



## Legislation Details (With Text)

**File #:** 23-1414      **Version:** 1      **Name:** DeCotiis Fitzpatrick Cole Giblin First Amendment (Litigation Defense Matters)  
**Type:** Resolution      **Status:** Adopted  
**File created:** 8/22/2023      **In control:** Law  
**On agenda:** 9/20/2023      **Final action:** 9/20/2023

**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 Defense Matters.  
Entity Name: DeCotiis, Fitzpatrick, Cole and Giblin, LLP  
Entity Address: 61 South Paramus Road, Suite 250, Paramus, New Jersey 07652  
Contract Amount: Not to exceed \$250,000.00  
Additional Contract Amount: \$150,000.00  
Funding Source: 2023 Budget/Law Department  
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 Resolution 7R6-p adopted on December 21, 2022, awarded a contract for the period of January 1, 2023 through December 31, 2023, for a contract amount not to exceed \$100,000.00. This First Amendment will increase the contract amount by \$150,000.00, for a new total contract amount not to exceed \$250,000.00.

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
9/20/2023	1	Municipal Council	Adopt	Pass

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January 1, 2023 through December 31, 2023, for a contract amount not to exceed \$100,000.00. This First Amendment will increase the contract amount by \$150,000.00, for a new total contract amount not to exceed \$250,000.00.

**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-p, adopted on December 21, 2022, awarded a contract to DeCotiis, Fitzpatrick, Cole & Giblin, LLP, 61 South Paramus Road, Suite 250, Paramus, New Jersey 07652, to provide legal services as Litigation Defense Counsel, in an amount not to exceed One Hundred Thousand Dollars and Zero Cents (\$100,000.00), for a period of January 1, 2023 through December 31, 2023; and

**WHEREAS**, DeCotiis, Fitzpatrick, Cole, & Giblin, LLP, on or about May 2023 expended the \$100,000.00 and continued to provide legal services at the request of the Corporation Counsel for the remainder of the contract period; and

**WHEREAS**, the outstanding legal invoices require an increase in the total contract amount of \$150,000.00; 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 One Hundred Fifty Thousand Dollars and Zero Cents (\$150,000.00), brings the total contract to an amount not to exceed Two Hundred Fifty Thousand Dollars and Zero Cents (\$250,000.00) for the period beginning January 1, 2023 through December 31, 2023; and

**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 DeCotiis, Fitzpatrick, Cole, & Giblin, LLP, 61 South Paramus Road, Suite 250, Paramus, New Jersey 07652, to continue providing legal services concerning Litigation Defense Matters for an additional One Hundred Fifty Thousand Dollars and Zero Cents (\$150,000.00) for a total contract amount not to exceed Two Hundred Fifty Thousand Dollars and Zero Cents (\$250,000.00) for the period of January 1, 2023 through December 31, 2023, to cover the outstanding legal invoices from on or about May 01, 2023 through December 31, 2023.

2. The Municipal Council hereby ratifies this First Amendment to the Agreement to provide legal services from May 01, 2023 to the date of the adoption of this Resolution.

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

4. Pursuant to N.J.A.C. 5:30-5.5(a), Temporary Budget, attached is the Chief Finance Officer's Certification, which states partial available funds in the amount Fifty Thousand Dollars and Zero

Cents (\$50,000.00), are available in the 2023 Temporary Budget, the balance to be provided in the 2023 Adopted Budget. The Certification shall be filed, along with the original Resolution and the executed contract in the Office of the City Clerk. 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>
NW 011	040	0401	71260	2023

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 to provide legal services as Litigation Defense Matters Counsel for an additional \$150,000.00 for a total contract amount not to exceed \$250,000.00, for the period of January 1, 2023 through December 31, 2023.