



Legislation Details (With Text)

File #: 16-1591 **Version:** 1 **Name:** Eric Pennington First Amendment
Type: Resolution **Status:** Adopted
File created: 10/12/2016 **In control:** Law
On agenda: 12/7/2016 **Final action:** 12/7/2016

Title: Dept/ Agency: Law
Action: Ratifying Authorizing Amending
Type of Service: Professional Services Contract
Purpose: First Amendment to the Agreement to provide Legal Services as Litigation Defense Counsel to increase contract amount by \$30,000.00
Entity Name: Eric S. Pennington, PC.
Entity Address: One Gateway Center, Suite 105, Newark, New Jersey 07102
Contract Amount: \$80,000.00
Funding Source: 2016 Budget/Law Department
Contract Period: January 1, 2016 through December 31, 2016
Contract Basis: () Bid () State Vendor Prof. Ser. () EUS
() Fair & Open No Reportable Contributions () RFP () RFQ
() Private Sale () Grant () Sub-recipient () n/a
Additional Information:
Contract Awarded - Resolution 7R7-w(s), adopted on December 16, 2015; increasing contract amount by \$30,000.00, not to exceed \$80,000.00.

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
12/7/2016	1	Municipal Council	Adopt	Pass

Dept/ Agency: Law
Action: Ratifying Authorizing Amending
Type of Service: Professional Services Contract
Purpose: First Amendment to the Agreement to provide Legal Services as Litigation Defense Counsel to increase contract amount by \$30,000.00
Entity Name: Eric S. Pennington, PC.
Entity Address: One Gateway Center, Suite 105, Newark, New Jersey 07102
Contract Amount: \$80,000.00
Funding Source: 2016 Budget/Law Department
Contract Period: January 1, 2016 through December 31, 2016
Contract Basis: () Bid () State Vendor Prof. Ser. () EUS
() Fair & Open No Reportable Contributions () RFP () RFQ
() Private Sale () Grant () Sub-recipient () n/a
Additional Information:
Contract Awarded - Resolution 7R7-w(s), adopted on December 16, 2015; increasing contract amount by \$30,000.00, not to exceed \$80,000.00.

WHEREAS, legal services are professional services and are exempt from the requirements for public bidding pursuant to the Local Public Contracts Law, more specifically, *N.J.S.A. 40A:11-5(1)(a)*

(i); and

WHEREAS, the Municipal Council of the City of Newark, by Resolution 7R7-w(s), adopted on December 16, 2015, awarded a contract to Eric S. Pennington, PC, One Gateway Center, Suite 105, Newark, New Jersey 07102, to serve as Litigation Defense Counsel for matters that were currently being handled by *Eric S. Pennington, PC* and any new matters that may arise during the contract term, in an amount not to exceed Fifty Thousand Dollars and Zero Cents (\$50,000.00), for the period of January 1, 2016 through December 31, 2016; and

WHEREAS, the contract was awarded in compliance with Local Public Contracts Law, and through the fair and open process of State Pay to Play, and in compliance with Ordinance 2:4-22C; and

WHEREAS, *Eric S. Pennington, PC*, currently has outstanding legal bills for 2016 and pending litigation matters, which will exhaust the total contract amount; and

WHEREAS, the outstanding legal bills for 2016 require an increase in the total contract amount; and

WHEREAS, *Eric S. Pennington, PC*, represents that at least an additional Thirty Thousand (\$30,000.00) Dollars and Zero Cents, is necessary for it to continue to provide legal services through December 31, 2016; and

WHEREAS, the requested increase in the total contract amount is deemed reasonable and necessary to pay for legal services provided through December 31, 2016; and

WHEREAS, the increase of an additional Thirty Thousand (\$30,000.00) Dollars and Zero Cents, brings the total contract to an amount not to exceed Eighty Thousand (\$80,000.00) Dollars and Zero Cents, for January 1, 2016, through December 31, 2016.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:

1. The Mayor and/or his designee, the Corporation Counsel, are hereby authorized and directed on behalf of the City of Newark to execute a First Amendment to the Agreement to Provide Legal Services with *Eric S. Pennington, PC*, One Gateway Center, Suite 105, Newark, New Jersey 07102, for legal services provided through December 31, 2016 as Litigation Defense Counsel for an additional Thirty Thousand (\$30,000.00) Dollars and Zero Cents, for a total contract amount not to exceed Eighty Thousand (\$80,000.00) Dollars and Zero Cents, for the period of January 1, 2016 through December 31, 2016, to cover outstanding bills and ongoing matters.
2. The Municipal Council hereby ratifies this first contract amendment from August 1, 2016 to the date of the adoption of this resolution.
3. All other terms and conditions of the contract shall remain the same.
4. This First Amendment to the Agreement to provide legal services is made in accordance with the professional services exception to public bidding in the Local Public Contracts Law

(N.J.S.A. 40A:11-5(1)(a)(i)), and Fair and Open Procedures of the State Pay-to-Play Law (N.J.S.A. 19:44A-20.5) and is in compliance with Contractor Pay-to-Play Reform Ordinance, 6PSF-a adopted on August 1, 2012. .

5. The funds for this First Amendment to the Agreement to Provide Legal Services shall be paid from the City of Newark Budget/Law Department, after the issuance of a Certification of Funds from the Chief Financial Officer, which states that funds in the amount of Thirty Thousand (\$30,000.00) Dollars and Zero Cents, are available in the aforementioned Law Department budget. The Certification of Funds shall be filed along with the original resolution in the Office of the City Clerk.
6. A copy of the executed First Amendment to the Agreement to Provide Legal Services 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, amends and authorizes the Mayor and/or his designee, the Corporation Counsel, to enter into and execute a First Amendment Agreement with *Eric S. Pennington, PC*, One Gateway Center, Suite 105, Newark, New Jersey 07102, to Provide Legal Services for Litigation Defense Counsel legal services for an additional Thirty Thousand Dollars and Zero Cents (\$30,000.00), for a total contract amount not to exceed Eighty Thousand (\$80,000.00) Dollars and Zero Cents.