



Legislation Details (With Text)

**File #:** 17-1986      **Version:** 1      **Name:** Wisniewski & Associates First Amendment to Agreement to Provide Legal Services

**Type:** Resolution      **Status:** Adopted

**File created:** 11/14/2017      **In control:** Law

**On agenda:** 2/27/2018      **Final action:** 2/27/2018

**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 Special Tax Counsel  
 Entity Name: Wisniewski & Associates, LLC.  
 Entity Address: 17 Main Street, Sayreville, New Jersey 08872  
 Contract Amount: \$117,500.00  
 Funding Source: 2017 Budget/Law Department  
 Contract Period: January 1, 2017 through December 31, 2017  
 Contract Basis: ( ) Bid ( ) State Vendor  Prof. Ser. ( ) EUS  
 Fair & Open  No Reportable Contributions ( ) RFP  RFQ  
 ( ) Private Sale ( ) Grant ( ) Sub-recipient ( ) n/a  
 Additional Information:  
 Resolution 7R6-I adopted on January 5, 2017 awarded contract in an amount not to exceed \$100,000.00.  
 First Amendment increases the contract amount by \$17,500.00, for a new total contract amount not to exceed \$117,500.00.

**Sponsors:** Carlos M. Gonzalez, John Sharpe James

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
2/27/2018	1	Municipal Council	Adopt	Pass

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 First Amendment increases the contract amount by \$17,500.00, for a new total contract amount not to exceed \$117,500.00.

**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 7R6-I, adopted on January 5, 2017, awarded a contract (hereinafter "Contract") to Wisniewski & Associates, LLC (hereinafter "Wisniewski"), 17 Main Street, Sayreville, New Jersey 08872, to serve as Special Tax Counsel for matters that were currently being handled by Wisniewski & Associates, LLC and any new matters that may arise during the contract term, in an amount not to exceed One Hundred Thousand Dollars and Zero Cents (\$100,000.00), for the period of January 1, 2017 through December 31, 2017; and

**WHEREAS**, Wisniewski has outstanding legal bills for the months of October 2017 through December 2017 which, when paid, will exhaust the total Contract amount as of approximately October 1, 2017; and

**WHEREAS**, Wisniewski continues to vigorously defend the City of Newark in tax appeal cases for which Wisniewski will submit bills for the remainder of the Contract year; and

**WHEREAS**, the outstanding legal bills and open cases pending require an increase in the total Contract; and

**WHEREAS**, Wisniewski represents that an increase in the amount of Seventeen Thousand Five Hundred Dollars and Zero Cents (\$17,500.00), is necessary for Wisniewski to continue to provide legal services to the City of Newark through December 31, 2017; and

**WHEREAS**, the Department of Law is seeking to amend the Contract to increase the amount previously approved by \$17,500.00 for Wisniewski to continue to provide legal services to the City of Newark through December 31, 2017; and

**WHEREAS**, the requested increase in the total contract amount is deemed reasonable and necessary to pay the outstanding legal bills through December 31, 2017; and

**WHEREAS**, the increase of an additional Seventeen Thousand Five Hundred Dollars and Zero Cents (\$17,500.00), brings the total cost of the Contract to an amount not to exceed One Hundred Seventeen Thousand Five Hundred Dollars and Zero Cents (\$117,500.00), for the period of January 1, 2017, through December 31, 2017; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-5(1)(a)(i)) requires the City of Newark to print in the official newspaper a brief notice of professional services contracts that are awarded without public advertising for bids and bidding; and

**WHEREAS**, the Contract was 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

**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 (i) a candidate,

candidate committee or joint candidate committee of any candidate for elective municipal office in the City of Newark or a holder of public office having ultimate responsibility for the award of a contract, or (ii) to any City of Newark or County of Essex political committee or action committee that regularly engages in the support of City of Newark Municipal or County of Essex candidates, candidate committees, joint candidates committees, political committees, political party committee, (hereinafter "PAC), in excess of the thresholds specified in subsection (g) within one (1) calendar year immediately preceding the date of the contract or agreement.

**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 Acting 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 Wisniewski & Associates, LLC, 17 Main Street, Sayreville, New Jersey 08872, for legal services provided through December 2017 as Special Tax Counsel for an additional amount not to exceed Seventeen Thousand Five Hundred Dollars and Zero Cents (\$17,500.00), for a total contract amount not to exceed One Hundred Seventeen Thousand Five Hundred Dollars and Zero Cents (\$117,500.00), for the period of January 1, 2017 through December 31, 2017, to cover outstanding legal bills.
2. The Municipal Council ratifies this first contract amendment from October 2, 2017, 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 being 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 pursuant to the fair and open procedures of the State Pay-to-Play Law (N.J.S.A. 19:44A-20.5), as well 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 Contractor Pay-to-Play Reform Ordinance, Newark, New Jersey, Municipal Code § 2:4-22C.
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 Seventeen Thousand Five Hundred Dollars and Zero Cents (\$17,500.00), 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 Acting 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, amends and authorizes the Mayor and/or his designee, the Acting Corporation Counsel, to enter into and execute a First Amendment to the Agreement with Wisniewski & Associates, LLC, 17 Main Street, Sayreville, New Jersey 08872, to provide Legal Services for Special Tax matters for an additional Seventeen Thousand Five Hundred Dollars and Zero Cents (\$17,500.00), for a total contract amount not to exceed One Hundred Seventeen Thousand Five Hundred Dollars and Zero Cents (\$117,500.00), for the period of January 1, 2017 through December 31, 2017.