



# City of Newark

City Hall  
920 Broad Street  
Newark, New Jersey 07102

## Legislation Text

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File #: 13-2308, Version: 1

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**Dept/ Agency:** Law

**Action:** ( ) Ratifying (X) Authorizing ( ) Amending

**Type of Service:** Professional Services Contract

**Purpose:** Litigation Defense and Conflict Counsel Services

**Entity Name:** Eric S. Pennington, PC

**Entity Address:** One Gateway Center, 6<sup>th</sup> Floor, Newark, New Jersey 07102

**Contract Amount:** An amount not to exceed \$150,000.00

**Funding Source:** City of Newark Budget, Law Department

**Contract Period:** January 1, 2014 through December 31, 2014

**Contract Basis:** ( ) Bid ( ) State Vendor (X) Prof. Ser. ( ) EUS

(X) Fair & Open (X) No Reportable Contributions ( ) RFP (X) 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**, the City of Newark issued Requests for Qualifications for Litigation Defense and Litigation Conflict Counsel on or about September 20, 2013; and

**WHEREAS**, seventeen (17) vendor packages were picked up for consideration for the Litigation Defense and sixteen packages were picked up for Conflict contract; and

**WHEREAS**, the City of Newark received a total of thirteen (13) proposals in response to its request for Litigation Defense Counsel Services and received a total of fourteen (14) proposals in response to its request for Litigation Conflict Counsel; and

**WHEREAS**, Eric S. Pennington, PC, with offices located at One Gateway Center, 6<sup>th</sup> Floor, Newark, New Jersey 07102, submitted proposals in response to both requests and it was found, based upon price and other factors, to be in the best interest of the City of Newark to accept the proposals for the purpose of providing legal services concerning Litigation Defense Counsel Services and Litigation Conflict Counsel; and

**WHEREAS**, the City of Newark wishes to enter into a new contract with Eric S. Pennington, PC, to provide legal services concerning Litigation Defense Counsel Services and Litigation Conflict Counsel Matters, in an amount not to exceed One Hundred Fifty Thousand Dollars (\$150,000.00) for the period of January 1, 2014 through December 31, 2014, which shall cover those existing matters currently being handled by Eric Pennington, PC, 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 public 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 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 Municipal Council adopted the Contractor Pay to Play Reform Ordinance, 6PSF-a, 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 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 and/or his designee, the Corporation Counsel are hereby authorized and directed on behalf of the City of Newark to execute a contract with Eric S. Pennington, PC, to provide legal services concerning Litigation Defense Counsel Services and Litigation Conflict Matters, in an amount not to exceed One Hundred Fifty Thousand Dollars (\$150,000.00), for the period of January 1, 2014 through December 31, 2014, which shall cover those existing matters currently being handled by Eric S. Pennington, PC, as well as new matters that may arise during the contract term.
2. The term of this contract shall be January 1, 2014 through December 31, 2014, for such matters that may arise during the contract term.
3. 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 Executive Order MEO-07-0001, effective March 31, 2007 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, PSF-a, August 1, 2013..
4. .
5. 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. N.J. Admin. Code 5:30-5.5(e). Funds for this contract in the amount not to exceed \$150,000.00 shall be provided from the City of Newark 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 and/or his designee, the Corporation Counsel, to enter into and execute a contract with Eric S. Pennington, PC, One Gateway Center, 6<sup>th</sup> Floor, Newark, New Jersey 07102, to provide legal services for Litigation Defense Counsel Services and Litigation Conflict Matter, in an amount not to exceed One Hundred Fifty Thousand Dollars (\$150,000.00), for the period of January 1, 2014 through December 31, 2014.