Legislation Details (With Text)

File #:	19-0375	**Version:** 1	**Name:**	Bernardo W. Henry, Esq.
Type:	Resolution		**Status:**	Adopted
File created:	3/1/2019		**In control:**	Mayor's Office
On agenda:	3/20/2019		**Final action:**	3/20/2019
Title:	Dept/ Agency: Office of the Mayor/Newark Municipal Court Action: (X) Ratifying (X) Authorizing ( ) Amending Type of Service: Professional Service Contract Purpose: To serve as Per Diem Public Defender for Municipal Court Entity Name: Bernardo W. Henry, Esq. Entity Address: 214 Oakwood Avenue, Suite 3, Orange, New Jersey 07050 Contract Amount: An amount not to exceed $17,000.00 Funding Source: 2019 Budget/Office of the Mayor Contract Period: March 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
3/20/2019	1	Municipal Council	Adopt	Pass

Dept/ Agency: Office of the Mayor/Newark Municipal Court
Action: (X) Ratifying (X) Authorizing ( ) Amending
Type of Service: Professional Service Contract
Purpose: To serve as Per Diem Public Defender for Municipal Court
Entity Name: Bernardo W. Henry, Esq.
Entity Address: 214 Oakwood Avenue, Suite 3, Orange, New Jersey 07050
Contract Amount: An amount not to exceed $17,000.00
Funding Source: 2019 Budget/Office of the Mayor
Contract Period: March 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:

WHEREAS, the City of Newark is in need of Per Diem Attorneys to serve as Municipal Public Defenders to be assigned to cases in the Newark Municipal Court; and

WHEREAS, the City of Newark desires to enter into a contract with Bernardo W. Henry, 214 Oakwood Avenue, Orange, New Jersey 07050, to serve as a Per Diem Municipal Public Defender for the Newark Municipal Court, representing indigent defendants, for an amount not to exceed

$17,000.00, for the period commencing March 1, 2019 and terminating December 31, 2019; and

WHEREAS, this contract is for an amount under $17,500.00 and therefore is not subject to State Pay-to-Play Law (N.J.S.A. 19:44A-20.5); and

WHEREAS, this contract is being awarded as a Professional Service pursuant to the provisions of the State Local Public Contracts Law (N.J.S.A.:11-5(1)(a)(i); 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 State Local Public Contracts Law, (N.J.S.A. 40A:11-1, et seq.) requires a resolution authorizing the award of contracts for “Professional Services”.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:

1. The Mayor and/or his designee, the Chief Municipal Public Defender, are hereby authorized to enter into and execute a Professional Services Contract with Bernardo W. Henry, Esq., 214 Oakwood Avenue, Suite 3, Orange, New Jersey 07050, to serve as a Per Diem Municipal Public Defender for the Newark Municipal Court, representing indigent defendants, for an amount not to exceed $17,000.00, for the period commencing March 1, 2019 and terminating December 31, 2019.

2. This contract is for an amount under $17,500.00 and therefore is not subject to State Pay-to-Play Law N.J.S.A. 19:44A-20.5.

3. This contract is being awarded as a Professional Service pursuant to the provisions of the State Local Public Contracts Law (N.J.S.A. 40A:11-5(1)(a)(i) because service required must be performed by someone who is licensed to practice law in the State of New Jersey and is in compliance with the Contractor Pay-to-Play Reform Ordinance, R.O. 2:4-22C.

4. This contract is being awarded an as open-ended contract under N.J.A.C. 5:30-5.5(b), and pursuant to N.J.A.C. 5:30-5.5(b)(2), a certification of availability of funds shall be executed each time services are used and charged against this contract.

5. The contract between the City of Newark and Bernardo W. Henry, Esq. is ratified from March 1, 2019 through the date of the adoption of this authorizing resolution.

6. The Chief Municipal Public Defender shall file a copy of the fully-executed contract herein authorized in the Office of the City Clerk and it 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.

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STATEMENT

This resolution ratifies and authorizes the Mayor and/or his designee, the Chief Municipal Public Defender, to enter into and execute a professional services contract with Bernardo W. Henry, Esq., 214 Oakwood Avenue, Suite 3, Orange, New Jersey 07050, to serve as a Per Diem Municipal Public Defender for the Newark Municipal Court, representing indigent defendants for an amount not to exceed $17,000.00, for the period commencing March 1, 2019 and terminating December 31, 2019.

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