



## Legislation Details (With Text)

**File #:** 16-0926      **Version:** 1      **Name:** Wisniewski & Associates First Amendment  
**Type:** Resolution      **Status:** Adopted  
**File created:** 5/25/2016      **In control:** Law  
**On agenda:** 6/15/2016      **Final action:** 6/15/2016

**Title:** Dept/ Agency: Law  
Action:  Ratifying    Authorizing    Amending  
Type of Service: Professional Services Contract  
Purpose: First Amendment to the Agreement to Provide Legal Services as Special Tax Counsel to Increase Contract Amount by \$75,000.00  
Entity Name: Wisniewski & Associates, LLC  
Entity Address: 17 Main Street, Sayreville, New Jersey 08872  
Contract Amount: Amount not to exceed \$175,000.00  
Funding Source: City of Newark Budget/Law Department  
Contract Period: January 1, 2016 through December 31, 2016  
Contract Basis: ( ) Bid ( ) State Vendor  Prof. Ser. ( ) EUS  
 Fair & Open ( ) No Reportable Contributions ( ) RFP  RFQ  
( ) Private Sale ( ) Grant ( ) Sub-recipient ( ) n/a  
Additional Information:  
Contract Awarded -Resolution 7R7-a(s), adopted on December 16, 2015 for \$100,000.00; First Amendment to the Agreement Increasing Contract Amount by \$75,000.00, for a Total Contract Amount Not to Exceed \$175,000.00.

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
6/15/2016	1	Municipal Council	Adopt	Pass

**Dept/ Agency:** Law  
**Action:**  Ratifying    Authorizing    Amending  
**Type of Service:** Professional Services Contract  
**Purpose:** First Amendment to the Agreement to Provide Legal Services as Special Tax Counsel to Increase Contract Amount by \$75,000.00  
**Entity Name:** Wisniewski & Associates, LLC  
**Entity Address:** 17 Main Street, Sayreville, New Jersey 08872  
**Contract Amount:** Amount not to exceed \$175,000.00  
**Funding Source:** City of Newark Budget/Law Department  
**Contract Period:** January 1, 2016 through December 31, 2016  
**Contract Basis:** ( ) Bid ( ) State Vendor  Prof. Ser. ( ) EUS  
 Fair & Open ( ) No Reportable Contributions ( ) RFP  RFQ  
( ) Private Sale ( ) Grant ( ) Sub-recipient ( ) n/a  
**Additional Information:**  
Contract Awarded -Resolution 7R7-a(s), adopted on December 16, 2015 for \$100,000.00; First Amendment to the Agreement Increasing Contract Amount by \$75,000.00, for a Total Contract Amount Not to Exceed \$175,000.00.

**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 of the City of Newark, by Resolution 7R7-a(s), adopted on December 16, 2015, 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 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, 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**, Wisniewski & Associates, LLC, represents to the City of Newark that at least an additional Seventy-Five Thousand Dollars and Zero Cents (\$75,000.00) is necessary for the firm 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 Seventy-Five Thousand Dollars and Zero Cents (\$75,000.00) brings the total contract to an amount not to exceed One Hundred and Seventy Five Thousand Dollars and Zero Cents (\$175,000.00), for January 1, 2016, through December 31, 2016.

**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 Seventy Five Thousand Dollars and Zero Cents (\$75,000.00) for a total contract amount not to exceed One Hundred and Seventy Five Thousand Dollars and Zero Cents (\$175,000.00), for the period of January 1, 2016 through December 31, 2016, for ongoing cases and new matters that may arise during the term of the contract.
2. The Municipal Council hereby ratifies this first contract amendment from May 20, 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 First 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 Fair and Open Procedures of the State Pay-to-Play Law (*N.J.S.A. 19:44A-20.5*) and is in compliance with Contractor Pay-to-Play Reform Ordinance, 6PSF-a adopted on August 1, 2012.

5. Pursuant to *N.J.A.C. 5:30-5.5(a)*, a Temporary Budget, attached hereto is the Chief Finance Officer's Certification, which states partial funds in the amount of \$37,500.00 are available in the 2016 Temporary Budget, the balance to be provided in the 2016 Adopted Budget. The Certification shall be filed, along with the original resolution and the executed contract 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 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 First Amendment to the Agreement with Wisniewski & Associates, LLC, 17 Main Street, Sayreville, New Jersey 08872, to provide legal services as Special Tax Counsel for an additional Seventy Five Thousand Dollars and Zero Cents (\$75,000.00) for a total contract amount not to exceed One Hundred Seventy Five Thousand Dollars and Zero Cents (\$175,000.00), for the period of January 1, 2016 through December 31, 2016, for ongoing cases and new matters that may arise during the term of the contract).