



## Legislation Details (With Text)

**File #:** 19-1734      **Version:** 1      **Name:** Ricci Fava & Bagley Professional Services Conflict Contract  
**Type:** Resolution      **Status:** Adopted  
**File created:** 10/30/2019      **In control:** Law  
**On agenda:** 12/18/2019      **Final action:** 12/18/2019

**Title:** Dept/ Agency: Law  
Action: ☐ Ratifying ☒ Authorizing ☐ Amending  
Type of Service: Professional Services Contract  
Purpose: To provide Legal Services concerning Conflict Matters.  
Entity Name: Ricci & Fava L.L.C.  
Entity Address: 16 Furler Street, 2nd Floor, Totowa, New Jersey 07512  
Contract Amount: Not to exceed \$25,000.00  
Funding Source: 2020 Budget/Law Department  
Contract Period: January 1, 2020 through December 31, 2020  
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
12/18/2019	1	Municipal Council	Adopt	Pass

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**Additional Information:**

**WHEREAS**, the City of Newark is involved in ongoing Legal Matters and therefore has a need to acquire Legal Services; and

**WHEREAS**, Legal Services are Professional Services, exempt from the requirement for public bidding, pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(i); and

**WHEREAS**, the Corporation Counsel of the City of Newark caused to be published on the City of Newark's website, a Notice of issued a Request for Qualifications (RFQ) for Conflict Counsel Services on or about September 9, 2019; and

**WHEREAS**, the City of Newark received a total of (12) proposals in response to the RFQ for Conflict Counsel Services; and

**WHEREAS**, Ricci & Fava L.L.C., 16 Furler Street, 2<sup>nd</sup> Floor, Totowa, New Jersey 07512, submitted a proposal and it was found to be in the best interest of the City of Newark to accept the proposal based upon price and other factors for the purpose of providing Conflict Counsel Services; and

**WHEREAS**, the City of Newark wishes to enter into a contract with Ricci & Fava L.L.C., to provide Legal Services concerning Conflict Matters, in an amount not to exceed Twenty-Five Thousand Dollars and Zero Cents (\$25,000.00), for a period of January 1, 2020 through December 31, 2020, which shall cover those existing matters currently being handled by Ricci & Fava L.L.C., as well as new matters that may arise during the contract term; 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 competitive bidding must be published in a local newspaper; and

**WHEREAS**, this contract is for an amount over \$17,500.00 and is being awarded as a fair and open contract pursuant to N.J.S.A. 19:44A-20.5; and

**WHEREAS**, the Municipal Council adopted the Contractor Pay-to-Play Reform Ordinance, Newark, New Jersey, Municipal Code § 2:4-22C, which forbids the award of a contract to a Business Entity, as defined therein, which has made or solicited political contributions to Newark Municipal and County of Essex 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 Corporation Counsel, are authorized on behalf of the City of Newark to execute a contract with Ricci Fava & Bagley, L.L.C., 16 Furler Street, 2<sup>nd</sup> Floor, Totowa, New Jersey 07512, to provide Legal Services concerning Conflict Matters in an amount not to exceed Twenty-Five Thousand Dollars and Zero Cents (\$25,000.00), for the period of January 1, 2020 through December 31, 2020, which shall cover those existing matters currently being handled by Ricci Fava L.L.C., as well as new matters that may arise during the contract term.
2. This contract is being awarded pursuant to the fair and open procedures of the State 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 the City of Newark's Contactor Pay-to-Play Reform Ordinance, Newark, New Jersey Municipal Code § 2:4-22C.

3. 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 pursuant to New Jersey Administrative Code 5:30-5.5(e). Funds for this contract in the amount not to exceed Twenty-Five Thousand Dollars and Zero Cents (\$25,000.00) shall be provided from the City of Newark 2020 Budget, Law Department.
4. 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.
5. 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 of the City of Newark and/or his designee, the Corporation Counsel, to enter into and execute a contract for Legal Services for Conflict Matters with Ricci & Fava L.L.C., 16 Furler Street, 2<sup>nd</sup> Floor, Totowa, New Jersey 07512, for an amount not to exceed Twenty-Five Thousand Dollars and Zero Cents (\$25,000.00), for the period of January 1, 2020 to December 31, 2020.