



Legislation Details (With Text)

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File created: 3/27/2024 **In control:** Law

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Title: Dept/ Agency: Law
 Action: Ratifying Authorizing Amending
 Type of Service: Professional Services Contract
 Purpose: First Amendment to the Agreement to provide legal services concerning Litigation Matters.
 Entity Name: Florio Kenny Raval, LLP
 Entity Address: 125 Chubb Avenue, Suite 310-N, Lyndhurst, New Jersey 07071
 Contract Amount: Not to exceed \$92,804.00
 Additional Contract Amount: \$48,804.45
 Funding Source: 2023 Budget/Law Department/Bus. Unit, NW011, Dept. 046, Div./Proj.: 0461, Activity A, Account #71260, Budget Ref. B2023
 Contract Period: January 1, 2023 through December 31, 2023
 Contract Basis: () Bid () State Vendor Prof. Ser. () EUS
 () Fair & Open No Reportable Contributions () RFP () RFQ
 () Private Sale () Grant () Sub-recipient () n/a
 Additional Information:
 The original Professional Services Agreement was entered into between the City of Newark and Florio Kenny Raval, LLP, in an amount not to exceed \$44,000.00, pursuant to N.J.S.A. 40A:11-3(c), for the period of January 1, 2023 through December 31, 2023.

This First Amendment will increase the contract amount by \$48,804.45, for a new total contract amount not to exceed \$92,804.45.

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
4/10/2024	1	Municipal Council	Adopt	Pass

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This First Amendment will increase the contract amount by \$48,804.45, for a new total contract amount not to exceed \$92,804.45.

WHEREAS, the City of Newark (the “City”) is involved in ongoing legal matters and therefore has a need to acquire legal services; and

WHEREAS, the City entered into a professional services agreement with Florio Kenny Raval, LLP, 125 Chubb Avenue, Suite 310-N, Lyndhurst, New Jersey, 07071, for legal services in the amount of Forty-Four Thousand Dollars and Zero Cents (\$44,000.00) for the period of January 1, 2023 through December 31, 2023; and

WHEREAS, pursuant to N.J.S.A. 40A:11-3(c), the Qualified Purchasing Agent (“QPA”), has the authority to award contracts up to \$44,000.00; and

WHEREAS, due to unexpected circumstances, on or about June 2023, Florio Kenny Raval, LLP, expended the \$44,000.00; and

WHEREAS, at the request of the Corporation Counsel, Florio Kenny Raval, LLP continued to provide legal services; and

WHEREAS, the outstanding legal invoices require an increase in the total contract amount of Forty-Eight Thousand Eight Hundred Four Dollars and Forty-Five Cents (\$48,804.45); and

WHEREAS, the requested increase in the total contract amount is deemed reasonable and necessary to pay the outstanding legal bills through the remainder of the contract period; and

WHEREAS, the increase of an additional \$48,804.45, brings the total contract to an amount not to exceed Ninety-Two Thousand Eight Hundred Four Dollars and Forty-Five Cents (\$92,804.45) for January 1, 2023 through December 31, 2023; and

WHEREAS, this contract was awarded without competitive bidding as legal services are professional services and are exempt from the requirements for public bidding, pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., requires a resolution of the Governing Body authorizing the award of contracts for professional services and further requires that the contract itself must be available for public inspection; and

WHEREAS, Florio Kenny Raval, LLP has completed and submitted a Business Entity Disclosure Certification, which certifies that it has not made any reportable contributions to a political or candidate committee in the City in the prior year and that the contract will prohibit Florio Kenny Raval, LLP from making any reportable contributions through the term of the contract; and

WHEREAS, 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 public bidding must be published in a local

newspaper; and

WHEREAS, the actions contemplated by this Resolution shall result in the award of a contract for an amount over Seventeen Thousand Five Hundred Dollars and Zero Cents (\$17,500.00), is in compliance with the State Pay-to-Play Law, the City Pay-to-Play Ordinance and is being awarded as a Non-Fair and Open Contract pursuant to N.J.S.A. 19:44A-20.5.

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, on behalf of the City of Newark to enter into and execute a First Amendment to the Agreement to provide legal services with Florio Kenny Raval, LLP, 125 Chubb Avenue, Suite 310-N, Lyndhurst, New Jersey 07071, to continue providing legal services concerning Litigation Matters for an additional Forty-Eight Thousand Eight Hundred Four Dollars and Forty-Five Cents (\$48,804.45), for a total contract amount not to exceed Ninety-Two Thousand Eight Hundred Four Dollars and Forty-Five Cents (\$92,804.45), for the period of January 1, 2023 through December 31, 2023, to cover the outstanding legal invoices from on or about July 01, 2023 through December 31, 2023.

2. The Municipal Council hereby ratifies this First Amendment to the Agreement to provide legal services from July 1, 2023 to the date of the adoption of this Resolution.

3. All other terms and conditions shall remain the same.

4. 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 Forty-Eight Thousand Eight Hundred Four Dollars and Forty-Five Cents (\$48,804.45), Line NW011, Department 046, Division 0461, Account 71260, Budget 2023; and Line NW011, Department 040, Division 0401, Account 71260, Budget 2023 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.

5. The Corporation Counsel shall file a copy of the executed First Amendment to the Agreement to provide legal services herein authorized in the Office of the City Clerk and the same 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.

STATEMENT

This Resolution ratifies, amends, and authorizes the Mayor of the City of Newark and/or his designee, the Corporation Counsel, to enter into and execute a First Amendment to the Agreement with Florio Kenny Raval, LLP to provide legal services as Litigation Matters Counsel for an additional Forty-Eight Thousand Eight Hundred Four Dollars and Forty-Five Cents (\$48,804.45) for a total contract amount not to exceed Ninety-Two Thousand Eight Hundred Four Dollars and Forty-Five Cents (\$92,804.45), for the period of January 1, 2023 through December 31, 2023.

