



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 19-1031, **Version:** 2

Dept/ Agency: Law

Action: ☐ Ratifying ☒ Authorizing ☐ Amending

Type of Service: Professional Services Contract - Title Searches and Review

Purpose: To provide title searches, review and report of properties in the 2019 In Rem Tax Foreclosures, 2019 In Rem Re-Foreclosure, and other unrelated miscellaneous title work that may arise during the term of the contract.

Entity Name: Action Title Research, LLC

Entity Address: 611 Route 46 W., Suite 103, Hasbrouck Heights, New Jersey, 07064

Contract Amount: Not to exceed \$116,000.00

Funding Source: 2019 Budget/Law Department

Contract Period: One (1) year from the date of the issuance of Notice to Proceed

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, Department of Law ("City") has determined that there is a need for Professional Services contracts for Title Searches, Review and Report of Properties in the City of Newark's, 2019 In Rem Tax Foreclosure, 2019 In Rem Re-Foreclosure, and other unrelated miscellaneous title work that may arise during the term of the contract. Title review of these properties is necessary in order to commence all of the City's In Rem Foreclosure proceedings in the Superior Court of New Jersey; and

WHEREAS, the Mayor and the Corporation Counsel desire to enter into contract with a vendor who has exhibited the necessary qualifications and capacity to meet the needs of the City in connection with the 2019 In Rem Tax Foreclosure, Re-Foreclosure proceedings and unrelated title work that may come up during the term of the contract, and which are willing to provide the specified services at mutually agreeable prices; and

WHEREAS, the services to be provided are Professional Services pursuant to N.J.S.A. 40A:11-5(1)(a)(i) because these services are to be rendered by a person or persons licensed by the State of New Jersey as title officers; and

WHEREAS, the firm, Action Title Research, LLC, 611 Route 46 W., Suite 103, Hasbrouck Heights, New Jersey, 07064, is a title company with specific expertise in providing Title Records, Title review and related title search services involving In Rem Foreclosures; and

WHEREAS, the Mayor and the Corporation Counsel recommend entering into a contract with Action Title Research, to provide Title Searches, Review and Report for properties in the City's 2019

In Rem Tax Foreclosure, In Rem Re-Foreclosure, and other unrelated miscellaneous title work that may arise during the term of the contract in an amount not to exceed One Hundred Sixteen Thousand Dollars and Zero Cents (\$116,000.00), for the period of one (1) year commencing from the issuance of a Notice to Proceed; and

WHEREAS, due to the nature of the scope of work to complete the 2019 In Rem Foreclosure and Re-Foreclosure, time is of the essence, a Notice to Proceed was issued on July 29, 2019; and

WHEREAS, the Corporation Counsel has determined and certified in writing that the value of this contract will exceed \$17,500.00; 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 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, Action Title Research, LLC, has completed and submitted a Business Entity Disclosure Certification which certifies that the firm, Action Title Research, has not made any reportable contributions to a political or candidate committee in the City of Newark in the previous one year, and the contract will prohibit Action Title Research, Inc., 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 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 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/or his designee, and the Corporation Counsel, are authorized to execute and enter into a contract with Action Title Research, LLC, 611 Route 46 W., Suite 103, Hasbrouck Heights, New Jersey, 07064, to provide Title Searches, Review and Report for properties in the 2019 In Rem Tax Foreclosure, 2019 Re-Foreclosure and other unrelated miscellaneous title work that may arise during the term of the contract in an amount not to exceed One Hundred Sixteen Thousand Dollars and Zero Cents (\$116,000.00), for the period of one (1) year from the issuance of a Notice to Proceed.
2. This issuance of the Notice to proceed is ratified from July 29, 2019 to the date of adoption of this authorizing resolution.

3. This contract is awarded without competitive bidding as an exception to public bidding pursuant to the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-5(1)(a)(i)), professional services, pursuant to the non-fair and open procedures of the State Pay-to-Play Law (N.J.S.A. 19:44A-20.5), and in compliance with City of Newark Contractor Pay-to-Play Reform Ordinance 2:4-22C.
4. Pursuant to *N.J.A.C. 5:30-5.5(a)*, Temporary Budget, attached hereto is a partial Certification of Funds issued by the Director of Finance, which states that funds in the amount of \$10,000.00 are available in the 2019 Temporary Budget, the balance to be provided in the 2019 Adopted Budget. The Certification shall be filed, along with the original resolution and the executed contract in the Office of the City Clerk.
5. The Determination of Value and Business Entity Disclosure Certification are attached and will be filed with the Office of the City Clerk.
6. The Corporation Counsel shall file a copy of the executed agreement and Notice to Proceed upon issuance 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 of the City of Newark and/or his designee, the Corporation Counsel, to enter into a contract with the firm, Action Title Research, LLC, 611 Route 46 W., Suite 103, Hasbrouck Heights, New Jersey, 07064, to provide Title Searches and Review for Properties in the 2019 In Rem Tax Foreclosure, 2019 Re-Foreclosure and other unrelated miscellaneous title work that may arise during the term of the contract in an amount not to exceed One Hundred Sixteen Thousand Dollars and Zero Cents (\$116,000.00), for the period of one (1) year from the issuance of a Notice to Proceed.