



Legislation Details (With Text)

File #: 18-1411 **Version:** 1 **Name:** Nowell, PA - First Amendment to the Agreement to Provide Legal Services
Type: Resolution **Status:** Adopted
File created: 9/5/2018 **In control:** Law
On agenda: 11/8/2018 **Final action:** 11/8/2018

Title: Dept/ Agency: Law
Action: (X) Ratifying (X) Authorizing (X) Amending
Type of Service: Professional Services Contract
Purpose: First Amendment to the Agreement to provide Legal Services as Special Tax Counsel
Entity Name: Nowell, P.A.
Entity Address: 155 Polifly Road, Hackensack, New Jersey 07601
Contract Amount: \$45,000.00
Funding Source: 2018 Budget/Law Department
Contract Period: January 1, 2018 through December 31, 2018
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 Resolution 7R6-u (s) adopted on December 27, 2017.
First Amendment to increase the contract amount by \$20,000.00 for a total contract amount not to exceed \$45,000.00.

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
11/8/2018	1	Municipal Council	Adopt	Pass

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First Amendment to increase the contract amount by \$20,000.00 for a total contract amount not to exceed \$45,000.00.

WHEREAS, legal services are professional services and are exempt from the requirements for

public bidding pursuant to Local Public Contracts Law, *N.J.S.A. 40A:11-5(1)(a)(i)*; and

WHEREAS, the Municipal Council of the City of Newark, by Resolution 7R6-u(S), adopted on December 27, 2017, awarded a contract to Nowell, P.A., 155 Polifly Road, Hackensack, New Jersey 07601, to serve as Special Tax Counsel for three (3) existing matters currently being handled by Nowell, P.A. during the contract term for an amount not to exceed Twenty-Five Thousand Dollars and Zero Cents (\$25,000.00), for the period of January 1, 2018 through December 31, 2018; and

WHEREAS, Nowell, P.A., currently has outstanding legal bills for 2018 and pending tax appeal cases, which will exhaust the total contract amount; and

WHEREAS, the outstanding legal bills for 2018 require an increase in the total contract amount; and

WHEREAS, Nowell, P.A., continues to vigorously defend the City of Newark in tax appeal cases in which bills will be submitted for the remainder of the calendar year; and

WHEREAS, the outstanding legal bills and pending tax appeal cases require an increase of the total contract amount; and

WHEREAS, Nowell, P.A., represents to that at least an additional Twenty Thousand Dollars and Zero Cents (\$20,000.00) is necessary to cover the outstanding bills for legal services provided through December 31, 2018; and

WHEREAS, the requested increase of the total contract amount is deemed reasonable and necessary to pay for legal services provided through December 31, 2018; 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 Forty-Five Thousand Dollars and Zero Cents (\$45,000.00), from January 1, 2018 through December 31, 2018; 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 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 pursuant to the provisions of Local Public Contracts Law, *N.J.S.A. 40A:11-5(1)(a)(i)*; and

WHEREAS, the Municipal Council adopted the Contractor Pay-to-Play Reform Ordinance, Newark, New Jersey, Municipal Code § 2:4-22C et seq., 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 and/or his designee, the Corporation Counsel, are authorized on behalf of the City of Newark to execute a First Amendment to the Agreement to Provide Legal Services with Nowell, P.A., 155 Polifly Road, Hackensack, New Jersey 07601, for legal services provided through December 31, 2018 as Special Tax Counsel for an additional Twenty Thousand Dollars and Zero Cents (\$20,000.00) for a total contract amount not to exceed Forty-Five Thousand Dollars and Zero Cents (\$45,000.00), for the period of January 1, 2018 through December 31, 2018, to cover outstanding bills.
2. The Municipal Council hereby ratifies this First Amendment to the Agreement to Provide Legal Services from January 1, 2018 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 pursuant to Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(i); the Non-Fair and Open Procedures of the State Pay-to-Play Law, N.J.S.A. 19:44A-20.5; and 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 issuance of a Certification of Funds from the Chief Financial Officer, 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 First 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 legal advertisements 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 First Amendment to the Agreement with Nowell, P.A., 155 Polifly Road, Hackensack, New Jersey 07601, to Provide Legal Services for Special Tax Counsel matters for an additional Twenty Thousand Dollars and Zero Cents (\$20,000.00) for a total contract amount not to exceed Forty-Five Thousand Dollars and Zero Cents (\$45,000.00).