



Legislation Details (With Text)

**File #:** 16-1592      **Version:** 1      **Name:** Wisniewski and Associates Second Amendment  
**Type:** Resolution      **Status:** Adopted  
**File created:** 10/12/2016      **In control:** Law  
**On agenda:** 11/2/2016      **Final action:** 11/2/2016

**Title:** Dept/ Agency: Law  
Action: (X) Ratifying (X) Authorizing (X) Amending  
Type of Service: Professional Services Contract  
Purpose: Second Amendment to the Agreement to Provide Legal Services as Special Tax Counsel to Increase Contract Amount by \$20,000.00  
Entity Name: Wisniewski & Associates, L.L.C.  
Entity Address: 17 Main Street, Sayreville, New Jersey 08872  
Contract Amount: \$195, 000.00  
Funding Source: 2016 Budget/Law Department  
Contract Period: January 1, 2016 through December 31, 2016  
Contract Basis: ( ) Bid ( ) State Vendor (X) Prof. Ser. ( ) EUS  
( ) Fair & Open (X) No Reportable Contributions ( ) RFP ( ) RFQ  
( ) Private Sale ( ) Grant ( ) Sub-recipient ( ) n/a  
Additional Information:  
Original Contract Awarded by Resolution 7R7-a(s) adopted on December 16, 2015 for \$100,000.00.  
First Amendment by Resolution 7R7-k adopted on June 15, 2016, increased contract by \$75,000.  
Second Amendment will increase contract amount by \$20,000.00, not to exceed \$195,000.00.

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
11/2/2016	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 7R7-a(s), adopted on December 16, 2016, awarded a contract to Wisniewski & Associates, LLC, 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, 2016 through December 31, 2016; and

**WHEREAS**, the Municipal Council of the City of Newark, by Resolution 7R7-k, adopted on June 15, 2016, ratified, authorized the Mayor and/or his designee, the Corporation Counsel, to enter into and execute a First Amendment to the Agreement with Wisniewski & Associates, to provide legal services as Special Tax Counsel for an additional seventy-five thousand dollars (\$75,000.00) for a total contract amount not to exceed One Hundred Seventy Five Thousand Dollars and Zero Cents (\$175,000.00).

**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**, Wisniewski & Associates, LLC, have outstanding legal bills, which when paid will exhaust the total contract amount; and

**WHEREAS**, Wisniewski & Associates, LLC, continues to vigorously represent the City of Newark in several cases in which bills will be submitted for the remainder of the contract year; and

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

**WHEREAS**, Wisniewski & Associates, LLC, represents to the City of Newark that at least an additional Twenty Thousand Dollars and Zero Cents (\$20,000.00), 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 the outstanding and anticipated legal bills through December 31, 2016; and

**WHEREAS**, the increase of an additional Twenty Thousand Dollars and Zero Cents (\$20,000.00), brings the total contract to an amount not to exceed One Hundred Ninety Five Thousand Dollars and Zero Cents (\$195,000.00) , for January 1, 2016, through December 31, 2016; and

**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 Wisniewski & Associates, LLC, 17 Main Street, Sayreville,

New Jersey 08872, to continue providing the contracted Special Tax Counsel legal services for an additional twenty thousand dollars (\$20,000.00) for a total contract amount not to exceed One Hundred Ninety Five Thousand Dollars and Zero (\$195,000.00), for the period of January 1, 2016 through December 31, 2016, to cover pending and existing matters.

2. The Municipal Council hereby ratifies this second contract amendment from September 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 Second 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 pursuant to the Fair and Open Procedures of 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, 6PSF-a adopted on August 1, 2012.
5. The funds for this Second 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 Finance Director, which states that funds in the amount of Twenty Thousand Dollars and Zero Cents (\$20,000.00), 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 Second 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 ratifies, amends and authorizes the Mayor and/or his designee, the Corporation Counsel, to enter into and execute a Second Amendment to the Agreement with Wisniewski & Associates, LLC, 17 Main Street, Sayreville, New Jersey 08872, to Provide Legal Services for Special Tax Counsel legal services for an additional Twenty Thousand Dollars and Zero Cents (\$20,000.00), for a total contract amount not to exceed One Hundred Ninety Five Thousand Dollars and Zero Cents (\$195,000.00).