Legislation Details (With Text)

File #:	19-0103	**Version:**	1	**Name:**	Professional Services Contract (Bond Counsel)
Type:	Resolution			**Status:**	Adopted
File created:	1/14/2019			**In control:**	Law
On agenda:	2/6/2019			**Final action:**	2/6/2019

Title: Dept/ Agency: Law
Action: (X) Ratifying (X) Authorizing ( ) Amending
Type of Service: Professional Services Contract
Purpose: Bond Counsel Services
Entity Name: DeCotiis, Fitzpatrick, Cole & Giblin, LLP.
Entity Address: Glenpointe Centre West, 500 Frank W. Burr Boulevard, Suite 31, Teaneck, New Jersey 07666
Contract Amount: An amount not to exceed $200,000.00
Funding Source: City of Newark Bond Note Proceeds
Contract Period: January 1, 2019 through December 31, 2019
Contract Basis: ( ) Bid ( ) State Vendor (X) 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
2/6/2019	1	Municipal Council	Adopt	Pass

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Additional Information:

WHEREAS, the City of Newark as the largest municipality in the State of New Jersey faces novel issues on a daily basis and has a need to acquire Bond Counsel legal services; and

WHEREAS, DeCotiis, Fitzpatrick, Cole & Giblin, LLP (“DeCotiis”), a law firm with a diverse practice and specific expertise in issues involving municipal government, submitted a proposal to

provide Bond Counsel Legal Services and it was found to be in the interest of the City of Newark to accept the proposal for the purpose of providing Bond Counsel Legal Services; and

WHEREAS, the Mayor and the Corporation Counsel wish to enter into a contract with DeCotiis to provide Bond Counsel Legal Services in an amount not to exceed $200,000.00, for the period of January 1, 2019 through December 31, 2019; and

WHEREAS, the Mayor and Corporation Counsel wishes to enforce Ordinance 6PSF-a March 16, 2016 and its amending Ordinance 6PSF-c May 10, 2018, which provides for the use of the redevelopment escrow fees paid by developers to defray the various costs, such as those associated with Redevelopment Area Bonds (RAB), incurred by the City of Newark for redevelopment projects; and

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

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

WHEREAS, Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., requires a resolution, from 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, the Municipal Council adopted the Contractor Pay-to-Play Reform Ordinance, 6PSF-a, on 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, committee of the aforementioned candidates; and political or political party committees of the City of Newark or County of Essex; and continuing 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 and/or his designee, Corporation Counsel, are authorized to execute a contract with DeCotiis, Fitzpatrick, Cole & Giblin, LLP, located at Glenpointe Centre West, 500 Frank W. Burr Boulevard, Suite 31, Teaneck, New Jersey 07666, to provide Bond Counsel Legal Services in an amount not to exceed $200,000.00 for the period of January 1, 2019 through December 31, 2019.

2. The contract is ratified from January 1, 2019 to the date of adoption.

3. This contract is awarded without competitive bidding as an exception to public bidding, professional services contract, pursuant to the provisions Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(i); 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.

4. This Contract is paid from Bond and Note proceeds on a percentage basis after Bonds and Notes are sold and after receipt of the funds from the sale by the City. This is also an open-ended contract to be used as needed during the term of the contract. Thus, for those expenditures not covered by Bond and Note proceeds, certification of the availability of sufficient funds, as required by N.J.A.C. 5:30-5.5(b)(2), shall be executed before liability is incurred each time a service is requested. If operating under a Temporary Budget, the City shall comply with N.J.A.C. 5:30-5.5(a)(1) and (2). For those expenditures covered by the City's escrow Ordinances, the fees shall be paid in accordance with the funding agreements entered into between the City of Newark and the respective developers.

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 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 be published as 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 and/or his designee, Corporation Counsel, to enter into a contract with DeCotiis, Fitzpatrick, Cole & Giblin, LLP, located at Glenpointe Centre West, 500 Frank W. Burr Boulevard, Suite 31, Teaneck, New Jersey 07666, to provide Bond Counsel Legal Services in an amount not to exceed $200,000.00, for the period of January 1, 2019 through December 31, 2019 and which provides for the use of the redevelopment escrow fees paid by developers to defray the various costs, such as those associated with Redevelopment Area Bonds (RAB), incurred by the City of Newark for redevelopment projects..

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