

# County of Passaic

## Board of County Commissioners



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Matthew P. Jordan, Esq.  
Administrator  
Nadege D. Allwaters, Esq.  
County Counsel  
Louis E. Imhof, RMC  
Clerk Of The Board

Date: Feb 13, 2024 - 5:30 PM

Agenda: RESOLUTION AUTHORIZING AN ADDITIONAL LEGAL FEE AUTHORIZATION TO  
CLEARY GIACOBBE ALFIERI JACOBS, LLC FOR INTERNAL EMPLOYEE INVESTIGATIONS  
CONDUCTED IN CALENDAR YEAR 2023, PURSUANT TO N.J.A.C. 5:30-11.6 AND RFQ-23-025

THIS RESOLUTION WAS REQUESTED BY:  
COUNTY COUNSEL

REVIEWED BY:

Matthew P. Jordan, Esq.

APPROVED AS TO FORM AND LEGALITY:

Nadege D. Allwaters, Esq.

<b>Official Resolution#</b>	
Meeting Date	2/13/2024
Introduced Date	1/30/2024
Adopted Date	
Agenda Item	5.
CAF#	T-19-56-850-000-801
Purchase Req. #	
Result	

Administration and Finance

COMMITTEE NAME

**RESOLUTION AUTHORIZING AN ADDITIONAL LEGAL FEE AUTHORIZATION TO  
CLEARY GIACOBBE ALFIERI JACOBS, LLC FOR INTERNAL EMPLOYEE  
INVESTIGATIONS CONDUCTED IN CALENDAR YEAR 2023, PURSUANT TO N.J.A.C.  
5:30-11.6 AND RFQ-23-025**

**WHEREAS**, the County of Passaic (“County”) is a body politic and corporate pursuant to N.J.S.A. 40:18-1 and vested with all rights contained therein; and

**WHEREAS**, pursuant to N.J.S.A. 40:20-1, the Board of County Commissioners of the County of Passaic (“Board”) is vested with managing the property, finances and affairs of the County; and

**WHEREAS**, the County requires qualified law firms to conduct internal employee investigations on an as-needed basis during calendar year 2023; and

**WHEREAS**, pursuant to N.J.S.A. 40A:11-5, et seq., on October 19, 2022, the Passaic County Purchasing Agent issued RFQ-23-025, Outside Labor Counsel, Workplace Investigations and Employment Training (“RFQ-23-025”), seeking qualified law firms to represent the County in labor disputes, perform workplace investigations and conduct employment trainings, as needed during calendar year 2023; and

**WHEREAS**, pursuant to N.J.S.A. 19:44A-20.4, the County’s request for qualifications is a fair and open process, specifically, the request for qualifications for a pool of outside labor counsel for calendar year 2023 is publicly advertised, awarded under a process that provides for public solicitation of qualifications, established the basis of an award and disclosure process documented in writing prior to any solicitation, and is publicly opened and announced when awarded; and

**WHEREAS**, on November 22, 2022, the Board passed Resolution No. R-22-0988, qualifying a pool of outside labor counsel for calendar year 2023 to be hired on an as-needed basis and as recommended by the Passaic County Counsel, which included Cleary Giacobbe Alfieri Jacobs, LLC; and

**WHEREAS**, on March 14, 2023, the Board passed Resolution No. R-23-0212, retaining Cleary Giacobbe Alfieri Jacobs, LLC to conduct internal employee investigations as needed during calendar year 2023, in an amount not to exceed fifty thousand dollars (\$50,000.00); and

**WHEREAS**, the Passaic County Counsel is recommending to authorize an additional legal fee authorization to Cleary Giacobbe Alfieri Jacobs, LLC, in an amount not to exceed twelve thousand nine hundred ninety dollars (\$12,990.00) for internal employee investigations conducted in calendar year 2023; and

**WHEREAS**, pursuant to N.J.A.C. 5:30-11.6, the County can authorize contract modifications for professional services and extraordinary unspecifiable services, when the change is within the scope of activities of the original contract and not for the purpose of undertaking new or different work or projects; and

**WHEREAS**, funds are available in Account No. T-19-56-850-000-801, or any other account that may be deemed appropriate by the Chief Financial Officer or his designee, and the availability of funds has been contingently certified by the Chief Financial Officer subject to sufficient funds being appropriated by the Board in the 2024 and/or subsequent County budget(s), which is attached hereto and made part of this Resolution; and

**WHEREAS**, this matter was discussed at the February 7, 2024 Administration and Finance Committee meeting, and is being recommended to the Board for approval; and

**NOW, THEREFORE, LET IT BE RESOLVED**, pursuant to N.J.S.A. 40A:11-5(1)(a)(i), the Board of County Commissioners of the County of Passaic authorizes an additional legal fee authorization to Cleary Giacobbe Alfieri Jacobs, LLC for internal employee investigations conducted in calendar year 2023, in an amount not to exceed twelve thousand nine hundred ninety dollars (\$12,990.00), for a total contract award not to exceed sixty-two thousand nine hundred ninety dollars (\$62,990.00) for calendar year 2023.

**LET IT BE FURTHER RESOLVED**, that the Clerk of the Board shall print, in the official newspaper, a brief notice stating the nature, duration, service, and amount of the contract awarded to Cleary Giacobbe Alfieri Jacobs, LLC and maintain a copy of this Resolution on file and available for public inspection in the Office of the Clerk to the Board.

**LET IT BE FURTHER RESOLVED**, that the Clerk of the Board, County Counsel, and Director of the Board are authorized to take any action necessary to carry out the purpose of this Resolution.

SF

February 13, 2024