption not to exceed one (1) year; and

WHEREAS, 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); 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, R.O. 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 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; and

WHEREAS, the State Local Public Contracts Law, (N.J.S.A. 40A:11-1, et seq.) requires a resolution authorizing the award of contracts for "Professional Services".

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 hereby authorized to enter into and execute a Professional Services contract with **Ana R. Tolentino, Esq., 41 Gifford Avenue, Jersey City, New Jersey 07304**, to serve as a Per Diem Municipal Public Defender for the Newark Municipal Court, representing indigent defendants, for an amount not to exceed **\$17,000.00**, for the period commencing upon adoption not to exceed one (1) year.
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 and is in compliance with the Contractor Pay-to-Play Reform Ordinance, R.O. 2:4-22C.
4. This contract is being awarded as an open-ended contract under N.J.A.C. 5:30-5.5(b), and pursuant to N.J.A.C. 5:30-5.5(b)(2), a certification of availability of funds shall be executed each time services are used and charged against this contract.
5. 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.
6. 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 10 days of its passage.

STATEMENT

This resolution authorizes the Mayor and/or his designee, the Chief Municipal Public Defender, to enter into and execute a professional services contract with **Ana R. Tolentino, Esq., 41 Gifford Avenue, Jersey City, New Jersey 07304**, to serve as a Per Diem Municipal Public Defender for the Newark Municipal Court, representing indigent defendants for an amount not to exceed **\$17,000.00**, for the period commencing upon adoption not to exceed one (1) year.