



Legislation Details (With Text)

**File #:** 21-1779      **Version:** 1      **Name:** Resolution/Contract: Michael A. Armstrong and Associates, LLC - First Amendment - Litigation Counsel

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

**File created:** 12/1/2021      **In control:** Law

**On agenda:** 1/20/2022      **Final action:** 1/20/2022

**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: Michael A. Armstrong and Associates, LLC  
Entity Address: Willingboro, New Jersey 08046  
Contract Amount: Not to exceed \$105,000.00  
Additional Amount: \$30,000.00  
Funding Source: 2021 Budget/Law Department  
Contract Period: January 1, 2021 through December 31, 2021  
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-j adopted on December 22, 2020, awarded a contract for the period of January 1, 2021 through December 31, 2021 for a contract amount not to exceed \$75,000.00.  
This First Amendment will increase the contract amount by \$30,000.00, for a new total contract amount not to exceed \$105,000.00.

**Sponsors:**

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
1/20/2022	1	Municipal Council	Adopt	Pass

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This First Amendment will increase the contract amount by \$30,000.00, for a new total contract amount not to exceed \$105,000.00.

**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, by Resolution 7R6-j, adopted on December 22, 2020, awarded a contract to Michael A. Armstrong and Associates, LLC, of Willingboro, New Jersey 08046, to provide legal services as Litigation Counsel, in an amount not to exceed Seventy-Five Thousand Dollars and Zero Cents (\$75,000.00), for a period of January 1, 2021 through December 31, 2021; and

**WHEREAS**, Michael A. Armstrong and Associates, LLC, has outstanding legal bills, and has exhausted the total contract amount; and;

**WHEREAS**, Michael A. Armstrong and Associates, LLC, continues to vigorously represent the City's interests in Litigation matters in which bills have been submitted and will be submitted for the remainder of the contract year

**WHEREAS**, these outstanding and anticipated legal bills require an increase in the total contract amount; and

**WHEREAS**, Michael A. Armstrong and Associates, LLC, represents to the City of Newark that an additional Thirty Thousand Dollars and Zero Cents (\$30,000.00), is necessary to cover the outstanding and anticipated legal bills; and

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

**WHEREAS**, the increase of an additional Thirty Thousand Dollars and Zero Cents (\$30,000.00) brings the total contract to an amount not to exceed One Hundred Five Thousand Dollars and Zero Cents (\$105,000.00), for services provided from January 1, 2021, through December 31, 2021; and

**WHEREAS**, the 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 competitive bidding must be published in a local newspaper; and

**WHEREAS**, this contract amendment was awarded as a Non-Fair and Open Contract pursuant to N.J.S.A. 19:44A-20.5; 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 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 Michael A. Armstrong and Associates, LLC, of Willingboro, New Jersey 08046, to continue providing legal services concerning litigation matters for an additional Thirty Thousand Dollars and Zero Cents (\$30,000.00) for a total contract amount not to exceed One Hundred Five Thousand Dollars and Zero Cents (\$105,000.00) for the period of January 1, 2021 through December 31, 2021, to cover the outstanding and anticipated legal bills.
2. The Municipal Council hereby ratifies this First Amendment to the Agreement to provide legal services from January 1, 2021 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 as 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 Thirty Thousand Dollars and Zero Cents (\$30,000.00), line NW011, Department 040, Division 0401, Account 71260, Budget 2021 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. 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.
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 of the City of Newark and/or his designee, the Corporation Counsel, to enter into and execute a First Amendment to the Agreement to provide legal services as Litigation Counsel for an additional \$30,000.00 for a total contract amount not to exceed \$105,000.00, for the period of January 1, 2021 through December 31, 2021.