



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 12-2426, Version: 1

Dept/ Agency: Law

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

Type of Service: Professional Services Contract

Purpose: Litigation Defense Counsel Services

Entity Name: Hardin, Kundla, McKeon & Poletto

Entity Address: 673 Morris Avenue, Springfield, New Jersey 07081-0730

Contract Amount: Not to exceed \$150,000.00

Funding Source: City of Newark Budget, Law Department

Contract Period: January 1, 2013 to December 31, 2013

Contract Basis: () Bid () State Vendor (X) Prof. Ser. () EUS

(x) Fair & Open (x) No Reportable Contributions () RFP (x) 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, the City of Newark issued a Request for Qualifications for Litigation Defense Counsel on or about September 17, 2012; and

WHEREAS, the City of Newark received a total of thirteen (13) proposals in response to its request for Litigation Defense Counsel; and

WHEREAS, Hardin, Kundla, McKeon & Poletto, with offices located at 673 Morris Avenue, Springfield, New Jersey 07081-0730, submitted a proposal in response to the request 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 Matters; and

WHEREAS, the City of Newark wishes to enter into a new contract with Hardin, Kundla, McKeon & Poletto to provide legal services concerning Litigation Defense Matters in an amount not to exceed One Hundred Fifty Thousand Dollars (\$150,000.00), for the period of January 1, 2013 to December 31, 2013, which shall cover those existing matters currently being handled by Hardin, Kundla, McKeon & Poletto, 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

WHEREAS, the Mayor of the City of Newark signed into law Executive Order Number MEO-07-0001 (hereinafter "Pay-to-Play Executive Order"), which requires reporting of political contributions to Newark Municipal Candidates and prohibits certain political contributions during the duration of the contract.

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 his designee, the Corporation Counsel, are hereby authorized and directed on behalf of the City of Newark to execute a contract with Hardin, Kundla, McKeon & Poletto, 673 Morris Avenue, Springfield, New Jersey 07081-0730, to provide legal services concerning Litigation Defense Matters in an amount not to exceed One Hundred Fifty Thousand Dollars (\$150,000.00), for the period of January 1, 2013 to December 31, 2013, which shall cover those existing matters currently being handled by Hardin, Kundla, McKeon & Poletto, as well as new matters that may arise during the contract term.
2. The term of this contract shall be January 1, 2013 to December 31, 2013 for such matters that may arise during the contract term.
3. 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 Executive Order MEO-07-0001, effective March 31, 2007.
4. The Municipal Council hereby ratifies the award of this contract from January 1, 2013 to the date of adoption of this Resolution.
5. This is an open-ended contract to be used as needed during the term of the contract. Thus, for any and all expenditures against this contract, a certification of the availability of sufficient funds, as required by N.J.A.C. 5:30-5.5(b)(2), shall be executed before a contractual liability is incurred each time an order is placed, covering the amount of the order. Funds for this contract in the amount not to exceed One Hundred Fifty Thousand Dollars (\$150,000.00), shall be provided from the City of Newark Budget, Law Department.
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 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 his designee, the Corporation Counsel, to enter into a contract for legal services for Litigation Defense Matters with Hardin, Kundla, McKeon & Poletto, 673 Morris Avenue, Springfield, New Jersey 07081-0730, in an amount not to

exceed One Hundred Fifty Thousand Dollars (\$150,000.00), for the period of January 1, 2013 to December 31, 2013.