



Legislation Details (With Text)

**File #:** 12-2421      **Version:** 1      **Name:** Carmagnola Litigation Def  
**Type:** Resolution      **Status:** Filed  
**File created:** 12/24/2012      **In control:** Law  
**On agenda:** 1/16/2013      **Final action:** 1/16/2013  
**Title:** Dept/ Agency: Law  
Action:  Ratifying  Authorizing  Amending  
Type of Service: Professional Services Contract  
Purpose: Litigation/Defense Counsel Services  
Entity Name: Carmagnola & Ritardi, LLC  
Entity Address: 60 Washington Street, Morristown, New Jersey 07960  
Contract Amount: Not to exceed \$75,000.00  
Funding Source: City of Newark Budget, Law Department  
Contract Period: January 1, 2013 to December 31, 2013  
Contract Basis:  Bid  State Vendor  Prof. Ser.  EUS  
 Fair & Open  No Reportable Contributions  RFP  RFQ  
 Private Sale  Grant  Sub-recipient  n/a  
Additional Information:

**Sponsors:**

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
1/16/2013	1	Municipal Council	Adopt	Pass

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**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**, Carmagnola & Ritardi, LLC, with offices located at 60 Washington Street, Morristown, New Jersey 07960, 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 Carmagnola & Ritardi, LLC, to provide legal services concerning Litigation Defense Matters in an amount not to exceed Seventy-Five Thousand Dollars (\$75,000.00), for the period of January 1, 2013 to December 31, 2013, which shall cover those existing matters currently being handled by Carmagnola & Ritardi, LLC, 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 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 Carmagnola & Ritardi, LLC, to provide legal services concerning Litigation Defense Matters, in an amount not to exceed Seventy-Five Thousand Dollars (\$75,000.00), for the period of January 1, 2013 to December 31, 2013, which shall cover those existing matters currently being handled by Carmagnola & Ritardi, LLC, 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 Seventy-Five Thousand Dollars (\$75,000.00) 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 Carmagnola & Ritardi, LLC, 60 Washington Street, Morristown, New Jersey 07960, in an amount not to exceed Seventy-Five Thousand Dollars (\$75,000.00), for the period of January 1, 2013 to December 31, 2013.