



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 17-0468, **Version:** 1

Dept/ Agency: Office of the Mayor

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

Type of Service: Professional Service Contract

Purpose: To serve as Per Diem Public Defender for the Newark Municipal Court representing indigent defendants

Entity Name: Bernado W. Henry, Esq.

Entity Address: 214 Oakwood Avenue, Orange, New Jersey 07050

Contract Amount: An amount not to exceed \$17,000.00

Funding Source: 2017 Budget/Office of the Mayor

Contract Period: January 1, 2017 through December 31, 2017

Contract Basis: () Bid () State Vendor (X) 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 in need of Per Diem Attorneys to serve as Municipal Public Defenders to be assigned to cases in the Newark Municipal Court; 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. 11-5(1)(a)(i); and

WHEREAS, the City of Newark desires to enter into a contract with Bernado W. Henry, Esq., 214 Oakwood Avenue, Orange, New Jersey 07050, to serve as a Per Diem Municipal Public Defender for the Newark Municipal Court, Representing indigent defendants, for an amount not to exceed \$17,000.00, for the period commencing January 1, 2017 and terminating December 31, 2017; and

WHEREAS, this contract is for an amount under \$17,500.00 and therefore is not subject to State Pay-to-Play Law (N.J.S.A. 19:44A-20.5); and

WHEREAS, this contract is being awarded as a Professional Service pursuant to the provisions of the State Local Public Contracts Law (N.J.S.A.:11-5(1)(a)(i); and

WHEREAS, the State Local Public Contracts Law, (N.J.S.A. 40A:11-1, et seq.) requires a resolution authorizing the award of contracts for "Professional Services" without complete bidding must be published in a local newspaper; and

WHEREAS, the Municipal Council adopted the Contractor Pay to Play Reform Ordinance, R.O. 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 Candidates, office holders having

ultimate responsibility for the award of a contract, candidate committees of the aforementioned candidates; and 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 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 Chief Municipal Public Defender, are hereby authorized to enter into and execute a Professional Services Contract with Bernado W. Henry, Esq., 214 Oakwood Avenue, Orange, New Jersey 07050, to serve as a Per Diem Municipal Public Defender for the Newark Municipal Court, representing indigent defendants, for an amount not to exceed \$17,000.00, for the period commencing January 1, 2017 and terminating December 31, 2017.
2. This contract is for an amount under \$17,500.00 and therefore is not subject to State Pay-to-Play Law N.J.S.A. 19:44A-20.5.
3. This contract is being awarded as a Professional Service pursuant to the provisions of the State Local Public Contracts Law (N.J.S.A. 40A:11-5(1)(a)(i) because the service required must be performed by someone who is licensed to practice law in the State of New Jersey and is in compliance with the Contractor Pay-to-Play Reform Ordinance, R.O. 2:4-22C.
4. This contract is being awarded as an open-ended contract under N.J.A.C. 5:30-5.5(b), and pursuant to N.J.A.C. 5:30-5.5(b)(2), a certification of availability of funds shall be executed each time services are used and charged against the contract.
5. The contract between the City of Newark and Bernado W. Henry, Esq. is ratified from January 1, 2017 through the date of the adoption of this authorizing resolution.
6. The Chief Municipal Public Defender shall file a copy of the fully-executed contract herein authorized in the Office of the City Clerk and it 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 ratifies and authorizes the Mayor and/or his designee, the Chief Municipal Public Defender, to enter into and execute a Professional Services Contract with Bernado W. Henry, Esq., 214 Oakwood Avenue, Orange, New Jersey 07050, to serve as a Per Diem Municipal Public Defender for the Newark Municipal Court, representing indigent defendants, for an amount not to exceed \$17,000.00, for the period commencing January 1, 2017 and terminating December 31, 2017.

