



## Legislation Details (With Text)

**File #:** 19-1772      **Version:** 1      **Name:** Charlotte Smith Professional Services Contract to Serve as a Per Diem Prosecutor  
**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 serve as Per Diem Attorneys in the Newark Municipal Court.  
Entity Name: Charlotte L. Smith, Esq.  
Entity Address: 31 Brandywyne Drive, Florham Park, New Jersey 07932  
Contract Amount: For a cumulative amount for all seven (7) vendors not to exceed \$135,000.00  
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 operates a Municipal Court and has a need to engage attorneys as Special Municipal Prosecutors; 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 City of Newark is desirous of acquiring such legal services as fair and open contracts pursuant to the provisions of the Local Pay-to-Play Statute, N.J.S.A. 19:44A-20.5; and

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

**WHEREAS**, the City of Newark received a total of seven (7) proposals in response to its request; and

**WHEREAS**, it was found based upon price and other factors to be in the best interest of the City of Newark to accept each of the seven (7) proposals for the purpose of providing legal services concerning, Special Municipal Prosecutors; and

**WHEREAS**, the City of Newark wishes to award a multiple-vendor contract for the period from January 1, 2020 to December 31, 2020, to be used in the City of Newark's sole discretion on an "as needed" basis during the term of the contract; and

**WHEREAS**, the cumulative amount of compensation for the vendors awarded contracts under this multiple award contract shall not exceed One Hundred Thirty-Five Thousand Dollars and Zero Cents (\$135,000.00), for the contract term; and

**WHEREAS**, each vendor shall expressly acknowledge and agree that services may be required from any and/or all of the single vendors with no single vendor receiving any promise or guarantee of minimum compensation except for a flat daily fee of \$250.00 per session should such service be required; and

**WHEREAS**, the City of Newark wishes to enter into a contract with Charlotte L. Smith, Esq., 31 Brandywyne Drive, Florham Park, New Jersey 07932, one of the seven (7) vendors in a multiple vendor award to provide legal services concerning Special Municipal Prosecutors, for the cumulative amount for all of the vendors not to exceed One Hundred Thirty-Five Thousand Dollars and Zero Cents (\$135,000.00), for the period of January 1, 2020 through December 31, 2020; 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 contracts with the following vendor to provide legal services in the capacity as Special Municipal Prosecutor:

Charlotte L. Smith, Esq., 31 Brandywyne Drive, Florham Park, New Jersey 07932.

2. This is a multiple award contract and no vendor shall have any expectation as to minimum compensation under this multiple award.
3. Services may be required from any and/or all of the single vendors; however, the cumulative amount of compensation for all of the vendors shall not exceed One Hundred and Thirty-Five Thousand Dollars and Zero Cents (\$135,000.00), for the period of January 1, 2020 to December 31, 2020.
4. These contracts are 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 are in compliance with the City of Newark's Contractor Pay-to-Play Reform Ordinance, Newark, New Jersey Municipal Code § 2:4-22C.
5. This multiple vendor contract shall be awarded in one fiscal year although the date on which it will properly take effect falls in the next fiscal year. Accordingly, this multiple vendor contract is subject to the availability and appropriation of sufficient funds in the year in which it takes effect. New Jersey Admin. Code 5:30-5.5(e). Funds for this multiple vendor contract in a cumulative amount not to exceed One Hundred and Thirty-Five Thousand Dollars and Zero Cents (\$135,000.00), shall be provided by the City of Newark 2020 Budget, Law Department.
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 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 a multiple vendor contract with the following vendor:

Charlotte L. Smith, Esq., 31 Brandywyne Drive, Florham Park, New Jersey 07932,

to provide legal services in the capacity as a Special Municipal Prosecutor for the cumulative amount not to exceed One Hundred Thirty-Five Thousand Dollars and Zero Cents (\$135,000.00), for the period of January 1, 2020 to December 31, 2020.