



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 13-2323, Version: 1

Dept/ Agency: Law

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

Type of Service: Professional Services Contract

Purpose: To provide legal services concerning litigation defense counsel matters.

Entity Name: Weiner Lesniak, LLP

Entity Address: 629 Parsippany Road, P.O. Box 0438, Parsippany, New Jersey 07054

Contract Amount: An amount not to exceed \$300,000.00

Funding Source: Prudential Trust Fund

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 a Request for Qualifications for Litigation Defense Counsel on or about September 20, 2013; and

WHEREAS, seventeen (17) vendor packages were picked up for consideration for the Litigation Defense Counsel Services; and

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

WHEREAS, Weiner Lesniak LLP, with offices located at 629 Parsippany Road, P.O. Box 0438, Parsippany, New Jersey 07054 submitted a proposal in response to the request 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 Matters; and

WHEREAS, the City of Newark wishes to enter into contract with Weiner Lesniak, LLP to provide legal services concerning Litigation Defense Matters in an amount not to exceed Three Hundred Thousand Dollars (\$300,000.00), for the period of January 1, 2014 through December 31, 2014, which shall cover those existing matters currently being handled by Weiner Lesniak, 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 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, on 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 enter into and execute a contract with Weiner Lesniak, LLP of 629 Parsippany Road, P.O. Box 0438, Parsippany, New Jersey 07054 to provide legal services concerning Litigation Defense Matters in an amount not to exceed Three Hundred Thousand Dollars (\$300,000.00), for the period of January 1, 2014 through December 31, 2014, which shall cover those existing matters currently being handled by Weiner Lesniak, LLP, 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, 6PSF-a, adopted on August 1, 2012.
4. This is a contract which shall be awarded in one (1) 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 Three Hundred Thousand Dollars (\$300,000.00) shall be provided from the Prudential Trust Fund.
5. A copy of the executed contract herein authorized shall be filed in the Office of the City

Clerk by the Corporation Counsel and shall be made available for public inspection.

6. 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 hereby authorizes the Mayor and/or his designee, the Corporation Counsel, to enter into and execute a contract for legal services for Litigation Defense Matters with Weiner Lesniak, LLP, of 629 Parsippany Road, P.O. Box 0438, Parsippany, New Jersey 07054 in an amount not to exceed Three Hundred Thousand Dollars (\$300,000.00), for the period of January 1, 2014 through December 31, 2014.