



Legislation Details (With Text)

File #: 18-0191 **Version:** 1 **Name:** Medvin & Elberg Professional Service
Type: Resolution **Status:** Adopted
File created: 2/6/2018 **In control:** Law
On agenda: 5/10/2018 **Final action:** 5/10/2018

Title: Dept/ Agency: Law
Action: ☒ Ratifying ☒ Authorizing ☐ Amending
Type of Service: Professional Services Contract
Purpose: Special Tax Counsel
Entity Name: Medvin & Elberg
Entity Address: One Gateway Center, Sixth Floor, Newark, New Jersey 07102-5324
Contract Amount: \$150,000.00
Funding Source: 2018 Budget/Law Department
Contract Period: September 2, 2017 through September 1, 2018
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: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
5/10/2018	1	Municipal Council	Adopt	Pass

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Additional Information:

WHEREAS, the City of Newark is the owner of property known as the Newark Pequannock Watershed ("Newark Watershed" or "Watershed Properties") which is located 35 miles northwest of the City in portions of Morris, Passaic and Sussex Counties; and

WHEREAS, the area consists of approximately 35,000 acres of undeveloped, natural resources and contains five major reservoirs which supply water to the City of Newark and its

customers; and

WHEREAS, although the Newark Watershed is located in portions of approximately six municipalities, West Milford Township in Passaic County contains one-half of the property to the northeast; and

WHEREAS, Newark pays property taxes to these six municipalities, with the most property taxes, over \$2,000,000.00 annually, paid to West Milford; and

WHEREAS, these municipalities annually seek to increase the taxes assessed against the Newark Watershed; and

WHEREAS, Medvin & Elberg, Attorneys at Law ("Medvin & Elberg"), with offices located at One Gateway Center, Sixth Floor, Newark, New Jersey 07102, is presently handling Tax Appeals in several jurisdictions concerning the City's Watershed Properties; and

WHEREAS, at least one of the Tax Appeals Medvin & Elberg is handling on behalf of the City commenced trial in February 2018, and another trial in a different matter is expected to begin later this year; and

WHEREAS, in light of the upcoming trials, Medvin & Elberg has continued to handle and represent the City's interests in these matters; and

WHEREAS, Medvin & Elberg, has knowledge and familiarity with issues specific and unique to the City's Watershed Properties and has specific expertise in issues involving Special Tax Matters and Tax Appeals; and

WHEREAS, Medvin & Elberg has successfully handled and resolved past tax appeals, with favorable results for the City; and

WHEREAS, in preparation for the upcoming trials, Medvin & Elberg has engaged experts, namely foresters and an appraiser, uniquely qualified and knowledgeable about the Watershed Properties and comparable property taxes in the area; and

WHEREAS, Medvin & Elberg submitted a proposal to provide legal services concerning Special Tax Matters and Tax Appeals as they concern the City's Watershed Properties and it was found to be in the best interest of the City of Newark to accept the proposal for the purpose of providing legal services for special tax matters and tax appeals concerning the Watershed Properties; and

WHEREAS, the Mayor and the Acting Corporation Counsel wish to enter into a contract with Medvin & Elberg, for them to continue to provide legal services concerning Special Tax Matters and

Tax Appeals as they concern the City's Watershed Properties, and handle any additional matters, in an amount not to exceed One Hundred Fifty Thousand Dollars and Zero Cents (\$150,000.00), for the period of September 2, 2017 through September 1, 2018; and

WHEREAS, because trial in one of these matters did not commence in 2017 and because the Firm has been efficient and responsible stewards of the City's funds, funds remain under their 2017 contract; and

WHEREAS, the Acting Corporation Counsel 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, Medvin & Elberg and its subcontractors (foresters and appraiser) have completed and submitted a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political or candidate committee in the City of Newark in the prior year, and the contract will prohibit them 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 his designee, the Acting Corporation Counsel, are authorized to execute a contract with Medvin & Elberg, Attorneys at Law, One Gateway Center, Sixth Floor, Newark, New Jersey 07102 to continue to provide legal services concerning Special Tax Matters and Tax Appeals as they concern the City's properties at the Newark Pequannock Watershed, in an amount not to exceed One Hundred Fifty Thousand Dollars and Zero Cents (\$150,000.00), for the period of September 2, 2017

through September 1, 2018.

2. The Municipal Council ratifies this contract for the period September 2, 2017 to the date of adoption of this resolution.
3. 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 and its subcontractors have certified that they have not made or solicited any contributions in violation of the Contractor Pay-to-Play Reform Ordinance 2:4-22C.
4. This contract is being awarded under a Temporary Budget. Pursuant to N.J.AC. 5:30-5 (a), Temporary Budget, attached hereto is the Chief Financial Officer's Certification which states that partial funds in the amount of \$32,283.75 are available in the 2018 Temporary Budget the balance to be provided in the 2018 Adopted Budget. The Certification shall be filed, along with the original resolution and the executed contract in the Office of the City Clerk.
5. The Determination of Value and Business Entity Disclosure Certification are attached and will be filed with the Office of the City Clerk.
6. A copy of the executed agreement herein authorized shall be filed in the Office of the City Clerk by the Acting 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 Acting Corporation Counsel, to enter into a contract with Medvin & Elberg, Attorneys at Law, One Gateway Center, Sixth Floor, Newark, New Jersey 07102, to provide legal services concerning Special Tax Matters and Tax Appeals as they concern the City's Watershed properties in an amount not to exceed One Hundred Fifty Thousand Dollars and Zero Cents (\$150,000.00), for the period of September 2, 2017 through September 1, 2018.