



Legislation Details (With Text)

**File #:** 22-0438      **Version:** 1      **Name:** Second Amendment Michael Armstrong Litigation Matters  
**Type:** Resolution      **Status:** Adopted  
**File created:** 3/22/2022      **In control:** Law  
**On agenda:** 7/13/2022      **Final action:** 7/13/2022

**Title:** Dept/ Agency: Law  
Action:  Ratifying    Authorizing    Amending  
Type of Service: Professional Services Contract  
Purpose: Second Amendment to the Agreement to provide legal services concerning Litigation Defense matters.  
Entity Name: Michael A. Armstrong and Associates, LLC  
Entity Address: Willingboro, New Jersey 08046  
Contract Amount: Not to exceed \$167,800.25  
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:  
Original Resolution 7R6-j adopted on December 22, 2020, awarded a contract in an amount not to exceed \$75,000.00 for the period of January 1, 2021 through December 31, 2021.  
The First Amendment 7R6-d adopted on January 20, 2022, increased the contract amount by \$30,000.00 for a total contract amount not to exceed \$105,000.00.  
This Second Amendment increases the contract amount by \$62,800.25 for a total contract amount not to exceed \$167,800.25.

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
7/13/2022	1	Municipal Council	Adopt	Pass

**..Title**

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The First Amendment 7R6-d adopted on January 20, 2022, increased the contract amount by \$30,000.00 for a total contract amount not to exceed \$105,000.00.

This Second Amendment increases the contract amount by \$62,800.25 for a total contract amount not to exceed \$167,800.25.

**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, LLC, 79 Mainbridge Lane, Willingboro, New Jersey 08046, to provide Legal Services as Litigation Defense 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**, by Resolution 7R6-d adopted on January 20, 2022, a First Amendment Agreement to, Michael A. Armstrong, LLC, increased the contract amount by \$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; and

**WHEREAS**, Michael A. Armstrong, LLC, on or about August 2021 expended the \$105,000.00 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 \$62,800.25; and

**WHEREAS**, the requested increase in the total contract amount is deemed reasonable and necessary to pay the outstanding legal invoices for the contract period; and

**WHEREAS**, the increase of an additional Sixty-Two Thousand Eight Hundred Dollars and Twenty-Five Cents (\$62,800.25), brings the total contract to an amount not to exceed One Hundred Sixty-Seven Thousand Eight Hundred Dollars and Twenty Five Cents (\$167,800.25) for January 1, 2021 through December 31, 2021.

**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 are authorized to enter into and execute a Second Amendment to the Agreement to provide legal services with Michael A. Armstrong, LLC, 79 Mainbridge Lane, Willingboro, New Jersey 08046, to continue providing legal services concerning Litigation Defense Matters for an additional Sixty-Two Thousand Eight Hundred Dollars and Twenty-Five Cents (\$62,800.25) for a total contract amount not to exceed One Hundred Sixty-Seven Thousand Eight

Hundred and Twenty-Five Cents (\$167,800.25) for the period of January 1, 2021 through December 31, 2021, to cover the outstanding legal invoices from on or about August 2021 through December 31, 2021.

2. The Municipal Council ratifies this Second Amendment to the Agreement to provide legal services from August 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. 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 Chief Financial Officer, which states that funds in the amount of Sixty-Two Thousand Eight Hundred Dollars and Twenty-Five Cents (\$62,800.25), line NW011, Department 046, Division 0461, 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.

5. The Corporation Counsel shall file a copy of the executed Second 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 Second Amendment to the Agreement with Michael A. Armstrong, LLC to provide Legal Services as Litigation Defense Counsel for an additional \$62,800.25 for a total contract amount not to exceed \$167,800.25, for the period of January 1, 2021 through December 31, 2021.