Legislation Details (With Text)

File #:	13-2380	**Version:** 1	**Name:**	Gluck EHD Redevelopment Contract 2014	
Type:	Resolution		**Status:**	Filed	
File created:	12/10/2013		**In control:**	Economic and Housing Development	
On agenda:	12/18/2013		**Final action:**	12/18/2013	

Title: Dept/ Agency: Economic & Housing Development
Action: ( ) Ratifying (X) Authorizing ( ) Amending
Type of Service: Professional Services Contract
Purpose: Redevelopment and Land Use Legal Services
Entity Name: Gluck Walrath, LLP
Entity Address: 428 River View Road, Trenton, New Jersey 08611
Contract Amount: An amount not to exceed $450,000.00, subject to an increase of an amount not to exceed Fifty Thousand Dollars ($50,000.00) to the extent of certain costs as paid by a Redeveloper or other Entity
Funding Source: Economic Development Trust Fund
Contract Period: January 1, 2014 - December 31, 2014
Contract Basis: ( ) Bid ( ) State Vendor (X) Prof. Ser. ( ) EUS
( ) Fair & Open ( ) 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 Department of Economic and Housing Development of the City of Newark has a need to acquire legal services for assistance in a variety of development and land use initiatives/matters; and

WHEREAS, the City of Newark issued a Request for Qualifications for Redevelopment/Land Use Counsel Services on or about September 20, 2013; and

WHEREAS, the City of Newark received a total of five (5) proposals in response to its request; and

WHEREAS, Gluck Walrath LLP with offices located at 428 River View Plaza, Trenton, New Jersey, 08611, 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 Redevelopment/Land Use Matters; and

WHEREAS, the Department of Economic and Housing Development of the City of Newark wishes to enter into a new contract with GluckWalrath, LLP, 428 River View Plaza, Trenton, New Jersey 08611, to provide: (i) legal services concerning development, redevelopment and land use related matters including, but not limited to, the City's abandoned properties initiative, sales and purchases of real property, foreclosures, tax abatements, redevelopment area bond transactions and other activities eligible for funding from the City's Community and Economic Development Trust Fund (the "CEDT Fund"), in an amount not to exceed Four Hundred Fifty Thousand Dollars ($450,000.00), subject to increase to the extent of certain costs as paid by a Redeveloper (as described in Section 2 of this Resolution), for the period of January 1, 2014 to December 31, 2014; and (ii) legal services as Bond Counsel to the City for redevelopment bonds, redevelopment area bonds, recovery zone bonds, qualified school construction bonds, qualified zone academy bonds, and New Jersey Environmental Infrastructure Trust ("NJEIT") bonds for remediation and redevelopment projects, where the City is not responsible for payment of said obligations and the fees are to be paid entirely by the benefitting Redeveloper or other Entity (which may be from the proceeds of such bonds), without limit, for the period of January 1, 2014 to December 31, 2014; 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 pursuant to a "fair and open process" 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; 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.

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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 Deputy Mayor/Director of Economic and Housing Development, are hereby authorized and directed on behalf of the City of Newark to execute a contract with Gluck Walrath LLP, located at 428 River View Plaza, Trenton, New Jersey 08611, to provide: (i) legal services concerning development, redevelopment and land use matters including, but not limited to, the City's abandoned properties initiative, sales and purchases of real property, foreclosures, tax abatements, redevelopment area bond transactions and other activities eligible for funding from the City's Community and Economic Development Trust Fund (the "CEDT Fund"), in an amount not to exceed Four Hundred Fifty Thousand Dollars ($450,000.00), subject to an increase to the extent of certain costs as paid by a Redeveloper (as described in Section 2 below), for the period of January 1, 2014 to December 31, 2014; and (ii) legal services as Bond Counsel to the City for redevelopment bonds, redevelopment area bonds, recovery zone bonds, qualified school construction bonds, qualified zone academy bonds, and New Jersey Environmental Infrastructure Trust ("NJEIT") bonds where the City is not responsible for payment of said obligations and the fees are to be paid entirely by the benefitting Redeveloper or other Entity (which may be from the proceeds of such bonds), without limit, for the period of January 1, 2014 to December 31, 2014.

