



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 19-1182, Version: 1

Dept/ Agency: Law

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

Type of Service: Professional Services Contract

Purpose: To provide legal services for litigation defense as Special Counsel.

Entity Name: Tompkins, McGuire, Wachenfeld & Barry, LLP

Entity Address: 3 Becker Farm Road, 4th Floor, Roseland, New Jersey 07068-1726

Contract Amount: Not to exceed \$75,000.00

Funding Source: 2019 Budget/Law Department

Contract Period: August 1, 2019 through July 31, 2020

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:

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, Tompkins, McGuire, Wachenfeld & Barry, LLP, 3 Becker Farm Road, 4th Floor, Roseland, New Jersey 07068-1726, has agreed to serve as Special Counsel to the former Business Administrator, Jack Kelly and the Personnel Director, Kecia Daniels, in the matter of Willie Parker v. City of Newark, et als., Docket No.:17-04615 filed in the United States District Court for the District of New Jersey; and

WHEREAS, given the allegations in the Complaint and complexity of this matter, it is more efficient and cost-effective for Tompkins, McGuire, Wachenfeld & Barry, LLP to handle this litigation on behalf the former Business Administrator and Personnel Director; and

WHEREAS, Tompkins, McGuire, Wachenfeld & Barry, LLP 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 representing the Chief of Staff's interests and provide legal services for this limited litigation matter; and

WHEREAS, the Mayor and the Corporation Counsel wish to enter into a contract with Tompkins, McGuire, Wachenfeld & Barry, LLP, to provide legal services, as it pertains to this matter, in an amount not to exceed Seventy-Five Thousand Dollars and Zero Cents (\$75,000.00), for the period of August 1, 2019 through July 31, 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, which has been determined and certified in writing to have a value in excess of \$17,500.00; and

WHEREAS, Tompkins McGuire Wachenfeld & Barry, LLP 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 Corporation Counsel, are authorized to execute a contract with Tompkins McGuire Wachenfeld & Barry, LLP, 3 Becker Farm Road, 4th Floor, Roseland, New Jersey 07068-1726, to provide legal services concerning Willie Parker v. City of Newark, et als., Docket No.:17-04615 filed in the United States District Court for the District of New Jersey in an amount not to exceed Seventy-Five Thousand Dollars and Zero Cents (\$75,000.00), for the period of August 1, 2019 through July 31, 2020.
2. The Municipal Council ratifies this contract for the period August 1, 2019 to the date of adoption of this resolution.
3. This contract is being awarded under the City’s 2019 Budget. Attached hereto is the Chief Financial Officer’s Certification, which states that partial funds in the amount of \$25,000.00 are available in the 2019 Budget, Business Unit NW011, Dept. 040, Div/Proj.

0401, Activity A, Account #71260, Budget Ref. B2019. The Certification shall be filed along with the original resolution in the Office of 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. The contract will contain language prohibiting any contributions in violation of any state or local law.
6. A copy of the executed agreement herein authorized shall be filed in the Office of the City Clerk by the 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 hereby ratifies and authorizes the Mayor of the City of Newark and the Corporation Counsel, on behalf of the City of Newark to enter into and execute a contract with Tompkins, McGuire, Wachenfeld & Barry, LLP, 3 Becker Farm Road, 4th Floor, Roseland, New Jersey 07068-1726, to provide legal services concerning the Willie Parker v. City of Newark, et als., Docket No.:17-04615, filed in the United States District Court for the District of New Jersey in an amount not to exceed Seventy-Five Thousand Dollars and Zero Cents (\$75,000.00), for the period of August 1, 2019 through July 31, 2020.