



Legislation Details (With Text)

File #: 17-1861 **Version:** 1 **Name:** First Amendment to Decotiis, FitzPatrick & Cole, LLP - Legal Services Contract

Type: Resolution **Status:** Adopted

File created: 10/20/2017 **In control:** Economic and Housing Development

On agenda: 1/10/2018 **Final action:** 1/10/2018

Title: Dept/ Agency: Economic and Housing Development
Action: (X) Ratifying (X) Authorizing (X) Amending
Type of Service: Professional Services Contract
Purpose: First Amendment to the Agreement to Provide Legal Services as Redevelopment and Land Use Counsel
Entity Name: Decotiis, Fitzpatrick, Cole & Giblin, LLP.
Entity Address: 500 Frank W. Burr Boulevard, Suite 31, Teaneck, New Jersey 07666
Contract Amount: Amount not to exceed \$650,000.00
Funding Source: 2017 Budget/Department of Economic and Housing Development
Contract Period: January 1, 2017 through December 31, 2017
Contract Basis: () Bid () State Vendor (X) Prof. Ser. () EUS
(X) Fair & Open () No Reportable Contributions () RFP () RFQ
() Private Sale () Grant () Sub-recipient () n/a
Additional Information:
Resolution 7R2-c (s) adopted on January 24, 2017, awarded contract in the amount of \$500,000.00.
First Amendment increases the contract amount by \$150,000.00, for a new total contract amount not to exceed \$650,000.00.

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
1/10/2018	1	Municipal Council	Adopt	Pass

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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 7R2-c (S), adopted on January 24, 2017, awarded a contract to Decotiis, Fitzpatrick, Cole & Giblin, LLP, 500 Frank W. Burr Boulevard, Suite 31, Teaneck, New Jersey 07666, to serve as Redevelopment and Land Use Counsel for matters that are currently being handled by Decotiis, Fitzpatrick, Cole & Giblin, LLP and any new matters that may arise during the contract term, in an amount not to exceed Five Hundred Thousand Dollars and Zero Cents (\$500,000.00), for the period of January 1, 2017 through December 31, 2017; 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 Reform Ordinance 2:4-22c; and

WHEREAS, Decotiis, Fitzpatrick, Cole & Giblin, LLP, currently has outstanding legal bills for 2017 and pending legal matters, which will exhaust the total contract amount as of approximately September 30, 2017; and

WHEREAS, Decotiis, Fitzpatrick, Cole & Giblin, LLP, continues to vigorously represent the City of Newark in several matters for which Decotiis, Fitzpatrick, Cole & Giblin, LLP will submit bills for the remainder of the Contract year; and

WHEREAS, the outstanding legal bills for 2017 and pending legal matters require an increase in the total contract amount; and

WHEREAS, Decotiis, Fitzpatrick, Cole & Giblin, LLP, represents that an additional One Hundred Fifty Thousand Dollars and Zero Cents (\$150,000.00), is necessary for the Firm to continue to provide legal services through December 31, 2017; and

WHEREAS, the requested increase in the total contract amount is deemed reasonable and necessary to pay for legal services provided through December 31, 2017; and

WHEREAS, the increase of an additional One Hundred Fifty Thousand Dollars and Zero Cents (\$150,000.00) brings the total contract to an amount not to exceed Six Hundred Fifty Thousand Dollars and Zero Cents (\$650,000.00), for January 1, 2017 through December 31, 2017.

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 Deputy Mayor/Director of the Department of Economic and Housing Development, 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 Decotiis, Fitzpatrick, Cole & Giblin, LLP, 500 Frank W. Burr Boulevard, Suite 31, Teaneck, New Jersey 07666, provided through December 31, 2017 as Redevelopment and Land Use Counsel, for an additional One Hundred Fifty Thousand Dollars and Zero Cents (\$150,000.00) for a total contract amount not to exceed Six Hundred Fifty Thousand Dollars and Zero Cents (\$650,000.00), for the period of January 1, 2017 through

December 31, 2017, to cover outstanding bills, ongoing litigation and new matters that may arise during the term of the contract.

2. The Municipal Council hereby ratifies this First Amendment to the Agreement from October 1, 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 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)), the State Pay-to-Play Law (N.J.S.A. 19:44A-20.5) and is in compliance with the Contractor Pay-to-Play Reform Ordinance, 2:4-22C.
5. Attached is a full Certification of Funds from the Director of Finance stating that there are available, sufficient and appropriated funds in the amount of One Hundred Fifty Thousand Dollars and Zero Cents (\$150,000.00), for the purposes set forth herein and the line appropriations which shall be charged are as follows:

<u>Bus. Unit</u>	<u>Dept. ID</u>	<u>Div/Proj.</u>	<u>Acct.#</u>	<u>Bud Ref.</u>
NW026	BS		32100	B2017

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 Deputy Mayor/Director of the Department of Economic and Housing Development, 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 Acting Deputy Mayor/Director of the Department of Economic and Housing Development, to enter into and execute a First Amendment to the Agreement with Decotiis, Fitzpatrick, Cole & Giblin, LLP, 500 Frank W. Burr Boulevard, Suite 31, Teaneck, New Jersey 07666, to cover outstanding bills, ongoing and new matters that may arise during the term of the contract for Redevelopment and Land Use Counsel legal services, for an additional One Hundred Fifty Thousand Dollars and Zero Cents (\$150,000.00), for a total contract amount not to exceed Six Hundred Fifty Thousand Dollars and Zero Cents (\$650,000.00).