Legislation Text

File #: 19-1741, **Version:** 2

Dept/ Agency: Law
Action: (X) Ratifying (X) Authorizing ( ) Amending
Type of Service: Professional Services Contract
Purpose: To provide legal services concerning Labor and Employment Matters.
Entity Name: Cleary, Giacobbe, Alfieri & Jacobs, LLC
Entity Address: 169 Ramapo Valley Road, UL 105, Oakland, New Jersey 07436
Contract Amount: Not to exceed $75,000.00
Funding Source: 2020 Budget/Law Department
Contract Period: January 1, 2020 through December 31, 2020
Contract Basis: ( ) Bid ( ) State Vendor (X) Prof. Ser. ( ) EUS
(X) Fair & Open ( ) No Reportable Contributions ( ) RFP (X) 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, the Corporation Counsel of the City of Newark caused to be published on the City of Newark's website, a Notice of Request for Qualifications (RFQ) on or about September 9, 2019; and

WHEREAS, the City of Newark received a total of fourteen (14) proposals in response to the RFQ for Labor & Employment Counsel Services; and

WHEREAS, Cleary Giacobbe Alfieri & Jacobs, LLC, 69 Ramapo Valley Road, UL 105, Oakland, New Jersey 07436, submitted a proposal and it was found based upon price and other factors to be in the best interest of the City of Newark to accept the proposal for the purpose of providing Legal Services concerning Labor & Employment Counsel Services; and

WHEREAS, the City of Newark wishes to enter into a contract with Cleary Giacobbe Alfieri & Jacobs, LLC, to provide Legal Services concerning Labor & Employment Matters, in an amount not to exceed Seventy-Five Thousand Dollars and Zero Cents ($75,000.00), for a period of January 1, 2020 through December 31, 2020, which shall cover those existing matters currently being handled by Cleary Giacobbe Alfieri & Jacobs, LLC, as well as new matters that may arise during the contract term; 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 competitive bidding must be published in a

local newspaper; and

WHEREAS, this contract is for an amount over $17,500.00 and is being awarded as a fair and open contract pursuant to N.J.S.A. 19:44A-20.5; and

WHEREAS, the Municipal Council adopted the Contractor Pay-to-Play Reform Ordinance, Newark, New Jersey, Municipal Code § 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 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 of the City of Newark and/or his designee, the Corporation Counsel, are authorized on behalf of the City of Newark to execute a contract with Cleary Giacobbe Alfieri & Jacobs, LLC, 69 Ramapo Valley Road, UL 105, Oakland, New Jersey 07436, to provide Legal Services concerning Labor & Employment Matters, in an amount not to exceed Seventy-Five Thousand Dollars and Zero Cents ($75,000.00), for the period of January 1, 2020 through December 31, 2020, which shall cover those existing matters currently being handled by Cleary Giacobbe Alfieri & Jacobs, LLC, as well as new matters that may arise during the contract term.

2. This contract is being awarded pursuant to the fair and open procedures of the State Pay-to-Play Law (N.J.S.A. 19:44A-20.5) and pursuant to the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-5(1)(a)(i)) and is in compliance with the City of Newark's Contactor Pay-to-Play Reform Ordinance, Newark, New Jersey Municipal Code § 2:4-22C.

3. This is a contract which shall be awarded in one fiscal year although the date on which it properly takes effect falls in the next fiscal year. Accordingly, this contract is subject to the availability and appropriation of sufficient funds in the year in which it takes effect pursuant to New Jersey Administrative Code 5:30-5.5(e). Funds for this contract in the amount not to exceed Seventy-Five Thousand Dollars and Zero Cents ($75,000.00), shall be provided from the City of Newark 2020 Budget, Law Department.

4. This contract is ratified from January 1, 2020 to the date of adoption of this authorizing resolution.

5. 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.

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.

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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 for Legal Services for Labor & Employment Matters with Cleary Giacobbe Alfieri & Jacobs, LLC, 69 Ramapo Valley Road, UL 105, Oakland, New Jersey 07436, in an amount not to exceed Seventy-Five Thousand Dollars and Zero Cents ($75,000.00), for the period of January 1, 2020 to December 31, 2020.

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