



Legislation Details (With Text)

File #: 15-0840 **Version:** 1 **Name:** Second Amendment John J Zidiunas Legal Services
Type: Resolution **Status:** Filed
File created: 4/21/2015 **In control:** Law
On agenda: 6/17/2015 **Final action:** 6/17/2015

Title: Dept/ Agency: Law
Action: Ratifying Authorizing Amending
Type of Service: Professional Services Contract
Purpose: Second Amendment to the Agreement to Provide Legal Services to serve as Conflict Counsel
Entity Name: Law Offices of John J. Zidziunas & Associates, LLC
Entity Address: 33 Plymouth Street, Suite 202A, Montclair, New Jersey 07042
Contract Amount: An amount not to exceed \$30,000.00
Additional Amount: \$9,000.00
Total Amount: \$39,000.00
Funding Source: City of Newark Budget/Law Department
Contract Period: January 1, 2014 through December 31, 2014
Contract Basis: () Bid () State Vendor Prof. Ser. () EUS
() Fair & Open No Reportable Contributions () RFP () RFQ () Private Sale () Grant () Sub-recipient () N/A
Additional Information:
Increasing the contract amount by \$9,000.00

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
6/17/2015	1	Municipal Council	Adopt	Pass

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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-i, adopted on December 18, 2013, awarded a contract to Law Offices of John J. Zidziunas & Associates, LLC, 33 Plymouth Street, Suite 202A, Montclair, New Jersey 07042, to serve as Conflict Counsel for matters that were currently being handled by Law Offices of John J. Zidziunas & Associates, LLC and any new matters that may arise during the contract term, in an amount not to exceed Twenty Five Thousand Dollars and Zero Cents (\$25,000.00), for the period of January 1, 2014 through December 31, 2014; and

WHEREAS, the Municipal Council of the City of Newark by Resolution 7R7-h, adopted on November 17, 2014, authorized the Mayor and/or his designee, the Corporation Counsel to enter into and execute a First Amended Agreement to continue to provide legal services in several open cases pending resolution as Conflict Counsel for an additional Five Thousand Dollars and Zero Cents (\$5,000.00), for a total contract amount of Thirty Thousand Dollars and Zero Cents (\$30,000.00), for the period of January 1, 2014 through December 31, 2014; and

WHEREAS, Law Offices of John J. Zidziunas & Associates, LLC, currently have outstanding legal bills for 2014, which exceed the original contract amount; and

WHEREAS, Law Offices of John J. Zidziunas & Associates, LLC, continues to vigorously represent the City of Newark in several cases in which bills have been submitted for the months of November 2014 and December 2014; and

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

WHEREAS, Law Offices of John J. Zidziunas & Associates, LLC represents to the City of Newark that an additional Nine Thousand Dollars and Zero Cents (\$9,000.00), represents the total outstanding balance for the legal services that was provided through December 31, 2014; and

WHEREAS, the requested increase in the total contract amount is deemed reasonable and necessary to pay the outstanding bills for November through December 2014; and

WHEREAS, the increase of an additional Nine Thousand Dollars and Zero Cents (\$9,000.00), brings the total contract to an amount not to exceed Thirty-Nine Thousand Dollars and Zero Cents (\$39,000.00), for services provided from January 1, 2014, through December 31, 2014; 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 Mayor of the City of Newark signed into law Executive Order Number MEO-

07-0001 (hereinafter "Pay-to-Play Executive Order") and the Contractor Pay-to-Play Reform Ordinance, 6PSF-a, adopted on August 1, 2012, which forbids the award of a Business Entity, as defined therein, which has made or solicited political contributions to Newark Municipal Candidates and office holders having ultimate responsibility for the award of a contract; candidate committees of the aforementioned candidates; and political or political party committees of the City of Newark and continuing political committees or political action committees regularly engaged in the support of the City of Newark municipal or County of Essex elections; and certain other political party or candidate committees, in excess of certain thresholds requires reporting of political contributions to Newark Municipal Candidates, and prohibits certain political contributions during the duration of the contract.

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 Second Amendment to the Agreement to Provide Legal Services with Law Offices of John J. Zidziunas & Associates, LLC, 33 Plymouth Street, Suite 202A, Montclair, New Jersey 07042, for the purpose of paying outstanding legal bills for 2014 for an additional Nine Thousand Dollars and Zero Cents (\$9,000.00), for a total contract amount not to exceed Thirty Nine Thousand Dollars and Zero Cents (\$39,000.00), for the period of January 1, 2014 through December 31, 2014, to cover outstanding bills for 2014.
2. The Municipal Council hereby ratifies this Second Amendment to the Agreement to Provide Legal Services from January 1, 2014 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 pursuant to the Non-Fair and Open Procedures of the State Pay-to-Play Law (*N.J.S.A. 19:44A-20.5*) and is in compliance the City of Newark Pay-to-Play Executive Order and the "Contractor "Pay-to-Play Reform" ordinance, codified at Section 2:4-22C of the Revised General Ordinances of Newark, New Jersey which requires reporting of political contributions to candidates for City of Newark elective municipal offices or City of Newark or County of Essex political committees and prohibits certain political contribution during the duration of the contract.
5. State of New Jersey, Department of Community Affairs, Division of Local Government Services has approved Contract Request Form NWK 186.
6. Attached hereto is certification of funds from the Municipal Comptroller of the City of Newark, which states (1) that there are sufficient funds, in the amount of Nine Thousand Dollars and Zero Cents (\$9,000.00), for the purpose set forth hereinabove which shall be charged against the Law Department Budget. The Certification of Funds shall be filed along with the original resolution in the Office of the City Clerk.
7. A copy of the executed Second 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.

8. 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 hereby ratifies, amends and authorizes the Mayor and/or his designee, the Corporation Counsel, to enter into and execute a Second Amendment to the Agreement to Provide Legal Services for Conflict Counsel, Legal Services for an additional Nine Thousand Dollars and Zero Cents (\$9,000.00), for a total contract amount not to exceed Thirty-Nine Thousand Dollars and Zero Cents (\$39,000.00), for the period of January 1, 2014 through December 31, 2014.