



Legislation Details (With Text)

File #: 17-0244 **Version:** 1 **Name:** Pennington Special Counsel Services
Type: Resolution **Status:** Adopted
File created: 2/6/2017 **In control:** Law
On agenda: 4/19/2017 **Final action:** 5/3/2017

Title: Dept/ Agency: Law
Action: ☒ Ratifying ☒ Authorizing ☐ Amending
Type of Service: Professional Services Contract
Purpose: Special General Counsel Services
Entity Name: Eric S. Pennington, P.C.
Entity Address: One Gateway Center, Suite 200, Newark, New Jersey 07102
Contract Amount: An amount not to exceed \$60,000.00
Funding Source: 2017 Budget
Contract Period: January 1, 2017 through December 31, 2017
Contract Basis: ☐ Bid ☐ State Vendor ☒ Prof. Ser. ☐ EUS
☐ Fair & Open ☒ No Reportable Contributions ☐ RFP ☐ RFQ
☐ Private Sale ☐ Grant ☐ Sub-recipient ☐ n/a
Additional Information:
Deferred 7R6-a 041916

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
5/3/2017	1	Municipal Council	Adopt	Pass
4/19/2017	1	Municipal Council	Defer	Pass

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WHEREAS, the City of Newark, as the largest municipality in the State of New Jersey, faces novel issues on a daily basis and the Mayor has a need to acquire Special Legal Services for general matters involving municipal government; and

WHEREAS, Eric S. Pennington, P.C., One Gateway Center, Suite 200, Newark, New Jersey 07102, is a law firm with a diverse practice and specific expertise in issues involving municipal government and submitted a proposal to provide Special Legal Services to the Mayor for general matters involving municipal government, and it was found to be in the best interest of the City of Newark to accept the proposal for the purpose of providing Special Legal Services for general matters to the Mayor involving municipal government; and

WHEREAS, the Mayor and/or his designee, the Business Administrator, wishes to enter into a contract with Eric S. Pennington, P.C., to provide Special Legal Services to the Mayor, for general matters involving municipal government, in an amount not to exceed Sixty Thousand Dollars and Zero Cents (\$60,000.00), for the period of January 1, 2017 through December 31, 2017; and

WHEREAS, the Business Administrator has determined and certified in writing that the value of this contract will exceed \$17,500.00; and

WHEREAS, this Contract is awarded without competitive bidding as an exception to public bidding, pursuant to *N.J.S.A. 40A:11-5(1)(a)(i)*, professional services; and

WHEREAS, Local Public Contracts Law *N.J.S.A. 40A:11-1*, et seq. requires a Resolution of the Governing Body authorizing the award of contracts for professional services and further requires that the contract itself must be available for public inspection; and

WHEREAS, the actions contemplated by this Resolution shall result in the award of a non-fair and open contract in accordance with *N.J.S.A. 19:44A-20.5*; and

WHEREAS, Eric S. Pennington, P.C. has completed and submitted a Business Entity Disclosure Certification which certifies that Eric S. Pennington, P.C. has not made any reportable contributions to a political or candidate committee in the City of Newark in the previous one year, and the contract will prohibit Eric S. Pennington, P.C. from making any reportable contributions through the term of the contract; 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, 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/or his designee, the Business Administrator, is authorized to execute a contract with Eric S. Pennington, P.C., One Gateway Center, Suite 200, Newark, New Jersey 07102, to provide Special Legal Services for general matters to the Mayor involving municipal government, in an amount not to exceed Sixty Thousand Dollars and Zero Cents (\$60,000.00), for the period of January 1, 2017 through December 31, 2017.
2. This contract is awarded without competitive bidding as an exception to public bidding pursuant to the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-5(1)(a)(i)), professional services, pursuant to the non-fair and open procedures of the State Pay-to-Play Law (N.J.S.A. 19:44A-20.5), 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 2:4-22C.
3. This contract is ratified back to January 1, 2017 through the date of adoption by the Newark Municipal Council.
4. Pursuant to N.J.A.C. 5:30-5.5, Temporary Budget, attached hereto is a partial Certification of Funds, issued by the Director of Finance for the City of Newark, which states that funds in an amount of \$30,000.00 are available in the 2017 Preliminary Budget, Business Unit NW011, Department ID: 030, Division 0301, Account#: 71280. The Business Administrator shall file a copy of the Certification of Funds along with the original resolution and the executed contract in the Office of the City Clerk. The remaining \$30,000.00 in funding for this contract will be subject to appropriation in the 2017 Municipal Budget and funds will be certified prior to services being provided. The contract shall be subject to the availability and appropriation of sufficient funds in accordance with N.J.A.C. 5:30-5.5(c) and N.J.A.C. 5:30-5.5(d).
5. The Determination of Value and Business Entity Disclosure Certification are attached and will be filed in the Office of the City Clerk.
6. A copy of the executed agreement 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 ratifies and authorizes the Mayor of the City of Newark, and/or his designee the Business Administrator, to enter into a contract with Eric S. Pennington, P.C. One Gateway Center, Suite 200, Newark, New Jersey 07102, to provide Special Legal Services to the Mayor for general matters involving municipal government, in an amount not to exceed Sixty Thousand Dollars and Zero Cents (\$60,000.00), for the period of January 1, 2017 through December 31, 2017.