Legislation Details (With Text)

File #:	13-2309	**Version:**	1	**Name:**	Hardin Litigation Contract 2014
Type:	Resolution			**Status:**	Filed
File created:	12/4/2013			**In control:**	Law
On agenda:	12/18/2013			**Final action:**	12/18/2013

Title: Dept/ Agency: Law
Action: ( ) 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
Contract Amount: An amount not to exceed $150,000.00
Funding Source: City of Newark Budget, Law Department
Contract Period: January 1, 2014 through December 31, 2014
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:

Sponsors:

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
12/18/2013	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 20, 2013; and

WHEREAS, there were seventeen (17) vendor packages picked up for consideration for the Litigation Defense Counsel position; 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, 2014 to December 31, 2014 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 public 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 contracts; and

WHEREAS, the Municipal Council adopted the Contractor Pay-to-Play Reform Ordinance, 6PSF-a, 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 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 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, 2014 to December 31, 2014 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, 2014 through December 31, 2014 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 and the Business Entity has certified that it has not made or solicited a contribution in violation of the Contractor Pay to Play Reform Ordinance, PSF-a, August 1, 2013..

4. This is a contract which shall be awarded in one 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. NewJersey Administrative Code 5:30-5.5(e). Funds for this contract in the amount not to exceed $150,000.00 shall be provided from the City of Newark Budget, Law Department.

5. 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.

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 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 in an amount not to exceed One Hundred Fifty Thousand Dollars ($150,000.00), for the period of January 1, 2014 to December 31, 2014.

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