2. By Resolution No. 7R3-C(S) adopted on September 27, 2011, the Municipal Council of the City authorized the execution and delivery of, inter alia, an Interim Financing Program Funding Agreement (the "Redeveloper Interim Funding Agreement") with Morris Lister Avenue Associates Urban Renewal, LLC (the "Redeveloper"). Pursuant to the Redeveloper Interim Funding Agreement, the Redeveloper has previously paid to the City certain amounts as reimbursement toward the out-of-pocket legal and other expenses of the City incurred in connection with the transactions described in the Redeveloper Interim Funding Agreement, specifically (i) $150,000.00 on the date of issuance of the City's bond anticipation notes to the New Jersey Environmental Infrastructure Trust (the "NJEIT"), whereupon (pursuant to Resolution No. 7R3-A(S) adopted on September 27, 2011) such amount was to be deposited in the City's Community and Economic Development Trust Fund as reimbursement for costs previously paid therefrom, and (ii) $150,000.00 (the "Second Payment") on the date of first disbursement from the City's permanent bonds to be issued to the NJEIT (or, if such permanent bonds are not issued, on such other date, not later than December 1, 2012, as set forth in the Redeveloper Interim Funding Agreement). By Resolution 7R3-a(S) adopted on March 27, 2012, the Newark Municipal Council directed that the Second Payment shall be paid by the Redeveloper directly to Gluck Walrath LLP for legal services performed in connection with the transactions described in the Redeveloper Interim Funding Agreement, and that to the extent such payment exceeds the unpaid bills of Gluck Walrath LLP in respect of such matter, such excess amount shall be applied to payment for legal services performed in 2012 in connection with other redevelopment counsel matters on behalf of the City. By Resolution 7RS-b(s) adopted on October 4, 2013, the Newark Municipal Council directed that such excess amount, in an amount not to exceed $50,000.00, shall be applied to payment for legal services performed in 2013 in connection with other redevelopment counsel matters on behalf of the City. Any such portion of the Second Payment, in an amount not to exceed $50,000.00, not so applied in respect of such services in 2012 or 2013 shall be retained in escrow by such firm and applied to payment for legal services described in

clause (i) of Paragraph 1 above (whether or not reimbursable from the CEDT Fund) performed in 2014, and such contract cap shall be increased accordingly. This provision is specifically limited to escrow funds received under the Redeveloper Interim Funding Agreement and is not intended to apply to prospective redevelopment escrow fund accounts.

3. This contract is being awarded pursuant to the fair and open procedures of the 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. N.J. Admin. Code 5:30-5.5(e). Funds for this contract in the amount not to exceed $300,000.00 shall be provided from the Economic Development Trust Fund.

5. A copy of the Business Disclosure Entity Certification shall be placed on file with the resolution.

6. A copy of the executed contract herein authorized shall be filed in the Office of the City Clerk by the Deputy Mayor/Director of the Department of Economic and Housing Development 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, and/or his designee, the Deputy Mayor/Director of the Department of Economic and Housing Development to enter into and execute a contract with Gluck Walrath LLP, located at 428 River View Plaza, Trenton, New Jersey 08611, for legal services concerning development, redevelopment and land use related matters including, but not limited to, the City's abandoned properties initiative, sales and purchases of real property, foreclosures, tax abatements, redevelopment area bond transactions and other activities in an amount not to exceed Four Hundred Fifty Thousand Dollars ($450,000.00), subject to an increase of an amount not to exceed Fifty Thousand Dollars ($50,000.00) to the extent of certain costs as paid by a Redeveloper or other Entity, for the period of January 1, 2014 to December 31, 2014.