



Legislation Details (With Text)

**File #:** 24-0958      **Version:** 1      **Name:**

**Type:** Resolution      **Status:** Adopted

**File created:** 7/3/2024      **In control:** Law

**On agenda:** 9/5/2024      **Final action:** 9/5/2024

**Title:** Dept/ Agency: Law  
 Action:  Ratifying    Authorizing    Amending  
 Type of Service: Professional Services Contract  
 Purpose: To provide legal services concerning Litigation Defense Matters.  
 Entity Name: Schenck Price Smith and King, LLP  
 Entity Address: 220 Park Avenue, Florham Park, New Jersey 07932  
 Contract Amount: Not to exceed \$100,000.00  
 Funding Source: 2024 Budget/Law Department/Fund 011, Dept. 040, Div 0401, Acct 71260, Buget Ref B2024  
 Contract Period: January 1, 2024 through December 31, 2024  
 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:**

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
9/5/2024	1	Municipal Council	Adopt	Pass

**Dept/ Agency:** Law  
**Action:**  Ratifying    Authorizing    Amending  
**Type of Service:** Professional Services Contract  
**Purpose:** To provide legal services concerning Litigation Defense Matters.  
**Entity Name:** Schenck Price Smith and King, LLP  
**Entity Address:** 220 Park Avenue, Florham Park, New Jersey 07932  
**Contract Amount:** Not to exceed \$100,000.00  
**Funding Source:** 2024 Budget/Law Department/Fund 011, Dept. 040, Div 0401, Acct 71260, Buget Ref B2024  
**Contract Period:** January 1, 2024 through December 31, 2024  
**Contract Basis:**  Bid    State Vendor    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 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 in the Star Ledger and on the City of Newark's electronic procurement portal, a Notice of Request for Qualifications (RFQ) for Litigation Defense Counsel Services on or about September 6, 2023; and

**WHEREAS**, the City of Newark received proposals in response to the RFQ for Litigation Defense Counsel Services; and

**WHEREAS**, Schenck Price Smith & King, LLP submitted a proposal and it was found based upon price and other factors to be in the best interest of the City of Newark to accept the proposal for the purpose of providing Legal Services concerning Litigation Defense Counsel Services; and

**WHEREAS**, the City of Newark wishes to enter into a contract with Schenck Price Smith & King, LLP to provide Legal Services concerning Litigation Defense Matters, in an amount not to exceed One Hundred Thousand Dollars and Zero Cents (\$100,000.00), for a period of January 1, 2024 through December 31, 2024, which shall cover those existing matters currently being handled by Schenck Price Smith & King, LLP, 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 \$44,000.00 and is being awarded as a fair and open contract pursuant to N.J.S.A. 19:44A-20.5 and is in compliance with the State Pay-to-Play and the City's Pay-to-Play Ordinance; and

**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 Schenck Price Smith & King, LLP to provide Legal Services concerning Litigation Defense Matters, in an amount not to exceed One Hundred Thousand Dollars and Zero Cents (\$100,000.00), for the period of January 1, 2024 through December 31, 2024, which shall cover those existing matters currently being handled by Schenck Price Smith & King, LLP, 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's Ordinance on Pay-to-Play.
3. Pursuant to N.J.A.C. 5:30-5.5(a), Temporary Budget, attached is the Chief Finance Officer's Certification, which states partial available funds in the amount of One Thousand Five Hundred Dollars (\$1,500.00), are available in the 2024 Temporary Budget, the balance to be provided in the 2024 Adopted Budget. The Certification shall be filed, along with the original Resolution and the executed contract in the Office of the City Clerk. For the purposes set forth herein and the line appropriations which shall be charged are as follows: Bus. Unit: NW011, Dept. 040, Div./Proj.: 0401, Acct: 71260, Ref: B2024.

4. A copy of the executed Agreement herein authorized shall be filed in the Office of the City Clerk by the Corporation Counsel and same 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 a contract for Professional Services for Litigation Defense Matters with Schenck Price Smith & King, LLP, 220 Park Avenue, Florham Park, New Jersey 07932, in an amount not to exceed One Hundred Thousand Dollars and Zero Cents (\$100,000.00), for the period of January 1, 2024 through December 31, 2024.