



Legislation Details (With Text)

**File #:** 15-2162      **Version:** 1      **Name:** Professional Services Contract (Carmagnola & Ritardi, LLC, Second Amendment)

**Type:** Resolution      **Status:** Filed

**File created:** 11/17/2015      **In control:** Law

**On agenda:** 12/2/2015      **Final action:** 12/2/2015

**Title:** Dept/ Agency: Law  
Action:  Ratifying    Authorizing    Amending  
Type of Service: Professional Services Contract  
Purpose: Second Amendment to the Agreement to provide Legal Services as Litigation Defense by Increasing the Contract Amount by \$20,000.00  
Entity Name: Carmagnola & Ritardi, LLC  
Entity Address: 60 Washington Street, Morristown, New Jersey 07960  
Contract Amount: \$130,000.00  
Funding Source: City of Newark 2015 Budget/Law Department  
Contract Period: January 1, 2015 through December 31, 2015  
Contract Basis: ( ) Bid ( ) State Vendor  Prof. Ser. ( ) EUS  
 Fair & Open ( ) No Reportable Contributions ( ) RFP  RFQ  
( ) Private Sale ( ) Grant ( ) Sub-recipient ( ) n/a  
Additional Information:  
Resolution 7R7-g - Original contract amount for \$35,000.00  
Resolution 7R7-b - First Amendment increased contract by \$75,000.00 for a total contract amount of \$110,000.00.  
Second Amendment increases the contract by \$20,000.00 for a total contract amount of \$130,000.00

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
12/2/2015	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-g, adopted on January 7, 2015, awarded a contract to Carmagnola & Ritardi, LLC, 60 Washington Street, Morristown, New Jersey 07960, to serve as Counsel for Litigation Defense Matters that are currently being handled by Carmagnola & Ritardi, LLC and any new matters that may arise during the contract term, for an amount not to exceed Thirty-Five Thousand Dollars and Zero Cents (\$35,000.00), for the period of January 1, 2015 through December 31, 2015; 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 Law, and in compliance with Reform Ordinance 2:4-22C; and

**WHEREAS**, Carmagnola & Ritardi, LLC, currently has outstanding legal bills for 2015 and pending litigation matters, which have exhausted the total contract amount; and

**WHEREAS**, Carmagnola & Ritardi, LLC continue to vigorously represent the City of Newark in significant, complex labor and litigation matters; and

**WHEREAS**, the outstanding legal bills and pending labor and litigation cases for 2015 require an increase in the total contract amount; and

**WHEREAS**, the contract was previously amended on November 5, 2015, Resolution 7R7-b, in an amount not to exceed Seventy-Five Thousand Dollars and Zero Cents (\$75,000.00) which covered outstanding legal bills through September 2015; and

**WHEREAS**, Carmagnola & Ritardi, LLC, represents that an additional Twenty Thousand Dollars and Zero Cents (\$20,000.00), is necessary for the firm to continue to provide legal services through December 31, 2015; and

**WHEREAS**, the requested increase in the total contract amount is deemed reasonable and necessary to pay for legal services provided through December 31, 2015; 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 One Hundred Thirty Thousand Dollars and Zero Cents (\$130,000.00), for the period January 1, 2015 through December 31, 2015.

**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, 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 Carmagnola & Ritardi, LLC, 60 Washington Street, Morristown, New Jersey 07960, January 1, 2015 through December 31, 2015, as Counsel for Litigation Defense Matters for an additional Twenty Thousand Dollars and Zero Cents (\$20,000.00),

for a total contract amount not to exceed One Hundred Thirty Thousand Dollars and Zero Cents (\$130,000.00), for the period of January 1, 2015 through December 31, 2015, to cover outstanding bills, ongoing litigation and new matters that may arise during the term of the contract.

2. The Municipal Council hereby ratifies this second contract amendment from January 1, 2015 to the date of the adoption of this resolution.
3. All other terms and conditions of the contract shall remain the same.
4. This Second 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 the Contractor Pay-to-Play Reform Ordinance 2:4-22C.
5. Attached is a full Certification of Funds from the Chief Financial Officer stating that there are available, sufficient and appropriated funds in the amount of Twenty Thousand Dollars and Zero Cents (\$20,000.00), for the purposes set forth herein. 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 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.
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 hereby 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 to Provide Legal Services with Carmagnola & Ritardi, LLC, 60 Washington Street, Morristown, New Jersey 07960, January 1, 2015 through December 31, 2015, as Counsel for Litigation Defense Matters for an additional Twenty Thousand Dollars and Zero Cents (\$20,000.00), for a total contract amount not to exceed One Hundred Thirty Thousand Dollars and Zero Cents (\$130,000.00).