



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 17-1266, **Version:** 1

Dept/ Agency: Law Department

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

Type of Service: Professional Services Contract

Purpose: Litigation Defense Counsel

Entity Name: Diego F. Navas, Esq.

Entity Address: 481 Bloomfield Avenue, Newark, New Jersey 07107

Contract Amount: Amount not to exceed \$17,500.00

Funding Source: 2017 Budget/ Law Department

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

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

() Fair & Open (X) No Reportable Contributions () RFP () RFQ

() Private Sale () Grant () Sub-recipient () n/a

Additional Information:

Chunkoo v. City of Newark, et al., Docket No. ESX-L-3751-12

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, Diego F. Navas, Esq., Attorney at Law, 481 Bloomfield Avenue, Newark, New Jersey 07107, was handling one (1) litigation matter which went to trial on April 21, 2016. At the time of trial, plaintiff's complaint was dismissed against the City of Newark and the individual defendant officers, including Mr. Navas' client. The case proceeded against the remaining co-defendants. The case recently settled against those co-defendants and the Plaintiff filed an appeal to the Appellate Division regarding the dismissal of the complaint against the City of Newark and the individual defendant officers; and

WHEREAS, the Law Department had a contract with Diego F. Navas, Esq. for Litigation Defense Services for 2016, but does not have a contract with his office for 2017; and

WHEREAS, this matter has been in litigation for several years, and Mr. Navas was involved at the trial level to represent one of the City's employees; and

WHEREAS, given the lengthy history and complexity of this matter, it is more efficient and cost-effective for Diego F. Navas, Esq., to handle the appeal on behalf of the City's employee rather than assign this matter to new counsel; and

WHEREAS, Diego F. Navas, Esq., submitted a proposal to continue to provide legal services concerning this matter and it was found to be in the best interest of the City of Newark to accept the

proposal for the purpose of continuing to vigorously represent the City's interests and provide legal services for this limited litigation matter; and

WHEREAS, the Mayor and the Acting Corporation Counsel wish to enter into a contract with Diego F. Navas, Esq., to continue to provide legal services, as it pertains to this matter, in an amount not to exceed Seventeen Thousand Five Hundred Dollars and Zero Cents (\$17,500.00), for the period of January 1, 2017 through December 31, 2017; and

WHEREAS, this Contract is awarded without competitive bidding as an exception to public bidding, pursuant to *N.J.S.A. 40A:11-5(1)(a)(i)*, professional services; and

WHEREAS, Local Public Contracts Law *N.J.S.A. 40A:11-1*, et seq., requires a Resolution of the Governing Body authorizing the award of contracts for professional services and further requires that the contract itself must be available for public inspection; and

WHEREAS, the actions contemplated by this Resolution shall result in the award of a non-fair and open contract in accordance with *N.J.S.A. 19:44A-20.5*; and

WHEREAS, Diego F. Navas, Esq. has completed and submitted a Business Entity Disclosure Certification which certifies that it has not made any reportable contributions to a political or candidate committee in the City of Newark in the prior year, and the contract will prohibit them from making any reportable contributions through the term of the contract; 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, 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 of the City of Newark and the Acting Corporation Counsel, are authorized to execute a contract with Diego F. Navas, Esq., 481 Bloomfield Avenue, Newark, New Jersey 07107 to continue to provide legal services concerning Chunkoo v. City of Newark, et al. Docket No. ESX-L-3751-12 in an amount not to exceed Seventeen Thousand Five Hundred Dollars and Zero Cents (\$17,500.00), for the period of January 1, 2017 through December 31, 2017.
2. The Municipal Council ratifies this contract for the period January 1, 2017 to the date of adoption of this resolution.

3. This contract is being awarded under a Temporary Budget. Pursuant to N.J.AC. 5:30-5 (a), Temporary Budget, attached hereto is the Chief Financial Officer's Certification which states that partial funds in the amount of \$10,000.00 are available in the 2017 Temporary Budget. The certification shall be filed along with the original resolution in the Office of the City Clerk. The remainder of the funding for this contract will be subject to appropriation in the 2017 Budget and included in a line item for the award of this contract and said funds will be certified prior to services being provided by the contractor. There will be no expenditure of the remainder of funds authorized until a certification of funds is obtained and a copy filed with the City Clerk.
4. The Determination of Value and Business Entity Disclosure Certification are attached and will be filed with the Office of the City Clerk.
5. A copy of the executed agreement herein authorized shall be filed in the Office of the City Clerk by the Acting 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 ratifies and authorizes the Mayor of the City of Newark and the Acting Corporation Counsel, to enter into a contract with Diego F. Navas, Esq., to provide legal services in Chunkoo v. City of Newark, et al. Docket No. ESX-L-3751-12, for an amount not to exceed Seventeen Thousand Five Hundred Dollars and Zero Cents (\$17,500.00), for the period of January 1, 2017 through December 31, 2017.