



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 19-1137, Version: 1

Dept/ Agency: Law

Action: ☒ Ratifying ☒ Authorizing ☐ Amending

Type of Service: Professional Service Contract

Purpose: To provide legal services as Special Counsel.

Entity Name: Scarinci & Hollenbeck, LLC

Entity Address: 1100 Valley Brook Avenue, P.O. Box 790, Lyndhurst, New Jersey 07071

Contract Amount: Not to exceed \$75,000.00

Funding Source: 2019 Budget/Law Department

Contract Period: March 1, 2019 through February 28, 2020

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 ("City") is involved in on-going legal matters and therefore has a need to acquire legal services; and

WHEREAS, Legal Services are Professional Services exempted from the requirements for public bidding, pursuant to Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, Scarinci & Hollenbeck LLC, agreed to serve as Special Counsel to the City in the matter of *Nicole Rondon v. City of Newark, et al.*, Docket No. 2:19-cv-00554; and

WHEREAS, given the allegations in the Complaint and complexity of this matter, it is more efficient and cost-effective for Scarinci & Hollenbeck LLC, to handle this litigation on behalf of the City; and

WHEREAS, Scarinci & Hollenbeck LLC, submitted a proposal to provide legal services concerning this matter and it was found to be in the best interest of the City to accept the proposal for the purpose of representing the City's interests and provide legal services for this limited litigation matter; and

WHEREAS, the Mayor and/or his designee, Corporation Counsel, wish to enter into a contract with Scarinci & Hollenbeck LLC to provide legal services, as it pertains to this matter, for an amount not to exceed Seventy-Five Thousand Dollars and Zero Cents (\$75,000.00), for the period of March 1, 2019 through February 28, 2020; 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, Scarinci & Hollenbeck LLC, has completed and submitted a Business Entity Disclosure Certification which certifies that Scarinci & Hollenbeck LLC, has not made any reportable contributions to a political or candidate committee in the City in the previous one (1) year, and that the contract will prohibit Scarinci & Hollenbeck LLC from making any reportable contributions through the term of the contract; and

WHEREAS, 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 competitive 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 and County of Essex 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, Corporation Counsel, are authorized and directed on behalf of the City of Newark to execute a contract with Scarinci & Hollenbeck LLC, 1100 Valley Brook Avenue, P.O. Box 790, Lyndhurst, New Jersey 07071, to provide legal services concerning *Nicole Rondon v. City of Newark*, et al., Docket No. 2:19-cv-00554, for an amount not to exceed Seventy-Five Thousand Dollars and Zero Cents (\$75,000.00), for the period of March 1, 2019 through February 28, 2020 to cover the above mentioned matter.
2. The contract is ratified from March 1, 2019 to the date of adoption.
3. This contract is awarded without competitive bidding as an exception to public bidding pursuant to the provisions of 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 the Business Entity has certified that it has not made or solicited a contribution in violation of the Contractor Pay-to-Play Reform Ordinance 2:4-22C.
4. Pursuant to N.J.A.C. 5:30-5.5(a), Temporary Budget, attached is a partial Certification of Funds from the Director of Finance/Chief Financial Officer, which states that funds in the amount of Ten Thousand Dollars and Zero Cents (\$10,000.00) shall be charged to the following Account Code Line: Business Unit NW011, Dept.040, Div./Proj. 0401, Account

#71260, Budget Ref: B2019. The remainder of the funding for this contract will be subject to appropriation in the 2019 Budget.

5. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.
6. A copy of the executed agreement herein authorized shall be filed in the Office of the City Clerk by 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 ratifies and authorizes the Mayor and/or his designee, Corporation Counsel, to enter into a contract with Scarinci & Hollenbeck LLC, 110 Valley Brook Avenue, P.O. Box 790, Lyndhurst, New Jersey 07071, to provide Legal Services as Special Counsel for an amount not to exceed Seventy-Five Thousand Dollars and Zero Cents (\$75,000.00), for the period of March 1, 2019 through February 28, 2020.